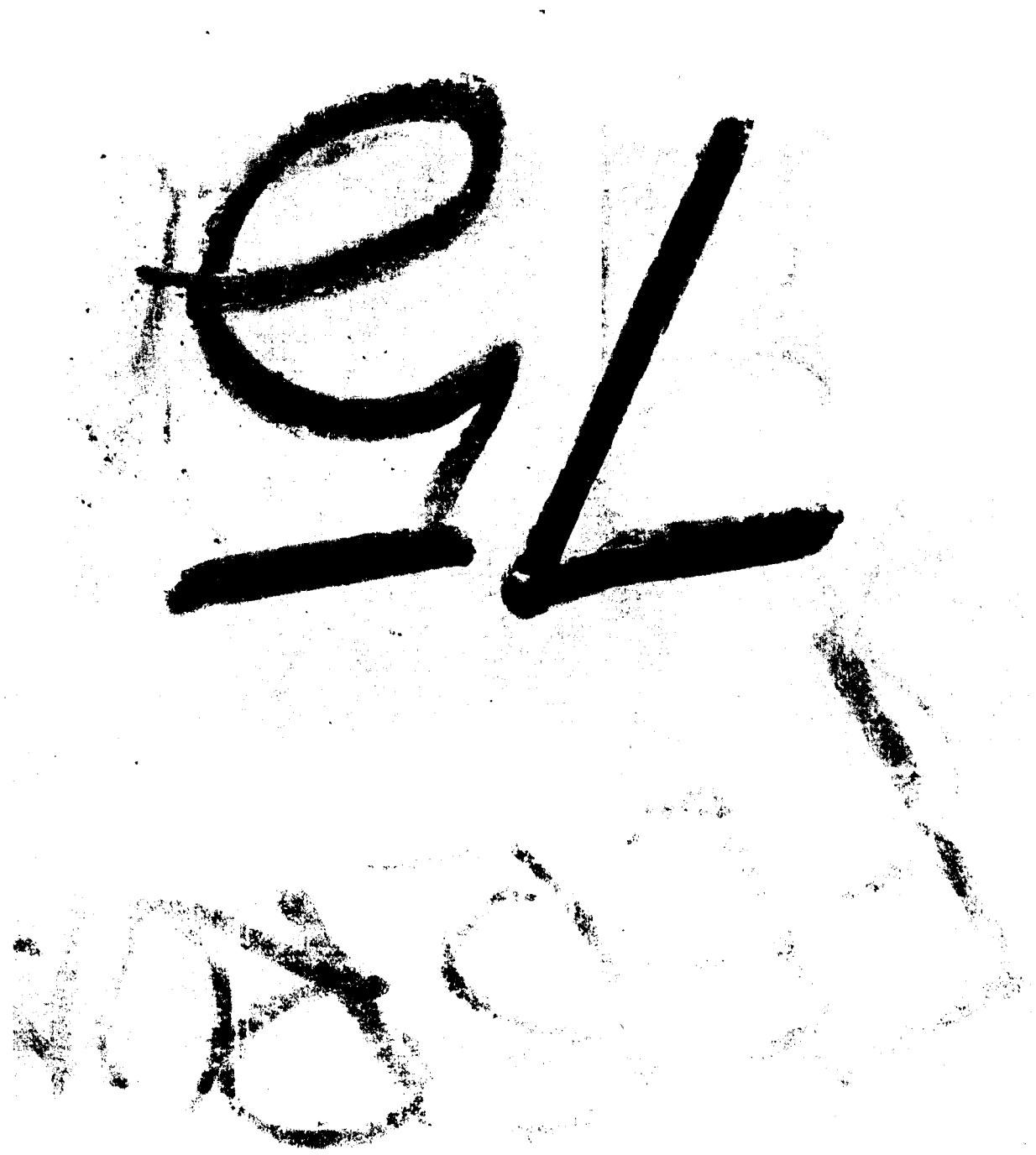




POLITICAL.

The 17th February 1881.

No. 289 *E.-P.*—The following extract from the *London Gazette*, dated the 17th December 1880, is published for general information :—

And whereas on the eleventh day of December, one thousand eight hundred and eighty, a further Convention was entered into between Great Britain and Switzerland in the terms following :—

"The Swiss Federal Council having denounced by their note of the 22nd December, 1877, the Treaty of Extradition of the 31st March, 1874, existing between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and the new Treaty of Extradition, signed on the 26th November, 1880, not having yet received the necessary ratifications, the High Contracting Parties, being desirous of prolonging the duration of the Treaty which is still in force, have named as their Plenipotentiaries with this object :

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Francis Carew, Esquire, Her Britannic Majesty's Charge d' Affaires at Berne ; and

"The Federal Council of the Swiss Confederation, the Federal Councillor, M. Fridolin Anderwert, Chief of the Federal Department of Justice and Police ;

"Who, after having reciprocally proved their full powers, have concluded the following Convention :—

"The duration of the Treaty of Extradition of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation shall be prolonged from the 22nd December, 1880, until the moment when the new Treaty of Extradition of the 26th November, 1880, shall come into force in the two countries.

"Done at Berne, the 11th day of December, 1880.

"(Signed) FRANCIS CAREW. (Signé) ANDERWERT."

Le Conseil Fédéral Suisse ayant dénoncé, par note du 22 Décembre, 1877, le Traité d' Extradition du 31 Mars, 1874, existant entre le Royaume-Uni de Grande-Bretagne et d'Irlande et la Confédération, Suisse, et le nouveau Traité d'Extradition signé le 26 Novembre, 1880, n'ayant pas encore reçu les ratifications nécessaires, les Hautes Parties Contractantes, désirant prolonger la durée du Traité actuellement encore en vigueur, ont nommé à cet effet pour leurs Plénipotentiaires :

Sa Majesté la Reine du Royaume-Uni de Grande-Bretagne et d'Irlanne, Francis Carew, Esquire, Chargé d'Affaires de Sa Majesté Britannique à Berne ; et

Le Conseil Fédéral de la Confédération Suisse, M. le Conseiller Fédéral, Fridolin Anderwert, Chef du Département Fédéral de Justice et Police ;

Lesquels, après avoir constaté réciproquement leurs pleins pouvoirs, ont conclu la Convention suivante :—

La durée du Traité d'Extradition du 31 Mars, 1874, entre le Royaume-Uni de Grande-Bretagne et d'Irlande et la Confédération Suisse est prolongée, à partir du 22 Décembre, 1880, jusqu'au moment où le nouveau Traité d'Extradition du 26 Novembre, 1880, sera entré en vigueur dans les deux Etats.

Ainsi fait à Berne, le 11 Décembre, 1880.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that the said Acts shall apply in the case of Switzerland and of the said Treaty and Protocol, and Conventions with the Swiss Confederation.

C. L. Peel.

No. 31 *G.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Monsieur Drouin as Consul for France at Bombay.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 19th February 188

No. 753.—Read—

Resolution by the Department of Finance and Commer
ber 1880.

Read letters from the Superintendent of M
No. 2, dated the 11th January 1881.
No. 3, dated the 14th January 1881.

RESOLUTION.—The Governor Ge
ing direction may be incorporated
the 30th September last, describi
waters.

The position of isolated sunken rocks shall be marked off by red conical buoys.

2. His Excellency in Council takes this opportunity to request that Port and other Local Authorities may be enjoined not to make any changes in the form or colour of any buoys without first consulting the Marine Survey Department. It is extremely important that the procedure should be everywhere uniform and that intimation should be published by the Marine Survey Department of every change some time before it is carried out.

ORDERED, that this Resolution be forwarded to the Governments of Madras, Bombay, and Bengal, and to the Chief Commissioner of British Burma, for information and the necessary action; and to the Military* (Marine) Department for information.

* Original papers returned.

Ordered also, that the Resolution be published in the *Gazette of India* for general information.

No. 776.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st January 1881, published as required by Section 23 of the Indian Paper Currency Act, 1871.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	TOTAL.
	Rs.	Rs.	Rs.	Rs.
Calcutta	6,98,62,315	2,44,16,422	2,83,090	2,46,98,512
Madras	1,13,80,305	50,30,390	10,88,000	61,18,390
Bombay	3,56,16,885	1,81,38,719	1,87,631	1,83,26,350
Allahabad	73,08,690	82,66,275	...	82,66,275
Lahore	85,04,525	1,59,08,740	...	1,59,08,740
Calicut	10,68,995	2,26,825	...	2,26,825
Coconada	6,81,805	11,24,630	1,65,000	12,89,630
Nagpore	15,69,785	10,13,595	...	10,13,595
Kurrachee	33,55,620	35,70,985	68,700	36,39,685
Akola	18,64,985	19,55,110	...	19,55,110
TOTAL	14,12,13,860	7,96,51,691	17,91,421	8,14,43,112
Deduct—Draft Account ...				2,00,000
				8,12,43,112
Invested in Government Securities under Section 17 of the Act				5,99,70,748
GRAND TOTAL				14,12,13,860

No. 778.—Read the following :—

No. 30, dated 20th January, 1881.

From—The Secretary of State for India,
To—The Government of India.

I have to acquaint you that the rate of exchange for the adjustment of financial transac- between the Imperial and Indian Governments for the year 1881-82 has been fixed, with currence of the Lords Commissioners of the Treasury, at one shilling and eight pence rupee, and I have to request that you will give the necessary instructions for the this rate in respect of all transactions to which it is applicable.

Despatch be communicated to the Comptroller General Public Works Departments, for information and

be published in the *Gazette of India* for

R. B. CHAPMAN,
to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 18th February, 1881.

APPOINTMENTS.

No. 83.—Her Majesty the Queen has been pleased to appoint Lieutenant-General *the Hon'ble Sir* Donald Martin Stewart, G.C.B., S.C., Ordinary Member of the Council of the Governor-General of India, to be Commander-in-Chief of the Forces in the East Indies, with the local rank of General, in succession to His Excellency General *Sir* Frederick Paul Haines, G.C.B., G.C.S.I., C.I.E. Dated 10th April, 1881.

No. 84.—STAFF CORPS—

The services of Lieutenant T. M. Vigors, 2nd Battalion, 4th Foot, a candidate for the Indian Staff Corps, are placed at the disposal of the Government of Bombay, in view to his appointment to the Staff Corps of that Presidency, with effect from the date of his arrival in India.

No. 85.—BRIGADE STAFF—

Colonel H. Rowlands, C.B., V.C. h. p. late 34th Foot, to the Brigade Staff of the Army, with the rank of Brigadier-General, in succession to Major-General J. Ross, C.B., whose tour of staff service has expired. Dated 4th February, 1881.

Colonel R. Blair, Infantry, Commandant, 3rd Regiment of Native Infantry, to the Brigade Staff of the Army, with the rank of Brigadier-General, in succession to Brigadier-General H. T. Macpherson, C.B., V.C., appointed to the Divisional Staff of the Army. Dated 3rd December, 1880.

Colonel C. H. Palliser, C.B., S.C., Commandant, 10th Bengal (The Duke of Cambridge's Own) Lancers, to the Brigade Staff of the Army, with the rank of Brigadier-General, in succession to Brigadier-General *Sir* C. C. G. Ross, K.C.B., whose tour of staff service has expired. Dated 5th November, 1880.

No. 86.—ORDNANCE DEPARTMENT—

Captain A. F. Fletcher, R.A., Commissary of Ordnance, 3rd class, and Officiating Commissary of Ordnance, 2nd class, to be Commissary of Ordnance, 2nd class, *vice* Major S. Cargill, R.A., resigned. Dated 2nd February, 1881.

Lieutenant H. P. Willoughby, R.A., Assistant Superintendent of Factories, to be Commissary of Ordnance, 3rd class, *vice* Captain Fletcher. Dated 2nd February, 1881.

No. 87.—ORDNANCE MANUFACTURING ESTABLISHMENTS—

Captain E. B. Standbridge, R.A., Officiating Assistant Superintendent of Factories, to be an Assistant Superintendent of Factories, *vice* Lieutenant H. P. Willoughby, R.A., appointed Commissary of Ordnance, 3rd class. Dated 2nd February, 1881.

No. 88.—PUNJAB FRONTIER FORCE—

3rd Punjab Infantry.

Lieutenant R. D. C. Davies, 70th Foot, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation.

2nd Lieutenant F. H. Hancock, 2nd Battalion, 22nd Foot, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation.

No. 89.—NATIVE ARMY—

Jemadar Allahdad Khan, appointed on probation to the 15th Bengal (Cureton's Mooltanee) Cavalry in G. G. O. No. 784 of 1878, is confirmed in that rank, with effect from the 23rd August, 1878.

FURLOUGH AND LEAVE.

No. 90.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) G. S. Macbean, S.C., (p. a.) for 2 years, under rule IX of the Regulations of 1868.

Lieutenant-Colonel (Brevet Colonel) G. C. Hankin, S.C., Commandant, 4th Bengal Cavalry, (p. a.) for 167 days, under rule VIII, clause (2), and rule IX of the Regulations of 1868.

Captain C. G. Mansel, S.C., Squadron Officer and Adjutant, 4th Punjab Cavalry, Punjab Frontier Force, (p. a.) for 2 years, under rule IX of the Regulations of 1868.

Captain T. L. Lewis, S.C., Sub-Assistant Commissary-General, 2nd class, (m. c.) for 182 days, under rules IX and XV of the Regulations of 1868.

Captain M. A. Alves, R.E., Executive Engineer, 2nd grade, Military Works Branch, Public Works Department, (p. a.) for 1 year 4 days, under rule IX of the Regulations of 1868.

Captain A. D. McArthur, R.E., Executive Engineer, 2nd grade, Bengal, Public Works Department, (p. a.) for 2 years, under rule IX of the Regulations of 1868.

Lieutenant H. S. Wheatley, S.C., Wing Officer and Adjutant, 2nd (Prince of Wales' Own) Goorkha Regiment (The Sirmoor Rifles), (u. p. a.) for 182 days, under rule XI of the Regulations of 1868.

First-Class Veterinary-Surgeon G. A. Oliphant, in Veterinary charge of Reserve Remount Depôt, Hápur, (p. a.) for 313 days, under rule VIII, clause (2), and rule IX of the Regulations of 1868.

No. 91.—Lieutenant-Colonel (Brevet Colonel) M. J. Brander, S.C., Deputy Commissary-General, is allowed furlough in and out of India, (m. c.) for two years, under rules IX and XV of the Regulations of 1868.

No. 92.—Captain L. T. Bishop, S.C., Squadron Officer, 2nd Punjab Cavalry, Punjab Frontier Force, is permitted to proceed out of India, and spend the remainder of the furlough granted to him in G. G. O. No. 616 of 1880.

PAY AND ALLOWANCES.

No. 93.—PAY CODE—

A revised Pay Code for India having been approved by the Right Hon'ble the Governor-General in Council, will be issued for the information and guidance of all concerned.

2. The usual distribution of copies will be made through the Superintendent of Government Printing.

PENSIONS.

No. 94.—Conductor Edward McCarthy, Ordnance Department, has been transferred to the Pension establishment, with effect from the 17th February, 1881.

PROMOTIONS.

No. 95.—The following promotions are made, subject to Her Majesty's approval :—

STAFF CORPS.

To be Major.

Captain (Brevet Major) Herbert William Shoubridge,—12th February, 1881.

BREVET.

To be Colonel.

Lieutenant-Colonel Patrick Alexander Carnegy, Madras S.C.,—16th February, 1881.

No. 96.—Under the provisions of the Royal Warrant of the 28th January, 1878, the names of the undermentioned officers are placed on the Indian Gradation List, as specified :—

Lieutenant-General A. Fytche, C.S.I., Bengal S.C., is placed on the list of Generals. Major-General J. S. D. Tulloch, Bengal S.C., is placed on the list of Lieutenant-Generals. Colonel A. Robinson, Bengal S.C., is placed on the list of Major-Generals. Captain (now Major) J. M. Trotter, Bengal S.C., is placed on the list of Majors.	In consequence of the retirement from the service of General *Sir* E. Green, K.C.B., Bombay S.C., on the 15th December, 1880.
Major-General G. W. Russell, Madras S.C., is placed on the list of Lieutenant-Generals. Colonel F. G. Kempster, Madras S.C., is placed on the list of Major-Generals.	In consequence of the retirement from the service of Lieutenant-General R. Hamilton, C.B., Madras S.C., on the 18th December, 1880.
Major-General M. C. Spottiswoode, Madras S.C., is placed on the list of Lieutenant-Generals. Colonel C. P. Molony, Madras S.C., is placed on the list of Major-Generals.	In consequence of the retirement from the service of Lieutenant-General C. A. Barwell, C.B., Bengal S.C., on the 21st December, 1880.

No. 97.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

To be Lieutenant-Colonel.

Major John Mawby Clossy Galloway, Madras Cavalry.	From the 15th December, 1880, in succession to General *Sir* E. Green, K.C.B., Bombay S.C., retired.
To be Lieutenant-Colonel. Major Thomas Harrison Tod Chalon, Madras Cavalry. *To be Major.* Captain (now Major) Louis Henry Emile Tucker, Bengal Infantry.	From the 18th December, 1880, in succession to Lieutenant-General R. Hamilton, C.B., Madras S.C., retired.
To be Lieutenant-Colonel. Major Thomas Francis Cosby Rochfort, Bengal Cavalry. *To be Major.* Captain (now Major) William Pringle Harrison, Bengal Infantry.	From the 21st December, 1880, in succession to Lieutenant-General C. A. Barwell, C.B., Bengal S.C., retired.

No. 98.—PUBLIC WORKS DEPARTMENT—

The following Barrack-Sergeants are appointed Assistant Barrack-Masters, and promoted to the grade of Sub-Conductor, with effect from the dates specified against their names; and they will be borne as supernumeraries on the Public Works Department warrant list next above the officers specified :—

Barrack-Sergeant James McClure,—27th December, 1875. Barrack-Sergeant James Inglis,—1st January, 1876. Barrack-Sergeant Thomas McEwan,—1st January, 1876.	Sub-Conductor W. E. Walker.

Barrack-Sergeant William Egan,—1st January, 1876—Sub-Conductor R. Miller.

No. 99.—NATIVE ARMY—

4th Goorkha Regiment.

Havildar Goolab Sing Karkie, to be Jemadar, *vice* Mehur Sing, deceased,—24th October, 1880.

No. 100.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment (The Hazara Goorkha Battalion).

Havildar Balkishan Thapa, to be Jemadar, *vice* Lall Chund, deceased,—22nd December, 1880.

RETIREMENTS.

No. 101.—In continuation of G. G. O. No. 79 of 1881, the undermentioned officer is permitted to retire from the service, under the provisions of G. G. O. No. 686 of 1880, with effect from the date specified, subject to Her Majesty's approval :—

Lieutenant-Colonel John Henry Castell, Bombay S. C.,—15th February, 1881.

SPECIAL.

No. 102.—In continuation of G. G. O. No. 81 of 1881, His Excellency the Governor-General in Council has been pleased to sanction the following further appointments :—

Southern Afghanistan Field Force.

Major P. C. Story, Deputy-Assistant Quartermaster-General at Kandahar, to be Assistant Adjutant and Quartermaster-General on the Kandahar line of communications, with effect from the 26th January, 1881.

Captain W. F. Nuthall, 63rd Foot, to be Deputy-Assistant Quartermaster-General at Kandahar, with effect from the 8th January, 1881.

The following officers to be Assistants to the Road Commandant, Kandahar line of communications, with effect from the dates shown opposite their names :—

Captain A. J. F. Reid, 29th (Punjab) Regiment of Native Infantry,—from the 31st January, 1881.

2nd Lieutenant W. J. R. Wickham, 63rd Foot,—from the 26th January, 1881.

No. 103.—Surgeon-Major B. Simpson, M.D., Indian Medical Service, to be Principal Medical Officer, Southern Afghanistan Field Force, with effect from the 1st February, 1881, and to have the temporary rank of Deputy Surgeon-General while so employed.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 14th February 1881.

No. 56.—The services of the following officers are placed temporarily at the disposal of the Government of Bombay in the Public Works Department :—

Lieutenant J. C. Addison, R.E., Assistant Engineer, 1st Grade, Central Provinces.

Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, Railway Branch.

Lieutenant J. E. Dickie, R.E., Assistant Engineer, 2nd Grade, Railway Branch.

No. 57.—Mr. C. S. R. Palmer, Assistant Engineer, 3rd Grade, Central Provinces, having passed the examination laid down in Public Works Code, Chapter II, 1, 16, 20, is promoted to the 2nd Grade, with effect from 15th February 1880.

This cancels Public Works Notification No. 313, dated the 20th October 1880.

No. 58.—The following transfers are ordered :—

Mr. W. B. Harington, Executive Engineer, 1st Grade, Bengal, temporarily attached to the Military Works Branch,—to the Punjab.

Lieutenant-Colonel B. Lovett, C.S.I., R.E., Executive Engineer, 1st Grade, Punjab (on furlough),—to Bengal.

The 15th February 1881.

No. 59.—The services of Major S. C. Clarke, R.E., Executive Engineer, 1st Grade, Railway Branch, are placed at the disposal of the Government of Madras in the Public Works Department.

No. 60.—The following officers are transferred from the Railway Branch to British Burmah :—

Mr. G. W. Dodsworth, Executive Engineer, 1st Grade, at present on furlough.

Major E. N. Peters, R.E., Executive Engineer, 2nd Grade, at present at the disposal of the Military Department.

Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade.

Mr. R. J. Bailey ... } Assistant Engineers, 1st
Mr. S. A. L. Corrigan } Grade, already temporarily posted to Burmah.
Mr. F. G. Fox ... }

Mr. J. C. Wyatt, Assistant Engineer, 2nd Grade.

The 16th February 1881.

No. 61.—The Governor General in Council accepts the resignation by Major-General J. S. Trevor, R.E., of his appointment of Director General of Railways, and Deputy Secretary to the Government of India in the Public Works Department, Railway Branch, with effect from the date on which he may be relieved of his duties.

No. 62.—Colonel W. S. Trevor, V.C., R.E., is appointed Director General of Railways, and Deputy Secretary to the Government of India in the Public Works Department, Railway Branch, from the date on which Major-General J. S. Trevor, R.E., is relieved of the duties of the post.

No. 63.—With reference to Notification No. 12, dated the 7th instant, by the Director General of Railways, Mr. J. Willcocks, Assistant Engineer, 3rd Grade, is promoted to the 2nd Grade, with effect from the 1st instant.

The 18th February 1881.

No. 64.—The services of Lieutenant E. S. E. Childers, R.E., Assistant Engineer, 1st Grade, Military Works Branch, are replaced at the disposal of the Military Department, with effect from the 1st January 1881.

No. 65.—The Government of India has no further need of the services of Mr. C. S. Warwick, Chief Store-keeper, State Railway Department, and Stock Verifier.

No. 66.—Lieutenant J. G. Day, R.E., Assistant Engineer, 1st Grade, Military Works Branch, is transferred to Biluchistan.

No. 67.—Mr. S. M. Johnson, Deputy Examiner of Accounts, Rangoon and Irrawaddy Valley State Railway, is granted furlough for one year under Section 8 of Supplement F of the Civil Leave Code.

No. 68.—Mr. I. S. Hubbard, Deputy Examiner of Accounts, 1st Grade, on being relieved of the charge of the Accounts of the Tirhoot State Railway, is posted temporarily to the office of the Accountant General, Public Works Department, as Deputy Examiner.

No. 69.—Mr. I. S. Hubbard, Deputy Examiner, 1st Grade, attached temporarily to the office of the Accountant General, Public Works Department, is appointed Deputy Examiner of Accounts, Rangoon and Irrawaddy Valley State Railway.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 9. } CALCUTTA, SATURDAY, FEBRUARY 26, 1881.

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

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SUPPLEMENT No. 9.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Fort William, the 25th February, 1881.

No. 4.—Mr. J. M. Macpherson, Deputy Secretary to the Government of India, Legislative Department, has been granted privilege leave of absence for thirty-eight days, commencing from the afternoon of the 26th instant.

No. 5.—Mr. R. J. Crosthwaite, C.S., Registrar to the High Court of Judicature at Allahabad, has been appointed to officiate as Deputy Secretary to the Government of India, Legislative Department, during the absence on leave of Mr. J. M. Macpherson, or until further orders.

No. 6.—Mr. C. H. Reily has been granted leave of absence from his office of Reporter for the Indian Law Reports in the High Court, Calcutta, for the period during which he may officiate as Assistant Secretary to the Government of Bengal, Legislative Department.

No. 7.—Mr. P. O'Kinealy, Barrister-at-law, has been appointed to officiate as Reporter for the Indian Law Reports in the High Court, Calcutta, during the absence on leave of Mr. C. H. Reily, or until further orders.

D. FITZPATRICK,
Secretary to the Government of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Fort William, the 25th February 1881.

No. 66.—Mr. C. L. Tupper, Officiating Under Secretary to the Government of India, in the Home, Revenue and Agricultural Department, has obtained privilege leave for one month, with effect from the 28th instant.

No. 67.—Mr. C. W. Bolton, C. S., is appointed to officiate as Under Secretary to the Government of India, in the Home, Revenue and Agricultural Department, during the absence on leave of Mr. Tupper, or until further orders.

No. 72.—The services of Sir S. C. Bayley, K.C.S.I., Chief Commissioner of Assam, are placed at the disposal of the Foreign Department, with effect from the date on which he may assume charge of the office of Resident at Hyderabad.

No. 74.—Mr. Charles Alfred Elliott, C.S.I., of the Bengal Civil Service, is appointed to officiate as Chief Commissioner of Assam, with effect from the date on which he assumes charge of that office from Sir S. C. Bayley, K.C.S.I.

MEDICAL.

The 24th February 1881.

No. 110.—The services of the undermentioned Medical Officers are temporarily placed at the

disposal of the Government of the North-Western Provinces and Oudh :—

Surgeon-Major G. Hutcheson, M.D., 28th Regiment, Native Infantry.

Surgeon J. Blood, 37th Regiment, Native Infantry.

JUDICIAL.

The 24th February 1881.

No. 265.—Mr. A. Phillips, Barrister-at-Law, Standing Counsel for the Presidency of Fort William in Bengal, has obtained leave of absence from the 28th March to the 21st November 1881, both days inclusive.

SURVEYS.

The 23rd February 1881.

No. 71.—Mr. W. King, Deputy Superintendent of the Geological Survey of India, is granted furlough for two years, under Section 21, Chapter IV, of the Civil Leave Code, from the 6th April next, or any subsequent date on which he may avail himself of it.

CENSUS.

The 25th February 1881.

No. 68 *C.*—Mr. W. C. Plowden, Commissioner of the Meerut Division, is appointed to officiate as Census Commissioner for India, *vice* Mr. C. A. Elliott, with effect from the date on which he assumes charge of the office.

FORESTS.

The 25th February 1881.

No. 213 *F.*—Mr. T. A. Hauxwell, who has been appointed by Her Majesty's Secretary of State to the Forest Department of India, is appointed an Assistant Conservator of Forests of the 3rd Grade.

Mr. Hauxwell is attached to the Forest Department of British Burma, and his appointment will have effect from the 31st December 1880.

No. 216 *F.*—Mr. M. S. Fowler, who has been appointed by Her Majesty's Secretary of State to the Forest Department of India, is appointed an Assistant Conservator of Forests of the 3rd Grade.

Mr. Fowler is attached to the Forest Department of the Central Provinces, and his appointment will have effect from the 31st January 1881.

C. GRANT,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Fort William, the 24th February 1881.

No. 76 *I.-J.*—Whereas His Highness the Maharaja of Jodhpore and His Highness the Rao of Sirohee have granted to the British Government full jurisdiction (in all civil suits where the cause of action has arisen, or the defendant at the time of the commencement of the suit dwells or personally works for gain) within the limits of those portions of the land forming the Rajputana State Railway (including the lands occupied as stations, out-buildings, and for other purposes connected with the said railway) which lie within their respective territories, for the better exercise of such jurisdiction, the Governor General in Council is pleased to issue the following Notification under Sections 4 and 5, Act XXI of 1879 :—

The Code of Civil Procedure, as amended by subsequent Acts, and Act XI of 1865, as amended by subsequent Acts, are hereby (in so far as they may be applicable) extended to the said lands.

The Assistant Commissioner for the time being of Merwara is invested with the powers of a District Court for hearing original suits, whatever be the amount or value of the subject-matter, within such portions of the said lands to the south of the Marwar-Merwara border or pass through the Marwar and Sirohee States.

The Assistant Commissioner for the time being of Merwara is appointed Judge of a Court of Small Causes, which is hereby constituted, having jurisdiction in suits of a nature cognizable by a Small Cause Court, and when the amount of value of the subject-matter does not exceed Rs. 1,000, within such portions of the said lands to the south of the Marwar-Merwara border as pass through the Marwar and Sirohee States.

The Political Agent for the time being of the Eastern Rajputana States is invested with the powers of a District Court for hearing original suits whatever be the amount or value of the subject-matter within such branch or branches of the said railway lands to the north of Ajmere as pass through the Marwar State.

The jurisdiction of the Superintendent of the Rajputana State Railway Police as Judge of a Court of Small Causes is hereby extended to such branch or branches of the said railway lands to the north of Ajmere as pass through the Marwar State, in suits cognizable by a Small Cause Court, where the value of the subject-matter does not exceed Rs. 1,000.

The Agent to the Governor General for Rajputana is invested with the powers of a High Court for the purpose of hearing appeals from the decisions and orders of the said District Courts, and of disposing of references from the said Courts of Small Causes and for all other purposes whatever connected with administration of civil justice in the said lands.

The 25th February 1881.

No. 79 *I.-J.*—In exercise of the powers conferred by Act XXI of 1879, Section 6, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to appoint Mr. H. W. Hudson to be a Justice of the Peace within the State of Cochin, and to direct that commitments of European British subjects, when made by the said Justice of the Peace in the said State, shall be made either to the Court of the Resident in Cochin acting as Sessions Judge, or to the High Court of Judicature at Madras, in accordance with the rules prescribed by Section 75 of the Code of Criminal Procedure.

GENERAL.

The 25th February 1881.

No. 405 *G.-G.*—The services of Mr. R. I. Bruce, Political Agent, 2nd Class, and 1st Assistant to the Agent to the Governor General in Biluchistan, are replaced at the disposal of the Government of the Punjab.

No. 411 *G.-G.*—Major E. S. Reynolds, Officiating Political Agent, 2nd Class, and Officiating 1st Assistant to the Agent to the Governor General in Biluchistan, is appointed temporarily to officiate as Resident of the 2nd Class, and as Agent to the Governor General in Biluchistan, with effect from the date of assuming charge, *vice* Major Sir R. G. Sandeman, K.C.S.I., proceeding on furlough.

No. 413 *G.-G.*—Mr. J. W. Alexander, Head Master of the Mayo College, Ajmere, is appointed to be Principal of the Residency College, Indore, with effect from the date of assuming charge, *vice* Mr. Aberigh-Mackay, deceased.

A. C. LYALL,

Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 26th February 1881.

No. 875.—In exercise of the powers conferred by Sections nine, fifteen, seventeen, thirty-two, fifty-one, and fifty-six of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following Rules :—

CHAPTER I.—*Preliminary.*

1. These Rules shall come into force throughout British India on the 1st April 1881 in supersession of the Rules promulgated by Notifications No. 196, dated 19th April, No. 996, dated 6th June 1879, and No. 92, dated 10th January, and No. 479, dated 8th May 1880.

2. All words and expressions used in these Rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meaning attached to them respectively by the said Act.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely—

(*a*) Impressed Stamps—including—

Impressed Sheets,—that is to say, sheets of paper bearing the impression of Stamps of different values engraved thereon and sold to the public for use by them in accordance with these Rules.

Impressed Labels,—to be affixed and impressed by Government Officers as directed in Chapter III of these Rules.

(*b*) Adhesive Stamps sold to the public for use by them in accordance with these Rules.

CHAPTER II.—*Of Impressed Sheets.*

4. All instruments chargeable with duty, except hundis, may be written on Impressed Sheets, and, except as provided by Section ten of the said Act and by these Rules, shall be so written.

5(*a*). When any instrument is to be written on an Impressed Sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless—

where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or,

where such application is made to a stamp-vendor, the vendor certifies that he is unable to furnish a single stamp of the required value :

(*b*). When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a treasury officer or stamp-vendor has certified under clause (*a*) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the treasury-officer or the stamp-vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

(*c*). No certificate shall be made under clause (*a*) or clause (*b*) by a stamp vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorised to sell.

(*d*). When, under this Rule, two or more Impressed Sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(*e*). When a single sheet used under this Rule is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument: provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet. Provided further, that the part of the instrument written on the plain paper must be attested by the signatures or marks of all the persons executing the document and the witnesses to the same.

CHAPTER III.—*Of Impressed Labels.*

6. Impressed labels may be used for the following instruments and counterparts thereof, namely,—

(1) Administration-bonds:
(2) Affidavits:
(3) Appointments made in execution of a power:
(4) Articles of Association of a Company:
(5) Articles of clerkship:
(6) Bills of lading:
(7) Charter-parties:
(8) Declarations of trust:
(9) Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property:
(10) Leases printed or lithographed in an Oriental language, when the written matter filled in does not exceed one-fourth of the printed matter:
(11) Memoranda of Association of Companies:
(12) Notes of Protest:
(13) Petitions for leave to file a specification of an invention, &c.:
(14) Policies of insurance:
(15) Revocations of trust:
(16) Warrants for Goods:

and for the following—when written in any European language, provided that any instrument written in any European language other than English shall have attached to it a translation in the English language—

(17) Agreements or Memoranda of Agreements which, in the opinion of the officer empowered to affix the label, cannot conveniently be written on impressed sheets:
(18) Instruments engrossed on parchment and written in the English style, which in the opinion of such officer cannot conveniently be written on impressed sheets:
(19) Awards:
(20) Bills of Exchange payable otherwise than on demand and drawn in British India:
(21) Bonds:
(22) Certificates of sale:
(23) Composition-deeds:
(24) Conveyances:
(25) Instruments imposing a further charge on mortgaged property:
(26) Instruments of apprenticeship:
(27) Instruments of co-partnership:
(28) Instruments of dissolution of partnership:
(29) Instruments of exchange:
(30) Instruments of gift:
(31) Instruments of partition:
(32) Leases:
(33) Letters of license:
(34) Mortgage-deeds:
(35) Powers of Attorney:
(36) Reconveyances of mortgaged property:
(37) Releases:

(38) Settlements:
(39) Transfers of the description mentioned in Article No. 60, clauses (*b*), (*c*), and (*d*) of the First Schedule of the said Act.

7. The following officers are empowered to affix these labels to the instruments mentioned in Rule six, namely,—

(*a*) the Collectors of Calcutta and Karáchí;
(*b*) the Superintendents of Stamps at Madras, Bombay, Lahore, Rangoon, Maulmain and Akyab;
(*c*) the Commissioner of Stamps, North-Western Provinces and Oudh;
(*d*) the Superintendent of Stamps (Political Resident), Aden.

8 (*a*). Every such officer shall, upon any instrument mentioned in Rule six being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also write on the face of the label or labels his initials and the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

(*b*). When the stamp duty amounts to twenty rupees or upwards, such officer shall further attach his usual signature to the instrument immediately under the labels.

9 (*a*). Hundís other than hundís which can be stamped with an adhesive stamp under Section ten of the said Act shall be written on paper supplied for sale by the Government, and to which labels have been affixed by one of the officers mentioned in Rule seven, Clause (*b*) or by the Superintendent of Stamps, Calcutta, and impressed by him in manner provided by Rule eight.

(*b*). Every sheet of such paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

10 (*a*). The payment of duty on instruments (other than Bills of Exchange, Cheques, and Promissory Notes) executed out of British India and requiring to be stamped after their receipt in British India, shall be indicated only by impressed labels.

(*b*). When any such instrument is taken to the Collector under Section seventeen of the said Act, the Collector, unless he be Collector of Calcutta or Karáchí, shall send the instrument to one of the officers mentioned in Rule seven, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument and write his initials and the date in the manner prescribed by Rule eight and return the same to the Collector for delivery to the person by whom it was produced.

CHAPTER IV.—*Adhesive Stamps.*

11. Bills of Exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

12. Except as otherwise provided in these Rules the adhesive stamp used to denote the duty of one anna shall bear the words "one anna."

13. The following instruments when stamped with adhesive stamps shall be stamped as follows:—

(*a*). Bills of Exchange, Cheques, and Promissory Notes drawn or made out of British India, with adhesive stamps bearing the words "Foreign Bill."

(*b*). Transfers by endorsement of shares of Public Companies and Associations with adhesive stamps bearing the words "Share Transfer."

(*c*). An entry as an Advocate, Vakil, or Attorney on the roll of any High Court with an adhesive stamp bearing the word "Advocate," "Vakil," or "Attorney."

(Such stamp shall be affixed under the superintendence and responsibility of a gazetted officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. The gazetted officer who affixes the stamp shall write on the face of it his usual signature and the date of signature before parting with the instrument.)

(*d*). Notarial Acts with adhesive Foreign Bill stamps bearing the word "Notarial" printed over them.

CHAPTER V.—*Miscellaneous.*

14. When it is necessary under Section fifteen of the said Act to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.

15. Every payment made under Section thirty of the said Act shall be made in cash.

16. The Collector may require every person claiming a refund or renewal under Chapter VI of the said Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his Agent.

17. Any Magistrate convicting or trying an offender under Chapter VIII of the Stamp Act may grant to any person who may have contributed to the conviction, a reward within a limit to be fixed by the local Government.

No. 882.—Mr. H. F. Clogstoun, M.C.S., having been appointed to officiate as Accountant General and Commissioner of the Department of Issue of State Paper Currency, at Madras, during the absence on special leave of Mr. A. C. Tupp, or until further orders, received charge of the said offices, after noon, on the 20th February 1881.

R. B. CHAPMAN,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 23rd February, 1881.

RETIREMENTS.

No. 104.—In continuation of G. G. O. No. 101 of 1881, the undermentioned officer is permitted to retire from the service, under the provisions of G. G. O. No. 686 of 1880, with effect from the date specified, subject to Her Majesty's approval :—

Lieutenant-Colonel (Brevet Colonel) Charles Armstrong, S.C.,—26th February, 1881.

The 25th February, 1881.

APPOINTMENTS.

No. 105.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant George Ulick Browne, 40th Foot, Squadron Officer, 12th Bengal Cavalry,—4th October, 1879.

No. 106.—Lieutenant R. A. Ritherdon, 1st Battalion, 4th Foot, and 2nd Lieutenant F. Wyllie, 91st Foot, candidates for the Indian Staff Corps, are placed at the disposal of the Government of Madras, in view to their appointment to the Staff Corps of that presidency, with effect from the date of their arrival in India.

No. 107.—NATIVE ARMY—

The following direct appointments of Native gentlemen are made, with effect from the dates specified :—

14th (The Ferozepore) Regiment of Native Infantry.

Heera Sing, to be Jemadar (supernumerary),—28th August, 1880.

27th (Punjab) Regiment of Native Infantry.

Khooshial Sing, to be Jemadar (supernumerary),—17th October, 1880.

This cancels G. G. O. No. 631 of 1880.

FURLOUGH AND LEAVE.

No. 108.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel A. Seagrim, S.C., (m. c.) under rule XIV, clause 1, of the regulations of 1868.

Lieutenant-Colonel M. P. Ricketts, S.C., Deputy Commissioner, 2nd class, officiating 1st class, Central Provinces, (p. a.) for 1 year 243 days, under rule IX of the regulations of 1868.

Major W. I. Bax, General List, Infantry, Squadron Commander, 11th (Prince of Wales' Own) Bengal Lancers, (m. c.) for one year,—185 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

Major R. S. Thompson, S.C., Assistant Commissioner, 3rd class, officiating 2nd class, Hyderabad, (p. a.) for 2 years, under rule IX of the regulations of 1868.

Captain R. J. H. Wyllie, S.C., Sub-Assistant Commissary-General, 1st class, (m. c.) for 1 year 182 days,—1 year 129 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

Captain C. R. Macgregor, S.C., Wing Officer, 44th (Sylhet) Regiment of Native (Light) Infantry, (p. a.) for 1 year, under rule IX of the regulations of 1868.

Captain R. G. Handcock, S.C., Wing Officer, 39th (The Ailygurh) Regiment of Native Infantry, (p. a.) for 2 years, under rule IX of the regulations of 1868.

Captain G. M. Bellasis, S.C., Executive Engineer, 4th grade, North-Western Provinces and Oudh, Public Works Department, (p. a.) for 273 days, under rule IX of the regulations of 1868.

Captain C. S. Beauchamp, R.E., Executive Engineer, 1st grade, North-Western Provinces and Oudh, Public Works Department, (p. a.) for 2 years, under rule IX of the regulations of 1868.

Lieutenant N. F. F. Chamberlain, S.C., Squadron Officer, 2nd Regiment, Central India Horse, (p. a.) for 1 year, under rule I of the regulations of 1875.

Surgeon-Major G. S. Sutherland, M.D., (p. a.) for 1 year 243 days, under rule IX of the regulations of 1868.

Surgeon-Major A. J. Dale, M.B., (p. a.) for 1 year, under rule IX of the regulations of 1868.

Surgeon-Major C. Planck, Sanitary Commissioner, North-Western Provinces and Oudh, (p. a.) for 213 days, under rule IX of the regulations of 1868.

Surgeon R. J. Taaffe, M.B., 3rd Punjab Infantry, Punjab Frontier Force, (u. p. a.) for 182 days, under rule VIII of the regulations of 1875.

Surgeon D. N. Martin, M.D., 30th (Punjab) Regiment of Native Infantry, (p. a.) for 2 years, under rule IX of the regulations of 1868.

No. 109.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Major-General A. Cadell, R.E.,—two months, private affairs.

Lieutenant-Colonel (Brevet Colonel) J. T. Harris, S.C.,—six months, medical certificate.

Lieutenant-Colonel (Brevet Colonel) J. S. Ogilvie, S.C.,—six months, medical certificate.

Lieutenant-Colonel H. H. Stansfeld, Infantry,—three months, medical certificate.

Lieutenant-Colonel E. J. McNair, Infantry,—six months, medical certificate.

Major D. C. S. L. Carnegie, 4th European Light Cavalry,—three months, medical certificate.

Major J. Colledge, S.C.,—six months, medical certificate.

Surgeon-Major F. G. Constant, M.D.,—six months, medical certificate.

No. 110.—Lieutenant-Colonel S. A. T. Judge, S.C., Sub-Assistant Commissary-General, 1st class, is allowed leave in India, (p. a.) to the 28th February, 1881, under rule XXVI of the regulations of 1868, in extension of the leave allowed in G. G. O. No. 495 of 1880.

No. 111.—Major G. S. Hills, R.E., Executive Engineer, 1st grade, Bengal, Public Works Department, is granted special leave for two years, under the resolution in the Public Works Department, No. 1605-27 E. G., dated the 3rd September, 1879.

No. 112.—The leave in India allowed to Lieutenant A. P. Penton, R.A., Subaltern, No. 3 Field Battery, Hyderabad Contingent, in G. G. O. No. 679 of 1880, had effect from the 16th June, 1880, and not as previously announced.

LONDON GAZETTE.

No. 113.—The following extracts are published for general information :—

"London Gazette," dated the 21st January, 1881, page 203.

THE Queen has approved the following admissions to the Staff Corps made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant James Alexander Bell, from the 44th Foot. Dated 22nd March, 1879, but to rank from 10th September, 1875.

Lieutenant George Herbert Watson, from the 39th Foot. Dated 27th August, 1879, but to rank from 11th September, 1876.

* * * * *

ERRATA.

The names of the undermentioned Officers, whose admissions to the Staff Corps were notified in the London Gazettes specified, should be as follows, and not as given in those Gazettes :—

Bengal Staff Corps.

Gazette, 11th October, 1878—Lieutenant *Lambart John* Browne.

* * * * *

The dates of rank of the undermentioned Officers, admitted to the Staff Corps in the London Gazettes of the 1st February, 1878, and 26th October, 1877, respectively, should be as follows, and not as therein stated :—

Bengal Staff Corps.

Lieutenant John Haughton, 28th October, 1871.

* * * * *

PROMOTIONS.

No. 114.—The following promotions are made, subject to Her Majesty's approval :—

STAFF CORPS.

To be Major.

Captain Frederick Henry Maitland,—22nd February, 1881.

BREVET.

To be Colonels.

Lieutenant-Colonel William Macdonald, Bengal S.C.,—18th March, 1880.

Lieutenant-Colonel Francis Edward Archibald Chamier, Bengal S.C.,—20th February, 1881.

Lieutenant-Colonel Charles Frederick Keays, Bombay S.C.,—20th February, 1881.

Lieutenant-Colonel Charles William Robert Chester, Bengal S.C.,—20th February, 1881.

MEDICAL DEPARTMENT.

To be Surgeon-Major.

Surgeon Robert Reid,—16th November, 1880.

No. 115.—COLONEL'S ALLOWANCE—

The undermentioned officers of the Bengal Staff Corps, having completed 12 years' service in the rank of Lieutenant-Colonel, are admitted to the colonel's allowance, with effect from the date specified :—

Lieutenant-General Charles Cureton, C.B.,—22nd February, 1881.

Lieutenant-Colonel (Brevet Colonel) George Scougall Macbean,—22nd February, 1881.
Lieutenant-Colonel (Brevet Colonel) John Irwin Willes,—22nd February, 1881.

No. 116.—NATIVE ARMY—

11th (Prince of Wales' Own) Bengal Lancers.

Kote-Duffadar Wuzeer Singh, to be Jemadar, *vice* Soonder Singh, invalided,—2nd May, 1880.

RETIREMENTS.

No. 117.—In continuation of G. G. O. No. 78 of 1881, the undermentioned officer is permitted to retire from the service, under the provisions of G. G. O. No. 1 of 1880, with effect from the date specified, subject to Her Majesty's approval :—

Lieutenant-Colonel (Brevet Colonel) James Thomas Norgate, S. C.,—30th December, 1880.

REWARDS.

No. 118.—ORDER OF BRITISH INDIA—

His Excellency the Governor-General in Council is pleased to admit the undermentioned Native officer to the 2nd Class of the Order of British India, with effect from the date specified :—

BOMBAY.

To the 2nd Class, with the title of "Bahadur."

Subadar-Major Ittoo Bagweh, 4th Regiment, Native Infantry, *vice* pensioned Subadar Bheekah, "Bahadur," deceased,—14th December, 1880.

SPECIAL.

No. 119.—DONATION BATTA—

In continuation of the General Orders quoted in the margin, the rates of donation batta admissible to the regimental followers of corps and batteries in the Bengal presidency are as follows :—

G. G. O. No. 489 of 1880.
G. G. O. No. 523 of 1880.
G. G. O. No. 676 of 1880.

(1) Tindals, Salootries, Farriers, Jemadar-Syces and all followers drawing salaries of not less than Rs. 10 per mensem ... Rs. 24
(2) All others ... ... ,, 12

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 25th February, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department from the 16th to the 25th February, 1881.

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Royal Artillery ...	Major J. M. Douglas ...	12th February, 1881.	Jutogh.		
Bengal Staff Corps ...	Captain B. H. S. Gower ...	14th February, 1881.	Bareilly.		

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 21st February 1881.

No. 70.—Mr. E. W. M. Hughes, Locomotive Superintendent in Class II of the State Railway Revenue Establishment, and at present on special duty under the Government of Bombay, is placed at the disposal of the Director General of Railways.

No. 71.—Lieutenant W. A. Gale, R.E., is appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, and posted to the Military Works Branch.

No. 72.—CORRIGENDUM.—In Public Works Department Notification No. 34 of the 25th ultimo, *for* "A. Rhind in Class G of the Subordinate Revenue Establishment of State Railways," *read* "J. Rhind, Locomotive Superintendent, Bhavnagar-Gondal Railway."

The 23rd February 1881.

No. 73.—The following reversions are ordered in the Barrack Department Establishment of the Military Works Branch, with effect from the dates specified :—

NAME.	From	To	Date.	Vice
McEwan, Sub-Conductor T.	Officiating Barrack Master, 2nd Class.	Assistant Barrack Master.	7th Jan. 1881.	Honorary Captain B. Revell, returned from furlough.
McClure, Sub-Conductor J.	Ditto ditto .	Ditto .	17th do.	Conductor Hutchinson, returned from furlough.

No. 74.—Mr. F. B. Walker, Executive Engineer, 1st Grade, Railway Branch, is transferred from the Establishment under the Government of Bombay to that under the Director General of Railways.

The 24th February 1881.

No. 75.—The services of Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade, Railway Branch, are placed temporarily at the disposal of the Government of Bombay in the Public Works Department.

This cancels the transfer of Lieutenant J. C. Addison, R.E., ordered in Notification No. 56, dated 14th February 1881.

The 25th February 1881.

No. 76.—The following promotions and reversions are made in the Engineer Establishment attached to the Military Works Branch, with effect from the dates specified :—

NAME.	From	To	Permanent or Temporary.	Vice	Date.
Maitland, Captain G. T., S.C. .	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	Permanent.	Lieutenant-Colonel G. Newmarch, R.E.	29th Oct. 1880.
Nicholson, Captain W. G., R.E.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	Ditto .		
Spratt, Lieutenant F. T. N., R.E.	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	Ditto .		
Johnston, Lieutenant J. T., R.E. .	Assistant Engineer, 1st Grade, and Temporary Executive Engineer, 4th Grade.	Executive Engineer, 4th Grade.	Ditto .		
Hildebrand, Lieutenant A., R.E.	Assistant Engineer, 1st Grade.	Ditto . .	Temporary .	Lieutenant-Colonel D. Ward, R.E., on furlough.	17th Nov. 1880.
Kellie, Lieutenant J., R.E. .	Temporary Executive Engineer, 4th Grade.	Assistant Engineer, 1st Grade.	..	Major B. J. Goldie, R.E., returned from furlough.	19th Nov. 1880.
Kellie, Lieutenant J., R.E. .	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	Temporary .	Captain W. G. Nicholson, R.E., on furlough.	23rd Nov. 1880.
Cather, Lieutenant T. P., R.E. .	Assistant Engineer, 1st Grade.	Ditto . .	Ditto .	Lieutenant F. T. N. Spratt, R.E., on furlough.	11th Dec. 1880.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 10.} CALCUTTA, SATURDAY, MARCH 5, 1881.

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

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd March 1881.

His Excellency the Viceroy and Governor General will leave Calcutta on Tuesday, the 15th March 1881, and will arrive at Simla on or about the 21st March 1881.

The 4th March 1881.

All covers intended to reach His Excellency the Viceroy and Governor General, and party,* during His Excellency's journey to Simla *vid* Cawnpore and Umballa, should be addressed "Governor General's Camp," without the addition of any post town.

By Command,
GEO. S. WHITE, *Major*,
Mily. Secy. to the Viceroy.

* A. C. Lyall, Esq., C.B., Secretary to Government, Foreign Department.
H. W. Primrose, Esq., Private Secretary to Viceroy.
Major G. S. White, Military Secretary to Viceroy.
The Revd. H. S. Kerr.
Surgeon-Major J. Anderson, Surgeon to the Viceroy.
Captain the Hon'ble W. C. Wentworth FitzWilliam, A.-D.-C.
Lieutenant A. W. Perry, A.-D.-C.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Fort William, the 4th March, 1881.

No. 8.—Mr. J. V. Woodman has been granted leave of absence from his offices of Chief Reporter and Reporter for the Indian Law Reports in the High Court, Calcutta, for the period during which he may be acting as Judge of the Small Cause Court, Calcutta.

No. 9.—Mr. W. F. Agnew, Reporter for the Indian Law Reports in the High Court, Calcutta, has been appointed to officiate as Chief Reporter and Reporter during the absence on leave of Mr. Woodman or until further orders.

No. 10.—Mr. H. T. Hyde, Barrister-at-law, has been appointed to officiate as Reporter for the Indian Law Reports in the High Court, Calcutta, *vice* Mr. Agnew.

D. FITZPATRICK,
Secretary to the Government of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Fort William, the 28th February 1881.

No. 77.—Mr. C. W. Bolton, C S., received charge of the Office of Under Secretary to the Government of India, Home, Revenue and Agricultural Department, from Mr. C. L. Tupper, on the forenoon of this date.

The 3rd March 1881.

No. 80.—Consequent on the departure of Colonel Horace A. Browne, and pending the return of Lieutenant-Colonel C. W. Street from furlough, Mr. G. J. S. Hodgkinson, Deputy Commissioner, 1st Grade, in British Burma, is appointed to officiate as Commissioner of the Pegu Division.

No. 82.—Moung Ba Wa, Extra Assistant Commissioner, 3rd Class, 1st Grade, and Officiating Extra Assistant Commissioner, 2nd Class, in British Burma, is appointed to be Extra Assistant Commissioner, 2nd Class, 1st Grade, with effect from the 22nd November 1880, the date of the retirement of Moung Pa Proo.

The 4th March 1881.

No. 84.—The following temporary appointments are made in the British Burma Commission :—

With effect from the 1st September 1880.

Mr. T. C. Mitchell, C.S., Assistant Commissioner, 4th (Officiating 3rd) Grade, to officiate as Assistant Commissioner, 2nd Grade.

Mr. E. C. Morrieson, C.S., Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 3rd Grade.

With effect from 15th December 1880.

Captain C. H. E. Adamson, Assistant Commissioner, 2nd Grade, to officiate as Assistant Commissioner, 1st Grade.

JUDICIAL.

The 3rd March 1881.

No. 308.—In exercise of the power conferred by Section 3 of Act XIV of 1874 (the Scheduled Districts Act, 1874), His Honour the Lieutenant-Governor of Bengal is pleased, with the previous sanction of the Governor General in Council, to declare that the enactments mentioned in the schedules hereto annexed are in force in the portions of the Districts of Julpigoree and Darjeeling (called in Act XIV of 1874 the Julpigoree and Darjeeling Divisions) to which the said schedules respectively relate, to the extent to which they are now in force in any part of Bengal not included in any scheduled district, and have not been repealed by any enactment extending to the Julpigoree and Darjeeling Districts.

2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the Julpigoree and Darjeeling Districts and not mentioned in the said schedules.

SCHEDULE I.

That portion of the Julpigoree Division which was formerly the Julpigoree Sub-division and now forms the western portion of the district of Julpigoree and extends as far east as the Teesta river.

Bengal Regulations (Lower Provinces).

Year and No. of Act.		Subject.
1798	I	Perpetual settlement.
,,	II	Collection of land revenue.
,,	VIII	Rules for decennial settlement.
,,	XI	Native laws of inheritance to revenue-paying land.
,,	XIX	Title to lands exempt from revenue.
,,	XXXVII	Title to lands exempt from revenue under badshahi grants.
,,	XXXVIII	Prohibition of loans by Covenanted Servants.
1794	III	Arrears of revenue.
1798	I	Conditional sales of land.
1799	V	Wills and intestacies of natives.
1800	VIII	Pergunnah register of lands.
1801	I	Arrears of revenue: division of joint estates.
1804	X	Punishment by courts-martial of certain State offences.
1806	XI	Passage of troops.
,,	XVII	Mortgages and conditional sales.
1810	XIX	Maintenance of bridges, &c., Escheats.
,,	XX	Camp-followers, bazars, cantonment.
1812	V	Collection of land revenue.
,,	XI	Removal of foreign emigrants.
1817	XX	Police.
1818	III	State prisoners.
1819	II	Resumption of revenue-free lands.
,,	VI	Ferries.
1821	IV	Powers of Collectors and Magistrates.
1822	III	Boards of Land Revenue.
,,	XI	Sale of land for arrears of revenue.
1823	VI	Indigo contracts.
,,	VII	Prohibition of loans to Covenanted Civil Servants.
1825	VI	Passage of troops.
,,	IX	Defaulting malgoozars.
,,	XI	Alluvion and diluvion.
,,	XIII	Settlement of resumed lakhiraj land.
,,	XIV	Authority to confirm lakhiraj tenures: native grants.
,,	XX	Courts-martial and military courts of requests.

Bengal Regulations (Lower Provinces) —contd.

Year and No. of Act.		Subject.
1827	III	Evidence.
,,	V	Management of estates under attachment.
1828	III	Appeals from decisions of Revenue authorities.
,,	IV	Power of Collectors in making or revising settlements.
1829	I	Commissioners of Revenue and Board of Revenue.
,,	XVII	Widow-burning.
1830	V	Indigo contracts.

Acts of the Supreme Council.

Year and No. of Act.		Subject.
1836	X	Indigo contracts.
,,	XXI	Creating zillahs.
,,	XXVI	Governor-General's camp police.
1837	IV	Power to acquire land.
1838	XXV	Wills executed before the 1st January 1866.
1839	XXIX	Dower when marriage was contracted before the 1st January 1866.
,,	XXX	Inheritance where descent took place before ,, ,,
,,	XXXII	Interest.
1840	VI	Bills of exchange.
1841	XI	Military courts of requests.
,,	XII	No interest on arrears of land revenue.
,,	XIX	Curators in cases of successions.
1842	IX	Lease and release.
,,	XII	Military bazars.
1843	V	Slavery.
1847	IX	Assessment of new lands.
,,	XX	Copyright.
1848	XX	Land revenue.
1850	XII	Default of public accountants.
,,	XVIII	Protection of judicial officers.
,,	XIX	Binding of apprentices.
,,	XXI	Non-forfeiture of rights by loss of caste.
,,	XXXIV	State prisoners.
,,	XXXVII	Inquiries into the behaviour of public servants.
,,	XLIV	Board of Revenue.
1852	XXX	Naturalization of aliens.
,,	XXXIII	Enforcement of judgments of charter courts and military courts of requests.
1853	II	Burdens on land.
,,	XIX	Recusant witnesses.
1854	XXXI	Barring entails, conveyances by married women.
1855	XI	Mesne profits and improvements.
,,	XII	Executors and administrators.
,,	XIII	Compensation for loss occasioned by death caused by actionable wrong.
,,	XXIII	Administration of mortgaged estates in cases of descents occurring, or devices made before the 1st January 1866.
,,	XXIV	Penal servitude.
,,	XXVIII	Interest.
1856	IX	Bills of lading.
,,	XI	Desertion by European soldiers.
,,	XII	Civil court ameens.
,,	XV	Marriages of Hindu widows.
,,	XX	Chowkidars.
1857	XI	Offences against the State.
,,	XIII	Opium.
,,	XXV	Forfeiture by mutineers.
1858	III	State prisoners.
,,	XXXI	Settlement of alluvion.
,,	XXXV	Lunacy, mofussil courts.
,,	XXXVI	Lunatic asylums.
,,	XL	Minors.
1859	III	Cantonment joint-magistrates.
,,	IX	Forfeitures.
,,	XI	Sales for arrears of revenue.
,,	XV	Patents.
1860	XXI	Registration of societies.
,,	XXVII	Collection of debts on successions.
1861	IX	Minors.
1862	III	Government seal.
1863	XVI	Excise duty payable on spirits used in arts and manufactures.
,,	XXIII	Claims to waste lands.
,,	XXXI	*Gazette of India.*
1864	III	Foreigners.
,,	VI	Whipping.
1865	III	Common carriers.
,,	XI	Mofussil courts of small causes.
,,	XV	Marriage and divorce among Parsees.
,,	XXI	Intestate succession among Parsees.

Acts of the Supreme Council—contd.

Year and No. of Act.		Subject.
1866	V	Bills of exchange : Commercial law.
,,	X	Companies.
,,	XXI	Dissolution of marriages of native converts.
,,	XXVIII	Trustees' and mortgagees' powers.
1867	XXV	Printing presses, &c.
1869	XV	Evidence of prisoners.

SCHEDULE II.

That portion of the Julpigoree Division known as the Western Dooars, *i.e.*, the country lying between the Teesta and Juldhoka rivers in the Julpigoree District.

Bengal Regulations.

Year and No. of Act.		Subject.
1793	XXXVIII	Loans by Covenanted Civil Servants.
1804	X	State offences.
1806	XI	Passage of troops.
1810	XX	Camp-followers : military bazars.
1817	XX	Police.
1818	III	State prisoners.
1823	VII	Loans to Covenanted Civil Servants.
1825	VI	Passage of troops.
1829	XVII	Widow-burning.

Acts of the Supreme Council.

1836	XXI	Creating zillahs.
1839	XXXII	Interest.
1841	XI	Military courts of requests.
1842	XII	Military bazars.
1843	V	Slavery.
1850	XXXIV	State prisoners.
1852	XXXIII	Enforcement of judgments of charter courts and military courts of requests.
1853	XIX	Recusant witnesses.
1855	XXIV	Penal servitude.
,,	XXVIII	Interest.
1856	XII	Civil court ameens.
1857	XI	Offences against the State.
,,	XXV	Forfeiture by mutineers.
1858	III	State prisoners.
,,	XXXV	Lunacy, mofussil courts.
,,	XXXVI	Lunatic asylums.
1862	III	Government seal.
1863	XXXI	*Gazette of India.*
1864	III	Foreigners.
,,	VI	Whipping.
1865	XI	Small cause court, mofussil.
1866	X	Trading companies.
1869	XV	Evidence of prisoners.

SCHEDULE III.

Within the Darjeeling Division, the hills west of the Teesta river in the district of Darjeeling.

Bengal Regulations.

Year and No. of Act.		Subject.
1806	XI	Passage of troops.
1812	V	Collection of land revenue.
1817	XX	Police.
1821	IV	Powers of Collectors and Magistrates.
1822	III	Board of Revenue.
1825	XX	Courts-martial and military courts of requests.
1828	IV	Power of Collectors in revising or making settlements.
1829	I	Commissioners and Board of Revenue.

Acts of the Supreme Council.

1839	XXXII	Interest.
1840	VI	Bills of exchange.
1843	V	Slavery.
1850	XII	Default of public accountants.
,,	XVIII	Protection of judicial officers.
1855	XXVIII	Interest.
1858	XXXVI	Lunatic asylums.
1859	XV	Patents.
1863	XXXI	*Gazette of India.*
1864	III	Foreigners.
,,	VI	Whipping.
1865	III	Common carriers.
1866	X	Companies.
,,	XXVIII	Trustees' and mortgagees' powers.
1867	XXV	Printing presses.
1869	XV	Evidence of prisoners.

SCHEDULE IV.

Within the Darjeeling Division, the Tarai of the Darjeeling District.

Bengal Regulations.

Year and No. of Act.		Subject.
1806	XI	Passage of troops.
1812	V	Collection of land revenue.
1817	XX	Various rules for the guidance of police.
1821	IV	Powers of Collectors and Magistrates.
1822	III	Board of Revenue.
1825	XI	Alluvion and diluvion.
1828	IV	Collectors.
1829	I	Commissioners.

Acts of the Supreme Council.

1839	XXXII	Interest.
1840	VI	Bills of exchange.
1843	V	Slavery.
1850	XII	Default of public accountants.
,,	XVIII	Protection of judicial officers.
1855	XXVIII	Interest.
1859	XV	Patents.
1863	XXXI	*Gazette of India.*
1864	III	Foreigners.
,,	VI	Whipping.
1865	III	Common carriers.
1866	X	Companies.
,,	XXVIII	Trustees' and mortgagees' powers.
1867	XXV	Printing presses.
1869	XV	Evidence of prisoners.

SCHEDULE V.

Within the Darjeeling Division, the Dumson Sub-division in the district of Darjeeling.

Bengal Regulations.

Year and No. of Act.		Subject.
1812	V	Collection of land revenue.
,,	XI	Foreign emigrants.
1817	XX	Police.
1821	IV	Powers of Collectors and Magistrates.
1822	III	Board of Revenue.
1829	I	Commissioners and Board of Revenue.

Acts of the Supreme Council.

1839	XXXII	Interest.
1840	VI	Bills of exchange.
1843	V	Slavery.
1850	XII	Default of public accountants.
,,	XVIII	Protection of judicial officers.
1855	XXVIII	Interest.
1858	XXXVI	Lunatic asylums.
1859	XV	Patents.
1863	XXXI	*Gazette of India.*
1864	III	Foreigners.
,,	VI	Whipping.
1865	III	Common carriers.
1866	X	Companies.
,,	XXVIII	Trustees' and mortgagees' powers.
1867	XXV	Printing presses.

No. 309.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), His Honor the Lieutenant-Governor of Bengal is pleased, with the previous sanction of the Governor General in Council, to extend Act XI of 1859 (to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency) and Bengal Acts III of 1862 (an Act to amend Act XI of 1859) and VII of 1868 (to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue) to the Darjeeling District and to that portion of the Julpigoree District known as the Western Dooars, *i. e.*, the country lying between the Teesta and Juldhoka rivers.

The 4th March 1881.

No. 313.—Mr. Charles Sanderson has been permitted by Her Majesty's Secretary of State for India to resign the appointment of Government Solicitor at Calcutta.

No. 314.—Her Majesty's Secretary of State for India has appointed Mr. Robert Leycester Upton to be Government Solicitor at Calcutta.

POLICE.

The 3rd March 1881.

No. 66.—APPOINTMENT.—Mr. G. M. S. Carter, Assistant Superintendent of Police in British Burma, to officiate as District Superintendent, 5th Grade, with effect from the 12th October 1880, *vice* Mr. W. A. Banbury, who reverted to his substantive appointment as Assistant Superintendent of Police.

EDUCATION.—INDUSTRY, SCIENCE AND ART.

The 3rd March 1881.

No. 66.—APPOINTMENTS.—The Governor General in Council is pleased to sanction the following arrangements recommended by the Trustees of the Indian Museum, consequent on the deputation, on special duty, of Mr. J. Wood-Mason, Deputy Superintendent of the Museum :—

Mr. G. Nevill, 1st Assistant Superintendent, to officiate as Deputy Superintendent.

Mr. O. L. Fraser, 2nd Assistant Superintendent, to officiate as 1st Assistant Superintendent.

PATENTS.

The 4th March 1881.

No. 164.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department at the Presidency, to public inspection upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 72 of 1879.—John Watt Murdoch, of Rangoon, Engineer, has filed a memorandum to specification of his invention for improved automatic shower or spray feed for a boiler furnace for burning paddy-husk, saw-dust, or any other vegetable refuse as fuel.

No. 74 of 1880.—John Rankine Russell, of Rangoon, Engineer, for a new description of steam boiler and furnace to be used with paddy husks.

No. 75 of 1880.—Joseph Green Cooke, Locomotive and Carriage Superintendent, Oudh and Rohilkund Railway, Lucknow, for the application of carburetted atmospheric air for lighting or illuminating purposes generally and particularly for lighting railway carriages, stations, signals, &c.

No. 96 of 1880.—William Webster, of San Francisco, in the County of San Francisco, one of the United States of America, and now temporarily residing at New Wortley, Leeds, in the County of York, Kingdom of Great Britain and Ireland, Mechanist, for improvements in sewing machines for stitching sacks, bags, ships' sails, carpets, and for other like purposes.

No. 103 of 1880.—John James Meade, of Calcutta, for an improved dynamo-electric machine.

No. 10 of 1881.—John Alves, of Dunedin, in the Provincial District of Otago, and Colony of New Zealand, Engineer, for improvements in and relating to fire-bars and furnaces.

AGRICULTURE AND HORTICULTURE.

The 3rd March 1881.

No. 67.—The services of Mr. J. Wood-Mason, Superintendent of the Indian Museum, are placed at the disposal of the Chief Commissioner of Assam.

SURVEYS.

The 4th March 1881.

No. 96.—Mr. Jules Schaumburg, Artist, attached to the Geological Survey of India, is granted privilege leave for one month and a half under the rules in Chapter VII of the Civil Leave Code, with effect from the date on which he may avail himself of it.

C. GRANT,
Offg. Secy. to the Govt. of India.

STAR OF INDIA.

NOTIFICATIONS.

Fort William, the 4th March 1881.

No. 2. *S.-I.*—The following Notification which appeared in the *London Gazette* of the 16th November 1880, is published for general information :—

India Office, November 9th, 1880.

The Queen has been graciously pleased to make the following appointments to the Most Exalted Order of the Star of India :—

To be a Knight Grand Commander.

His Highness the Nawab of Bahawalpur.

To be Companions.

Sirdar Bakhshi Gunda Singh, of Patiala.
The Dewan Ram Jas, of Kuppurtalla.

No. 3 *S.-I.*—The following Notification which appeared in the *London Gazette* of the 14th December 1880, is published for general information :—

India Office, December 9th, 1880.

The Queen has been graciously pleased to nominate and appoint Sirdar Dewa Singh, Prime Minister of His Highness the Maharaja of Patiala, to be a Knight Commander of the Most Exalted Order of the Star of India.

A. C. LYALL,
Secretary to the Most Exalted Order of the Star of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—MILITARY.

Fort William, the 3rd March 1881.

No. 27 *G.-M.*—The following Brigade Order issued by the Commandant, Central India Horse, dated 1st February 1881, is confirmed :—

2nd Regiment.

Lieutenant G. K. Daly, Squadron Officer, 1st Regiment, to officiate as Squadron Officer, *vice* Lieutenant N. F. F. Chamberlain, officiating as Adjutant.

No. 29 *G.-M.*—Lieutenant J. M. Clement, Madras Staff Corps, and Officiating Wing Officer, 30th Madras Native Infantry, is appointed to officiate as Wing Officer and Adjutant of the Erinpura Irregular Force, *vice* Captain C. E. Wheeler.

GENERAL.

The 4th March 1881.

No. 467 *G.-G.*—Lieutenant-Colonel C. K. M. Walter, Resident, 2nd Class, is appointed to officiate as a Resident of the 1st Class, and as Agent to the Governor General for Rajputana and Chief Commissioner of Ajmere, with effect from the date of assuming charge, *vice* Lieutenant-Colonel Bradford, C.S.I., proceeding on furlough.

Surgeon-Major J. P. Stratton, Political Agent, 1st Class, and Political Agent in Bundlecund, is appointed to officiate as a Resident of the 2nd Class, and as Political Agent in Meywar, with effect from the date of assuming charge, *vice* Lieutenant-Colonel Walter.

No. 470. *G.-G.*—Mr. A. R. Becher, Examiner of Public Works Accounts, Mysore, is granted privilege leave for one month, with effect from the 1st May 1881, or from such subsequent date as he may be permitted to avail himself of it.

No. 471 *G.-G.*—Lieutenant-Colonel P. D. Henderson, C.S.I., Resident, 2nd Class, and General Superintendent of Operations for the Suppression of Thagi and Dakaiti, is granted privilege leave for 21 days, with effect from the 6th March 1881.

No. 473. *G.-G.*—The services of Sir Richard J. Meade, K.C.S.I., C.I.E., Resident at Hyderabad, are replaced at the disposal of the Military Department, with effect from the date on which he is relieved of his present duties by Sir Steuart C. Bayley, K.C.S.I.

No. 475 *G.-G.*—Sir Steuart C. Bayley, B.C.S., K.C.S.I., Chief Commissioner of Assam, is appointed to be a Resident of the 1st Class, and Resident at Hyderabad, with effect from the date of assuming charge, *vice* Colonel Sir R. J. Meade, K.C.S.I., C.I.E.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 5th March 1881.

No. 931.—Mr. J. W. H. Sandell, Chief Clerk in the Office of the Comptroller, Assam, having been appointed to be in charge of the Office of Comptroller, during the absence on privilege leave of Mr. T. H. Biggs, received charge of the said Office, before noon, on the 19th February 1881.

No. 1022.—In accordance with Rule 34 of the Rules under the Inland Customs Act published with Notification No. 156, dated the 30th June 1876, the Governor General in Council hereby authorizes the Assistant Inspector or any other Officer for the time being in charge of the Salt Depôt at Erinpura, to grant certificates to cover despatches of Salt.

No. 1026.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act I of 1879, the Governor General in Council has remitted the whole of the duties chargeable under the said Act on all conveyances by endorsement of rights secured by instruments known as "Satas."

This Notification extends only to the Central Provinces.

R. B. CHAPMAN,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 4th March, 1881.

APPOINTMENTS.

No. 120.—MILITARY SECRETARIAT—

The Governor-General in Council is pleased to notify that the following arrangements for the conduct of business in the Military Department will have effect during the absence this season of His Excellency and the Council from the Presidency :—

Colonel W. M. Lees, Deputy Secretary, will officiate as Secretary to the Government of India, in the Military Department, at the Presidency.

Captain E. H. H. Collen, 1st Assistant Secretary, will officiate as Deputy Secretary.

Captain T. Deane, 3rd Assistant Secretary, and Officiating 1st Assistant Secretary, will officiate as Deputy Secretary until the return of Captain Collen from privilege leave.

Communications on the following subjects (unless of a very *urgent* nature, or relating to the Afghanistan Field Force) are to be addressed to the Officiating Secretary at Calcutta :—

(1.)—*Furlough and leave,* including all questions relating to the furlough regulations, and all applications for furlough, reports of departure and of return to duty, &c., &c.
(2.)—*Promotions and Retirement,* including applications for pension, promotion rolls of native officers, applications or correspondence connected with statements of service.
(3.)—*Accounts and Pay and Allowances.*
(4.)—*Estates,* European and Native Army.
(5.)—*Medals,* including the Orders of Merit and British India.
(6.)—*Army List.*
(7.)—*Clothing.*
(8.)—*Books and Maps.*
(9.)—*Volunteers.*
(10.)—*Reports and Returns,* including all ordinary and periodical returns sent for information of Government, except such as the Secretary to Government with the Governor-General may specially desire to be sent direct to Simla.
(11.)—*Appointments, Native Army.*
(12.)—*Asylums.*
(13.)—*Correspondence.*
(14.)—*Discharges.*
(15)—*Furlough,* Native Army.
(16.)—*Guards.*
(17.)—*Pensions.*
(18.)—*Recruiting.*
(19.)—*Rewards,* Native Army.
(20)—*Salutes.*
(21.)—*Service.*
(22.)—*Stores.*
(23.)—*Women and Children.*

No. 121.—JUDGE ADVOCATE GENERAL'S DEPARTMENT—

Major C. R. Matthews, Officiating Deputy Judge Advocate, to be Deputy Judge Advocate, *vice* Lieutenant-Colonel A. Seagrim, removed. Dated 17th February, 1881.

No. 122.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Lieutenant W. A. D. O'Mealy, Wing Officer, and Officiating Adjutant, 3rd Punjab Infantry, to be Squadron Officer, *vice* Lieutenant H. A. Deane, appointed District Superintendent of Police, Port Blair and the Nicobars, and to be Adjutant, *vice* Captain A. M. Muir, who vacates on promotion.

No. 123.—NATIVE ARMY—

Jemadar Gopal Singh, appointed on probation to the 45th (Rattray's Sikhs) Regiment of Native Infantry in G. G. O. No. 379 of 1879, is confirmed in that rank, with effect from the 1st February, 1879.

FURLOUGH AND LEAVE.

No. 124.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) B. Soady, S.C., (p. a.) for 1 year, under rule IX of the regulations of 1868.

Major J. H. Green, S.C., Squadron Commander, 12th Bengal Cavalry, (p. a.) for 2 years, under rule IX of the regulations of 1868.

Major C. L. Prendergast, General List, Infantry, Assistant Commissioner, 2nd grade, North-Western Provinces and Oudh, (p. a.) for 1 year, under rule IX of the regulations of 1868.

Major H. L. Young, General List, Infantry, (p.a.) for 2 years, under rule IX of the regulations of 1868.

Captain C. H. Forster, General List, Infantry, (m. c.) for 2 years, under rules IX and XV of the regulations of 1868.

Surgeon-Major J. J. Durant, Principal Assistant to the Opium Agent, Benares, (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

No. 125.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major G.R. Grylls, S.C.,—six months, medical certificate.

Lieutenant M. Laugharne, R.E.,—six months, medical certificate.

Surgeon-Major R.T. Abbott, M.D.,—two months, medical certificate.

Surgeon-Major S. Mackertich, M.D.,—six months, medical certificate.

Sub-Conductor T. Hindle, Ordnance Department,—two months, medical certificate.

No. 126.—Lieutenant-Colonel G. W. Holdsworth, Infantry, is allowed leave to sea, (m.c.) for 90 days, under rule XXVII of the regulations of 1868.

No. 127.—Conductor T. Donlea, Commissariat Department, is allowed leave in India, (m.c.) for 121 days, under the regulations of 1868, with effect from the 18th November, 1880.

No. 128.—Sub-Conductor C. Mudget, Commissariat Department, is allowed leave in India, (m.c.) for 61 days, under the regulations of 1868, with effect from the 6th November, 1880.

LONDON GAZETTE.

No. 129.—The following extracts are published for general information:—

"London Gazette," dated the 28th January, 1881, page 394.

The Queen has approved the following admissions to the Indian Staff Corps, under the terms of the Royal Warrant of the 17th January 1881:—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Lewis Montgomery Murray Hall, from the Royal Marine Artillery. Dated 26th June, 1880, but to rank from 1st October, 1873.

Lieutenant John Blaxell Woon, from the Royal Marine Artillery. Dated 23rd June, 1880, but to rank from 1st October, 1873.

Lieutenant John Blandford Ratteclyffe Butler, from the Royal Marine Artillery. Dated 23rd June, 1880, but to rank from 1st October, 1874.

Lieutenant Clarence Henry Hayes, from the Royal Marine Light Infantry. Dated 23rd June, 1880, but to rank from 1st October, 1874.

Lieutenant Ernest Theodore Paul, from the Royal Marine Light Infantry. Dated 23rd June, 1880, but to rank from 1st January, 1876.

Lieutenant William Willoughby Taylor, from the Royal Marine Light Infantry. Dated 23rd June, 1880, but to rank from 1st January, 1876.

Lieutenant Cyril Venn Wilton Williamson, from the Royal Marine Light Infantry. Dated 23rd June, 1880, but to rank from 27th January, 1876.

Lieutenant Edward Vaughan Goldsmid, from the Royal Marine Light Infantry. Dated 25th May, 1880, but to rank from 27th January, 1876.

Lieutenant Charles Herbert Powell, from the Royal Marine Light Infantry. Dated 23rd June, 1880, but to rank from 27th January, 1876.

Lieutenant Francis Garnett Atkinson, from the Royal Marine Light Infantry. Dated 21st August, 1880, but to rank from 1st September, 1876.

* * * * *

"London Gazette," dated the 1st February, 1881, page 448.

Lieutenant-Colonel Edward Hill Ratcliffe Chambers, whose retirement from the Service and promotion to the honorary rank of Colonel was notified in the London Gazette of the 4th January 1881, should have been described as of belonging, to the Madras Staff Corps.

The Christian name of Colonel Barrow, of the Madras Staff Corps, is *De Symons*, and not as stated in the Gazette of the 4th January.

PENSIONS.

No. 130.—The undermentioned warrant officers are transferred to the pension establishment:—

Deputy Commissary and Honorary Captain Joseph Mole.

Sub-Conductor Charles Thomas Hobbs, Commissariat Department.

PROMOTIONS.

No. 131.—The following promotions are made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Lieutenant-Colonels.

Major Alexander John Colvin Birch,—2nd March, 1881.

Major George Augustus Way,—4th March, 1881.

Major Osmond Barnes,—4th March, 1881.

BENGAL ARMY.

To be Major.

Captain William Franco Dodsworth, General List, Infantry,—4th March, 1881.

BREVET.

To be Colonels.

Lieutenant-Colonel Henry Philip Hawkes, Madras S.C.,—3rd March, 1881.

Lieutenant-Colonel William Winson, Bengal S.C.,—3rd March, 1881.

No. 132.—WARRANT OFFICERS—

The foot-notes of G. G. O. Nos. 37 and 77 of 1881 are reconstructed as follows:—

"These promotions are to be regarded as supernumerary until the warrant officers are absorbed by the vacancies which would have promoted them in ordinary course."

No. 133.—NATIVE ARMY—

43rd (Assam) Regiment of Native (Light) Infantry.

Havildar Bindrabund Tewary, to be Jemadar, *vice* Ramphool, invalided,—1st October, 1880.

1st Goorkha Regiment (Light Infantry).

Jemadar Benie Khawas, to be Subadar, *vice* Nain Sing Allia, invalided; Havildar Bahadoor Goorung, to be Jemadar, *vice* Benie Khawas, promoted,—2nd November, 1880.

No. 134.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Duffadar Karm Khan, to be Jemadar, *vice* Faizoolla Khan, deceased,—21st January, 1881.

(Queen's Own) Corps of Guides.

Havildar Raja, to be Jemadar, *on augmentation*, —5th January 1881.

4th Sikh Infantry.

Jemadar Bisakhi Singh, to be Subadar, *on augmentation*; Havildar Abaz Khan, to be Jemadar, *vice* Bisakhi Singh, promoted,—1st May, 1880.

Jemadar Nihalla, to be Subadar, *vice* Diwan Singh, deceased; Havildar Mohr Singh, to be Jemadar, *vice* Nihalla, promoted,—15th July, 1880.

This cancels those parts of G. G. O. Nos. 485 and 684 of 1880 which refer to this corps.

RESIGNATIONS.

No. 135.—Major F. Collingridge, Commandant, Behar Mounted Rifle Corps, who resigns his commission at his own request, is permitted to retain his rank, and to continue to wear the uniform of his regiment on retirement.

REWARDS.

No. 136.—ORDER OF MERIT—

His Excellency the Governor-General in Council is pleased to sanction the admission of the undermentioned Native officers and non-commissioned officer of the 19th Bengal Lancers to the 3rd Class of the Order of Merit:—

RESSAIDAR JOWAHIR SING.—For conspicuous gallantry in action at Ahmed Khel on the 19th April, 1880, on which occasion, at the head of three dismounted men, he dashed through some fifteen or twenty of the enemy who were resisting the passage of a nullah, killing two of them with his own hand, and himself receiving a wound in the encounter.

TRUMPET-MAJOR MANGAL SING.—For conspicuous gallantry in action at Ahmed Khel on the 19th April, 1880, in singly charging a superior number of the enemy's cavalry.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 4th March, 1881.

Statement of Deposits on account of Estates from the 25th February to the 3rd March, 1881.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
British Military Service.							
St. John William Forbes(a) ...	Lieutenant	92nd Highlanders.	13th December, 1879.	Intestate ...	2,411 14 7	...	4th May, 1881.
Robert Stewart Cleland (b) ...	Lieutenant-Colonel.	9th Lancers	7th August, 1880.	No will found	8,606 11 8	...	Ditto.
Oswald Eric Stuart Forbes(c)	Lieutenant	3rd Hussars	11th December, 1879.	Not known...	2,384 0 2	...	Ditto.
Indian Military Service.							
J. Judd	Apothecary	Subordinate Medical Department.	2nd December, 1880.	Intestate ...	637 14 5		

(a) *Next-of-kin—Father*—Colonel John Forbes, No. 1, Albert Mansions, London, S. W.
(b) *Next-of-kin—Mrs.* Cleland. *Executor*—Andrew Cleland, Dundonald, Belfast, Ireland.
(c) *Next-of-kin—Father*—A. E. Forbes, Indigo Planter, Sultanpore Factory, Purneah.
Mother—Mrs. Forbes.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 1st March 1881.

No. 77.—Captain A. C. B. Wither, B.A., Executive Engineer, 1st Grade, is transferred from the Railway Branch to Bengal Provincial Establishment.

The 2nd March 1881.

No. 78.—Mr. D. f. f. Powell, Assistant Traffic Superintendent in Class IV of the Traffic Department of the Revenue Establishment of State Railways, is transferred from the Establishment under the Director General of Railways to that under the Government of Bombay, for employment on the Holkar and Sindia-Neemuch State Railways.

No. 79.—Mr. C. H. Brereton is appointed to the Traffic Department of the State Railway Revenue Establishment, on probation, as a candidate for the superior classes, and is posted to the Establishment under the Director General of Railways.

The 4th March 1881.

No. 80.—Mr. H. Lambert, Superintending Engineer, 2nd Class, is appointed Engineer-in-Chief of the Delhi to Ferozepore Railway Surveys, with effect from the date on which he took charge of the line.

No. 81.—Mr. G. Gray, Assistant Examiner, 2nd Grade, is granted furlough to Europe on medical certificate for 2 years, under sections 4 and 16 of supplement F of the Civil Leave Code, with effect from the 13th December 1880. This cancels Public Works Department Notification No. 35, dated 25th January 1881.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 11.} CALCUTTA, SATURDAY, MARCH 12, 1881.

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

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Fort William, the 10th March, 1881.

No. 11.—Mr. D. Fitzpatrick, C.S., Secretary to the Government of India, Legislative Department, has obtained furlough for one year, with usual subsidiary leave from the 15th instant or such subsequent date as he may avail himself of it.

No. 12.—Mr. R. J. Crosthwaite, C.S., Officiating Deputy Secretary to the Government of India, Legislative Department, has been appointed to officiate as Secretary to the Government of India, Legislative Department, during the absence on leave of Mr. D. Fitzpatrick, or until further orders.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 10th March 1881.

No. 407.—His Excellency the Governor General is pleased to confer upon the undermentioned gentleman the privilege of private entrée to Government House :—

The Commissioner of Inland Customs.

ESTABLISHMENTS.

The 8th March 1881.

No. 89.—Mr. D. C. Macnabb is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st January 1881.

No. 93.—Mr. C. W. Moore is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st April 1881.

The 11th March 1881.

No. 97.—Consequent on the departure on furlough of Mr. A. C. Campbell, Deputy Commissioner, 3rd Grade, in Assam, Major M. O. Boyd, Deputy Commissioner, 4th Grade, is appointed to officiate as Deputy Commissioner, 3rd Grade, during the absence of Mr. Campbell, or until further orders.

Mr. T. J. Murray, C.S., Assistant Commissioner, 1st Grade, is appointed to officiate as Deputy Commissioner, 4th Grade, *vice* Major Boyd.

No. 99.—APPOINTMENT.—Consequent on the appointment of Mr. A. Hough to officiate as Secretary to the Chief Commissioner in the Settlement Department, Major G. Alexander, Assistant Commissioner, 2nd Grade, in the British Burma Commission, is appointed to officiate as Deputy Commissioner of the 4th Grade.

MEDICAL.

The 11th March 1881.

No. 154.—The services of Surgeon K. M. Downie, M D., Officiating Medical Officer, Rajputana State Railway, are replaced at the disposal of the Military Department.

No. 159.—The services of Surgeon J. O'Neill, M.D., are temporarily placed at the disposal of the Foreign Department.

REVENUE.

The 11th March 1881.

No. 183.—Consequent on the departure of Mr. D. M. Smeaton, C.S., on furlough, Mr. A. Hough, Officiating Deputy Commissioner, 3rd Grade, in British Burma, is appointed to officiate as Secretary to the Chief Commissioner in the Settlement Department.

SURVEYS.

The 10th March 1881.

No. 108.—Mr. J. Campbell, Assistant Superintendent of the 1st Grade, Survey of India, is granted furlough for two years, under Section 21, Chapter IV, of the Civil Leave Code, with effect from the 1st ultimo.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—REVENUE.

Fort William, the 11th March 1881.

No. 1 *G.-R.*—Mr. A. G. Hudson is promoted from the 4th to the 3rd Grade of Assistant Superintendents in the Mysore Revenue Survey, with effect from the 1st January 1881.

MILITARY.

The 10th March 1881.

No. 31 *G.-M.*—Surgeon P. M. Grant, Bengal Medical Establishment, held medical charge of the 1st Regiment, Central India Horse, from 6th December 1880 to 20th February 1881 (both days inclusive) during the absence of Surgeon R. Caldecott, on duty with the Agent to the Governor General in Central India.

POLITICAL.

The 9th March 1881.

No. 51 *G.-P.*—The Viceroy and Governor General is pleased to confer upon Muhammad Usman Khan, of the Khan Khel of the Miranzai Valley, the title of "Khan Bahadur," as a personal distinction, in recognition of the services rendered by him and by his family to the British Government.

The 10th March 1881.

No. 55. *G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon the Honorable Gode Narayan Gajapati Rao, Member of the Madras Legislative Council, the title of "Raja," as a personal distinction.

GENERAL.

The 9th March 1881.

No. 515 *G.-G.*—Surgeon-Major L. D. Spencer, M.D., in medical charge of the Western Rajputana States and of the Erinpura Irregular Force, is appointed to officiate as Agency Surgeon and Superintendent General of Dispensaries and Vaccination in Rajputana, with effect from the date of assuming charge, *vice* Surgeon-Major G. S. Sutherland, proceeding on furlough.

The 10th March 1881.

No. 525 *G.-G.*—Mr. J. D. Sandford, Judicial Commissioner of Mysore and Coorg, held charge of the office of Chief Commissioner of Mysore and Coorg from the 29th November 1880 to the 9th January 1881, both days inclusive, during the absence of Mr. J. D. Gordon, C.S.I., on special duty.

No. 535 *G.-G.*—Surgeon-Major J. P. Stratton, Officiating Resident, 2nd Class, and Officiating Political Agent, Meywar, is granted one month's privilege leave from such date as he may avail himself of it.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 10th March 1881.

No. 101 *C.*—In exercise of the powers conferred by Section 22 of the Sea Customs Act, 1878, the Governor General in Council is pleased, in modification of Schedule A of the Indian Tariff Act, 1875, and Notifications No. 60, dated the 13th March 1879, and No. 71 C., dated the 6th March 1880, to fix, for the articles mentioned in the second column of the following statement, the Tariff values set forth in the fourth column of the same.

This Notification shall take effect on and after the 12th March 1881.

No.	Names of Articles.	Per	Tariff Valuation.
			Rs. A.
16	COTTON AND ARTICLES MADE OF COTTON—		
	Cotton rope	Cwt.	35 0
	Piece Goods:—		
	Grey—		
	Jaconets, exceeding 10×10 to the quarter-inch	lb.	0 11½
	Jaconets, other sorts	"	0 10
	Shirtings, Longcloths and Madapollams	"	0 9
	Twist—		
	Mule, single, Nos. 33 to 42	"	0 9½
	" " 43 to 52	"	0 11
	" " 53 to 60	"	0 12
	" " 61 to 70	"	0 13½
	" " 71 to 80	"	0 15
	And so on, one anna to be added to the valuation per lb., for every count of ten, or part of a count of ten, above 80.		
	If doubled, one and a half anna per lb. to be added to the valuation of single twist.		
	If bleached, one anna per lb. to be added to the valuation of single or double twist.		
	Water, single, Nos. 21 to 30	"	0 9
	" " 31 to 40	"	0 11
	" " 41 to 50	"	0 12½
	" Above 50	"	0 15
	If doubled, one and a half anna per lb. to be added to the valuation of single twist.		
	If bleached, one anna per lb. to be added to the valuation of single or double twist.		
	* Twist, Orange, Red and other colours, except Alizarine and Turkey Red ... ... { Single ... / Doubled ...	"	0 11½ / 0 13½
	* Twist, Alizarine and Turkey Red, all kinds ... ... { Single ... / Doubled ...	"	1 2 / 1 5
17	DRUGS AND MEDICINES, EXCEPT OPIUM:—		
	Aloes, Socotra	Cwt.	30 0
	Asafœtida (hing)	"	85 0
	" coarse (hingrá)	"	13 0
	Brimstone (Amalsara)	"	45 0
	Camphor, refined, cake	"	60 0
	" crude, in powder	"	55 0
	Cassia lignea	"	23 0
	Storax, liquid (Rose melloes)	"	38 0
18	DYEING AND COLOURING MATERIALS:—		
	Aniline dyes, all colours	lb.	3 8
	Cochineal	"	1 8
	Madder or Manjith...	Cwt.	11 0
	Sapan wood and root	"	6 0
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS, AND FALSE CORALS:—		
	Bangles, Glass, China, not gilt	100 pairs	3 0
	Glass, crown, coloured	100 superficial feet.	20 0
	Pearls, false:—		
	Wattanah	Lákh	10 0
24	GUMS, GUM-RESINS, AND ARTICLES MADE OF GUM OR GUM-RESIN:—		
	Copal	Cwt.	75 0
	Cutch and Gambier	"	13 0
	Gum Bysabol (coarse myrrh)	"	20 0
29	IVORY AND IVORY-WARE—		
	Unmanufactured—		
	Elephants' tusks (other than hollows, centres and points), each exceeding 20 lbs. in weight, and hollows, centres and points, each weighing 10 lbs and over	"	550 0
	Elephants' tusks (other than hollows, centres and points) not less than 10 lbs., and not exceeding 20 lbs. each, and hollows, centres and points, each weighing less than 10 lbs. ...	"	465 0
	Elephants' tusks (other than hollows, centres and points), each less than 10 lbs.	"	265 0
	Sea-cow or moye teeth, each less than 3 lbs.	"	65 0
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS:—		
	Brass—		
	Sheets, rolls, very thin	"	75 0

* Duty to be charged on the grey weight of the coloured yarn; when this is not ascertainable, the actual wharf-weight or invoice weight to be taken.

No.	Names of Articles.	Per	Tariff Valuation. Rs. A.
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS—*contd.*		
	Copper—		
	Australian	„	44 0
	Bolt	„	47 0
	Brazier's and sheets	„	46 0
	Nails and composition-nails	„	46 0
	Pigs and slabs, foreign	„	40 0
	Sheathing, plate, and raised bottoms	„	48 0
	Tiles, ingots, cakes, and bricks	„	42 0
	Iron—		
	Angle and T. iron	Ton	110 0
	Flat, square and bolt, including Scotch	„	90 0
	Galvanised	Cwt.	10 0
	Galvanised sheets and ridging	„	10 0
	Hoop, plate, and sheet, other than Swedish	Ton	115 0
	Nails, rose, clasp, and flat-headed, rivets and washers	Cwt.	11 0
	Nail-rod	Ton	90 0
	Pig	„	45 0
	Rod, round (other than Swedish), not exceeding half an inch in diameter	„	100 0
	Rod, round, (other than Swedish), exceeding half an inch in diameter	„	90 0
	Swedish, flat, square and bolt	„	135 0
	„ nail-rod	„	150 0
	„ round rod, not exceeding half an inch in diameter	„	160 0
	Lead—		
	Pig	Cwt.	11 0
	Sheets, tea	„	17 8
	Patent or Yellow Metals, sheathing, sheets, and bolts	„	37 0
	Quicksilver	lb.	1 1
	Steel, excluding railway materials—		
	British and foreign, other than Swedish	...	Ad valorem.
	Tin, block	Cwt.	60 0
	Zinc or Spelter—		
	Nails	„	16 0
	Plate and other shapes, soft	„	13 0
	„ „ hard	„	10 0
	Sheet or Zinc sheathing	„	15 0
41	PAINTS, COLOURS, PAINTERS' MATERIALS AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—		
	Paints of sorts	„	13 0
	Composition	„	35 0
	White lead	„	14 0
47	PROVISIONS AND OILMAN'S STORES—		
	Bacon in canisters, jowls and cheeks	lb.	0 13
	Cheese	„	0 13
	Pork-hams	„	0 13
	Sago	Cwt.	11 0
	Tapioca	„	11 0
51	SHELLS AND COWRIES—		
	Chanks—		
	White, live	Hundred	7 0
	„ dead	„	4 0
	Cowries—		
	Sankhli	Cwt.	55 0
52	SILK AND ARTICLES MADE OF SILK—		
	Raw Silk—		
	Chaháram, Cochin China, and Yellow Shanghai	lb.	5 4
	Mathow	„	2 8
	Panjam	„	2 0
	Persian	„	5 4
	Waste and Kachra	„	1 2
54	SPICES—		
	Aniseed, star	Cwt.	25 0
	Betel-nut—		
	White, Srivarddhan	„	22 0
	All other sorts	„	9 0
	Cloves in seeds, Narlavang	„	30 0
	Pepper, black and long	„	21 0
56	SUGAR—		
	China, candy	„	22 0
	Loaf	„	26 0
61	UMBRELLAS—		
	China paper kettisals	Box of 110	33 0
	Cotton, under 20 inches	each	0 7
	„ 20 inches and upwards	„	0 13
	„ oiled, other than European	„	0 9

The 12th March 1881.

No. 1163.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council has exempted from stamp duty receipts given for payment of interest on Government Promissory Notes.

No. 1173.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 28th February 1881, published as required by Section 23 of the Indian Paper Currency Act, 1871.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	TOTAL.
	Rs.	Rs.	Rs.	Rs.
Calcutta	6,54,75,055	1,59,61,575	2,76,982	1,62,38,557
Madras	1,16,59,715	60,26,160	10,98,000	71,24,160
Bombay	2,99,09,120	1,43,33,367	91,833	1,44,25,200
Allahabad	71,45,765	85,30,090	...	85,30,090
Lahore	94,24,900	1,77,02,095	...	1,77,02,095
Calicut	11,69,535	6,89,315	...	6,89,315
Cocanada	10,69,925	14,58,025	1,65,000	16,23,025
Nagpore	15,63,920	8,39,830	...	8,39,830
Kurrachee	33,81,290	36,11,235	68,200	36,79,435
Akola	16,97,735	18,74,505	...	18,74,505
TOTAL	13,24,96,960	7,10,26,197	17,00,015	7,27,26,212
		DEDUCT—Draft Account		2,00,000
				7,25,26,212
		Invested in Government Securities under Section 17 of the Act		5,99,70,748
		GRAND TOTAL		13,24,96,960

R. B. CHAPMAN,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 11th March, 1881.

APPOINTMENTS.

No. 137.—PERSONAL STAFF—

Lieutenant A. W. Perry, Rifle Brigade, Extra Aide-de-Camp, to be Aide-de-Camp on the personal staff of His Excellency the Viceroy and Governor-General, *vice* Lieutenant E. L. S. Brett, Scots Guards, whose services have, at his own request, been replaced at the disposal of His Excellency the Commander-in-Chief. Dated 1st March, 1881.

No. 138.—QUARTERMASTER-GENERAL'S DEPARTMENT—

Major-General C. M. MacGregor, C.B., C.S.I., C.I.E., Honorary Aide-de-Camp to the Governor-General, Deputy Quartermaster-General, is confirmed in the appointment of Quartermaster-General in India. Dated 19th November, 1880.

No. 139.—COMMISSARIAT DEPARTMENT—

Lieutenant C. M. FitzGerald, Sub-Assistant Commissary-General, 3rd class, on probation, is confirmed in his appointment, with effect from the 15th July, 1879.

Lieutenant C. M. FitzGerald, Sub-Assistant Commissary-General, 3rd class, and Officiating Sub-Assistant Commissary-General, 1st class, to be Sub-Assistant Commissary-General, 2nd class, with effect from the 15th December, 1880, *vice* Captain R. J. H. Wyllie, appointed Sub-Assistant Commissary-General, 1st class.

Lieutenant H. F. Lyons-Montgomery, Sub-Assistant Commissary-General, 3rd class, on probation, is confirmed in his appointment, with effect from the 19th October, 1879.

No. 140.—PUNJAB FRONTIER FORCE—

2nd Sikh Infantry.

Lieutenant G. W. B. Swiney, 72nd Foot a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation.

No. 141.—HYDERABAD CONTINGENT—

4th Cavalry.

Lieutenant J. W. B. Meade, R.A., a candidate for the Bengal Staff Corps, to be Officiating Squadron Officer, on probation; and to officiate as Adjutant, during the absence on furlough of Lieutenant F. R. B. Knox, or until further orders.

FURLOUGH AND LEAVE.

No. 142.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) *Sir* R. J. Meade, K.C.S.I., C.I.E., S.C., (p.a.) for 2 years, under rule IX of the regulations of 1868.

Colonel E. S. Jackson, Infantry, (p.a.) for 2 years, under rule IX of the regulations of 1868.

Major A. B. Douglas, S.C., Wing Commander and 2nd-in-Command, 4th Regiment of Native Infantry, (m.c.) for 182 days, under rules IX and XV of the regulations of 1868.

Major C. Bowen, R.E., Executive Engineer, 1st grade, Assistant to Superintending Engineer, Mysore, Public Works Department, (p.a.) for 2 years, under rule IX of the regulations of 1868.

Major F. G. Oldham, R.E., Examiner, 2nd class, 2nd grade, Public Works Department, Examiner of Guaranteed Railway Accounts, Calcutta, (p.a.) for 1 year, under rule IX of the regulations of 1868.

Major L. Wavell, S.C., (m.c.) for 1 year, under rule XIV, clause I, of the regulations of 1868.

Major C. S. Noble, S.C., Assistant Commissioner, 1st grade, North-Western Provinces and Oudh, (p.a.) for 1 year, under rule IX of the regulations of 1868.

Captain T. F. Stillwell, S.C., (m.c.) under rule XIV, clause I, of the regulations of 1868.

Captain R. J. Waller, S.C., Wing Commander, 45th (Rattray's Sikhs) Regiment of Native Infantry, (m.c.) for 243 days, under rule XIV, clause I, of the regulations of 1868.

Lieutenant M. K. Martin, S.C., Squadron Officer and Adjutant, 2nd Bengal Cavalry, (p.a.) for 1 year, under rule I of the regulations of 1875.

Surgeon F. P. Edis, M.B., Deputy Assay Master, Calcutta Mint, (p.a.) for 2 years, under rule IX of the regulations of 1868.

Sub-Conductor A. Lyttle, Commissariat Department, (m.c.) for 1 year, under rule VI of the regulations of 1875.

No. 143.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel (Brevet Colonel) R. H. Price, S.C.,—3 months, medical certificate.

Lieutenant W. H. Chippindall, R.E.,—3 months, medical certificate.

Honorary Surgeon R. D. Logg,—3 months, medical certificate.

Conductor W. Powell, Commissariat Department,—6 months, medical certificate.

No. 144.—Lieutenant-Colonel G. F. Graham, S.C., *ex-officio* Honorary Aide-de-Camp to the Governor-General, Commandant, Calcutta Volunteer Rifle Corps, and Administrative Battalion, Presidency Volunteers, is allowed leave in India, (p.a.) for 182 days, under rule XXV of the regulations of 1868.

No. 145.—Major (Brevet Lieutenant-Colonel) J. Browne, C.S.I., R.E., Executive Engineer, 1st grade, Public Works Department, is allowed special leave to the 4th January, 1882, in extension of that granted to him in G. G. O. No. 952 of 1879.

No. 146.—Surgeon-Major C. Kilkelly, M.B., is granted an extension of furlough to the 1st December, 1880, the date of his arrival at Bombay, with reference to G. G. O. No. 431 of 1878.

MEDALS.

No. 147.—In modification of paragraph 4 of G. G. O. No. 673 of 1880, the Governor-General in Council has been pleased to sanction the grant of the clasp for Kandahar to all persons entitled to medals under regulations, who were actually engaged in the reconnaissance of the 31st August, but who, through some legitimate cause, may have been prevented from taking part in the action of the 1st September, 1880.

PROMOTIONS.

No. 148.—ORDNANCE DEPARTMENT—

Sub-Conductors, on probation, John Bartlett, Thomas Wilson, Thomas Coughrane, and Frederick Waller are confirmed in their present grade, with effect from the 14th August, 1880.

No. 149.—PUBLIC WORKS DEPARTMENT—

Barrack-Sergeant John Hobhouse is appointed an Assistant Barrack-Master, and promoted to the grade of Sub-Conductor, with effect from the 7th September, 1880; and he will be borne as a supernumerary on the Public Works Department warrant list next above Sub-Conductor D. Gunning.

No. 150.—NATIVE ARMY—

17th Bengal Cavalry.

Jemadar Durga Singh, to be Ressaidar, *vice* Boodh Singh, deceased; Kote-Duffadar Moti Singh, to be Jemadar, *vice* Durga Singh, promoted,—25th January, 1881.

6th Regiment of Native (Light) Infantry.

Subadar Hurrypersaud Sookul, to be Subadar-Major, *vice* Kalay Khan, deceased; Jemadar Soonder Misser, to be Subadar, *vice* Kalay Khan, deceased; Havildar Sookh Ram, to be Jemadar, *vice* Soonder Misser, promoted,—26th September, 1880.

32nd (Punjab) Regiment of Native Infantry (Pioneers).

Subadar Jewund Sing, to be Subadar-Major, *vice* Jowalla Sing, invalided,—3rd August, 1880.

No. 151.—PUNJAB FRONTIER FORCE—

The following order issued by the Brigadier-General Commanding the Punjab Frontier Force is confirmed:—

No. 13, dated—January, 1881.—Under the operations of G. G. O. Nos. 605 of 1864 and 1 of 1877, Subadar Nuzzer Khan, of No. 2 (Derajat) Mountain Battery, is appointed Subadar-Major, *vice* Subadar Kaka Singh, of No. 4 (Hazara) Mountain Battery, invalided, with effect from the 1st May, 1880.

RETIREMENTS.

No. 152.—Surgeon-Major W. J. Palmer, M.D., is permitted to retire from the service, with effect from the 10th January, 1881, subject to Her Majesty's approval.

SPECIAL.

No. 153.—Brigadier-General H. H. James, Bombay S.C., Commanding 1st Infantry Brigade, 2nd Division, Southern Afghanistan Field Force, to command the Kandahar line of communications, with effect from the 21st February, 1881, *vice* Major-General R. Phayre, C. B., appointed to the command of a Division of the Bombay Army.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 5th March 1881.

No. 82.—Mr. P. P. Rogers, Assistant Engineer, 3rd Grade, Central Provinces, is promoted to Assistant Engineer, 2nd Grade, with effect from 24th September 1879.

No. 83.—The services of Lieutenant E. Raban, R.E., Assistant Engineer, 1st Grade, Assam, are placed at the disposal of the Military Department, with effect from the afternoon of the 14th March 1881.

The 8th March 1881.

No. 84.—Mr. J. Elston, Assistant Engineer, 1st Grade, Railway Branch, is transferred to British Burmah for employment in Railway Branch.

No. 85.—To fill vacancies existing in the Railway Branch, the following promotions are made:—

Name.	Grade from which promote	Grade to which promoted.	Date.
Mr. V. Rigby	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	4th February 1881.
„ C. A. Bull	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	15th „ „
„ G. H. List	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	4th „ „
„ J. Y. Davidson ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	15th „ „
Captain W. W. B. Whiteford, R.E.	Executive Engineer, 4th Grade	Executive Engineer, 3rd Grade.	15th „ „
Mr. R. C. Beeston ...	Executive Engineer, 4th Grade, temporary rank.	Executive Engineer, 4th Grade.	15th „ „
„ J. Elston	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade, temporary rank.	15th „ „
Lieutenant H. Pilkington, R.E.	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade, temporary rank.	22nd „ „
Mr. H. J. Oddie ...	Assistant Engineer, 2nd Grade.	Assistant Engineer, 1st Grade.	15th „ „

No. 86.—The Governor General in Council is pleased to make the following promotions in the Engineer Establishment attached to Local Administrations, with effect from the 4th January 1881:—

PERMANENT.

From Executive Engineer, 2nd, to Executive Engineer, 1st Grade.

Mr. R. Gordon, British Burmah.
Mr. H. Irwin, Central Provinces.
Major S. S. Jacob, Rajputana (Supernumerary.)

From Executive Engineer, 3rd, to Executive Engineer, 2nd Grade.

Babu Khetter Nath Chatterjee, Central India.
Mr. A. Sprenger, Assam.

From Executive Engineer, 4th, to Executive Engineer, 3rd Grade.

Captain C. H. M. Kensington, R.E., Mysore.

From Assistant Engineer, 1st Grade, to Executive Engineer, 4th Grade.

Mr. R. E. Nelson, Executive Engineer, 4th Grade, temporary rank, Central India.

From Assistant Engineer, 2nd, to Assistant Engineer, 1st Grade.

Mr. C. F. Gilbert, Rajputana.

TEMPORARY.

From Assistant Engineer, 1st Grade, to Executive Engineer, 4th Grade.

Mr. A. Collings, British Burmah.

The 10th March 1881.

No. 87.—Captain W. J. LeBreton, B.S.C., Examiner of Guaranteed Railway Accounts, Bombay, is granted one month and sixteen days' privilege leave of absence, with effect from the 1st May 1881, or such subsequent date as he may be permitted to avail himself of it.

Mr. A. Grant, Assistant Examiner, 2nd Grade, is placed in charge of the current duties of the Office of Examiner of Guaranteed Railway Accounts, Bombay, during the absence of Captain LeBreton, or until further orders.

No. 88.—Colonel G. J. Melliss, S.C., Examiner of Public Works Accounts, Bombay, is granted two months' privilege leave of absence, with effect from the 13th April 1881, or such subsequent date as he may be permitted to avail himself of it.

Mr. C. C. Harold, Examiner of Accounts, 4th Class, 3rd Grade, is appointed to officiate as Examiner of Public Works Accounts, Bombay, during the absence of Colonel Melliss, or until further orders.

No. 89.—During the absence of the Governor General in Council from the Presidency, the Officiating Secretary to the Government of India, in the Military Department, will have charge of that portion of the Office of the Government of India, in the Public Works Department, which is left at the Presidency.

No. 90.—Mr. T. Moss, Examiner of Public Works Accounts, Punjab, is granted furlough out of India for nine months, with the usual subsidiary leave, under Sections 21 and 34 of the Civil Leave Code, with effect from the 28th March 1881, or such subsequent date as he may be relieved of his duties by Mr. R. G. Macdonald.

No. 91.—Mr. R. G. Macdonald, Assistant Accountant-General, Public Works Department, is appointed Examiner of Public Works Accounts, Punjab, in succession to Mr. T. Moss, proceeding on furlough.

No. 92.—The following promotion and reversions are ordered in the classes of Superintending Engineers:—

Names.	From	To	Date.
Major E. Swetenham.	Offg. Supdg. Engr., Cl. II.	Supdg. Engr., Cl. II, Tempy.	8th Feb. 1881.
Mr. H. Lambert.	Offg. Supdg. Engr., Cl. I.	Supdg. Engr., Cl. II.	10th Feb. 1881.
Major E. Swetenham.	Tempy. Supdg. Engr., Cl. II.	Supdg Engr., Cl. III.	2nd March 1881.
Mr. G. A. D. Anley.	Tempy. Supdg. Engr., Cl. III.	Executive Engr., 1st Grade.	2nd March 1881.

No. 93.—Major T. F. Dowden, R. E., Superintending Engineer, 3rd Class, temporary rank, temporarily attached to Beloochistan, is retransferred to the Railway Branch, with effect from the 8th February 1881.

No. 94.—The following promotions and transfers are authorized by the Governor General in Council:—

Lieutenant-Colonel F. S. Stanton, R.E., Chief Engineer, 2nd Class, temporary rank, is confirmed in that class.

Colonel J. O. Mayne, R.E., Chief Engineer, 3rd Class, to be Chief Engineer, 2nd Class, temporary rank.

Lieutenant-Colonel R. deBourbel, R.E., Chief Engineer, 3rd Class, temporary rank, is confirmed in that class.

The foregoing promotions have effect from the 12th instant.

Lieutenant-Colonel F. S. Stanton, R.E., is transferred from Bengal to the Office of the Director General of Railways. The post of Director of State Railways, North-Eastern System, is abolished.

Lieutenant-Colonel S. T. Trevor, R.E., Superintending Engineer, 1st Class, is posted to Bengal. He is appointed Chief Engineer and Joint Secretary to the Government of Bengal in the Public Works Department, with the temporary rank of Chief Engineer, 3rd Class, with effect from the date on which Lieutenant-Colonel Stanton makes over charge of his office as Chief Engineer and Secretary. This cancels Notification No. 55, dated 11th February 1881.

No. 95.—Major J. G. Forbes, R.E., Superintending Engineer, 1st Class, is transferred from Hyderabad to the North-Western Provinces and Oudh, and is appointed to officiate as Chief Engineer, Buildings and Roads Branch, and Joint Secretary to that Government, in the Public Works Department, with the temporary rank of Chief Engineer, 3rd Class.

Lieutenant-Colonel J. G. Lindsay, R.E., Superintending Engineer, 1st Class, temporary rank, Railway Branch, is temporarily transferred from that branch to Hyderabad, as Superintending Engineer and Secretary to the Resident, in the Public Works Department.

The 11th March 1881.

No. 96.—Mr. C. J. Keene, Class III of the Traffic Department of State Railways, is transferred from the Establishment under the Director General of Railways to that under the Government of the North-Western Provinces and Oudh.

No. 97.—Those portions of the undermentioned Notifications which relate to the reversion from, and promotion to, Executive Engineer, 4th Grade, of Mr. P. Duncan, are hereby cancelled:—

Public Works Department Notification No. 20 of 15th January 1881.

Public Works Department Notification No. 22 of 15th January 1881.

No. 98.—Mr. H. Lambert, Superintending Engineer, 2nd Class, Engineer-in-Chief of the Delhi to Ferozepore Railway Surveys, is granted furlough to Europe for 19 months, under Section 20 of the Civil Leave Code, with effect from the 1st April 1881, or such subsequent date as he may avail himself of it.

No. 99.—With reference to Public Works Department Notification No. 98 of the 11th instant, Mr F. L. Dibblee, Executive Engineer, 1st Grade, Sindia State Railway, is appointed Engineer-in-Chief of the Delhi to Ferozepore Railway Surveys, with effect from the date on which Mr. Lambert avails himself of the furlough granted him.

No. 100.—Mr. R. H. D Mills, Assistant Engineer, 1st Grade, Irrigation Branch, North-Western Provinces and Oudh, ceased to belong to the public service on 1st December 1880.

No. 101.—Mr. F. H. Collet, Assistant Engineer, 2nd Grade, Railway Branch, is transferred from the Establishment under the Director General of Railways to that under the Government of Bombay, for employment on the Rajputana State Railway.

No. 102.—Mr. H. C. Levinge, B.A., Joint Secretary to the Government of Bengal in the Public Works Department, is appointed Secretary to that Government in the same Department.

No. 103.—Bakshi Ram Singh, Apprentice Engineer, Punjab, is promoted to Assistant Engineer, 3rd Grade, with effect from 1st July 1880.

No. 104.—Captain C. F. Call, R.E, Executive Engineer, 3rd Grade, Railway Branch, is transferred temporarily to the Establishment under the Accountant General, Public Works Department.

No. 105.—That part of Public Works Department Notification No. 16 of the 14th January 1881, transferring Mr. L. G. Prickett, Assistant Engineer, 2nd Grade, temporarily, from the Railway Branch to British Burmah, is cancelled, and Mr. Prickett is transferred temporarily to the North-Western Provinces and Oudh.

No, 106.—The undermentioned Officers are transferred from the Establishment under the Director General of Railways to that under the Government of Bengal, for employment on the Tirhoot State Railway:—

Mr. B. Baxter,	Assistant Engineer,	1st	Grade.
„ P. Duncan,	do.	do.	
„ W. Chadwick,	do.	2nd	Grade.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 12.] CALCUTTA, SATURDAY, MARCH 19, 1881.

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

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SUPPLEMENT No. 12.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 10th March, 1881.

No. 13.—His Excellency the Viceroy and Governor General, under the authority vested in him by the Statute 24 & 25 Vic., cap. 67, section 10, has been pleased to nominate Mr. Louis Forbes, of the Madras Civil Service, to be an Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

D. FITZPATRICK,

Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 18th March 1881.

No. 439.—Under the provisions of Section 9 of Statute 24 & 25 Vic., cap. 67, the Governor General in Council is pleased to direct that the Council of the Governor General shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab on the 30th instant.

No. 441.—During the absence of the Governor General in Council from Calcutta, the Officiating Secretary to the Government of India in the Military Department at the Presidency will have charge of that portion of the Home, Revenue and Agricultural Department which is left at Calcutta.

No. 445.—ADDENDUM.—In Rule IV of the Rules for the transmission of Memorials to Her Majesty's Government, published in Home Department Notification No. 707, dated the 29th March 1878, after the words "Legislative Proceeding of the Governor General in Council," add the words "or to an Act to which the Governor General has assented."

ESTABLISHMENTS.

The 14th March 1881.

No. 113.—The services of Mr. L. Hare, C.S., are replaced at the disposal of the Chief Commissioner of Assam, with effect from the 21st January 1881.

of India.

The 18th March 1881.

No. 120.—Mr. J. W. Chisholm, Secretary to the Chief Commissioner of the Central Provinces, is appointed to officiate as Commissioner of the Nerbudda Division in those Provinces, during the absence on leave of Mr. A. P. Howell, or until further orders.

MEDICAL.

The 18th March 1881.

No. 180.—Surgeon F. C. Nicholson, M.B., Second Resident Surgeon, Presidency General Hospital, is appointed to officiate as Surgeon Superintendent of that institution, in addition to his duties as Superintendent of the Presidency Jail, during the absence of Surgeon-Major J. Jones, M.D., on privilege leave.

No. 183.—The services of the undermentioned Officers are placed at the disposal of the Government of the North-Western Provinces and Oudh:—

Surgeon R. T. Wright, M.D.
" D. M. Jack.
" E. Cretin, M.B.
" J. Anderson.

SANITARY.

The 14th March 1881.

No. 52.—APPOINTMENT.—Surgeon-Major W. Watson, M.B., Deputy Sanitary Commissioner in the North-Western Provinces and Oudh, to officiate as Sanitary Commissioner in those Provinces, during the absence on furlough of Surgeon-Major C. Planck, or until further orders.

JUDICIAL.

The 16th March 1881.

No. 370.—Mr. W. C. Bonnerjee, Barrister-at-Law, is appointed to officiate as Standing Counsel for the Presidency of Fort William in Bengal, during the absence on leave of Mr. A. Phillips, or until further orders.

The 17th March 1881.

No. 381.—The Honorable the Chief Justice has granted Mr. J. Crawfurd, B.A., Registrar of the High Court of Judicature at Fort William in Bengal, furlough for twenty months, with effect from the 1st April next or such later date as he may avail himself of it, together with the necessary subsidiary leave.

The 18th March 1881.

No. 383.—The Hon'ble the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Mr. C. A. Wilkins, of the Bengal Civil Service, to officiate as Registrar on the Appellate Side of the Court, during the absence on furlough of Mr. J. Crawfurd.

PORT BLAIR.

The 14th March 1881.

No. 82.—APPOINTMENT.—Lieutenant-Colonel T. Cadell, V.C., to be Chief Commissioner of the Andaman and Nicobar Islands and Superintendent of Port Blair and the Nicobars, *vice* Lieutenant-Colonel Barwell, C.B., retired.

The 18th March 1881.

No. 86.—APPOINTMENT.—Sirdar Baghail Singh, Extra Assistant Superintendent in the Andaman and Nicobar Islands, to be also Assistant District Superintendent of Police therein.

ECCLESIASTICAL.

The 16th March 1881.

No. 44.—The Reverend G. W. Manson, B.D., an Assistant Chaplain of the Church of Scotland, to be a Chaplain of that Church, with effect from the 29th March 1880.

REVENUE.

The 18th March 1881.

No. 197.—In exercise of the power conferred by the Bombay Revenue Jurisdiction Act X of 1876, Section I, the Governor General in Council is pleased to direct that so much of Section IV of that enactment as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land revenue shall come into force after six months from the date of this notification.

SURVEYS.

The 18th March 1881.

No. 119.—The services of Captain T. H. Holdich, R.E., and Captain G. W. Martin, S.C., Officiating Deputy Superintendent of Survey of the 3rd Grade, and Officiating Assistant Superintendent of the 2nd Grade, respectively, are placed at the disposal of the Military Department.

C. GRANT,
Offg. Secy. to the Govt. of India.

INDIAN EMPIRE.

NOTIFICATION.

Fort William, the 15th March 1881.

No. 1 *I.-E.*—Her Majesty the Queen and Empress of India has been pleased to appoint the undermentioned persons, who by their services have merited the Royal favour, to be Companions of the Order of the Indian Empire:—

1. Ross, David, Esquire, Traffic Manager, Sind, Punjab and Delhi Railway.
2. LeBreton, Maurice, Esquire, Deputy Post Master General, Rajputana.
3. Bruce, Richard Isaac, Esquire, lately First Assistant to the Agent to the Governor General for Beluchistan.
4. Christie, James Thomas, Esquire, District Superintendent of Police, 2nd Grade, Punjab.
5. Cunningham, Alexander Frederick Douglas, Esquire, Under Secretary to the Government of the Punjab.
6. Meerza Hossein Ali Khan, Political Assistant at Kandahar.
7. Sirdar Jaggat Singh of Jhind.
8. Dewan Bishen Singh of Nabha.
9. Sirdar Nabi Baksh of Kapurthalla.

A. C. LYALL,
Secy. to the Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Fort William, the 15th March 1881.

No. 60 *G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Mr. P. Krishna Rao, Member of the Council of His Highness the Maharaja of Mysore, the title of "Rai Bahadur," as a personal distinction.

No. 61 *G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Mr. A. R. Sabhapathi Moodaliar, Member of the Council of His Highness the Maharaja of Mysore, the title of "Rai Bahadur," as a personal distinction.

No. 62 *G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Mr. Muhammad Saliha, Municipal Commissioner, Bangalore, the title of "Khan Bahadur," as a personal distinction.

No. 63 *G.-P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Edward Lindstedt as in charge of the office of Consul-General for Portugal at Calcutta, during the absence of Sir W. E. deSouza, Knight.

GENERAL.

The 15th March 1881.

No. 560 *G.-G.*—Mr. J. McKee, Superintendent of Forests, Rewah, is granted furlough to Europe for one year, under Section 8, Supplement F, of the Civil Leave Code, with the usual subsidiary leave, with effect from the 1st April 1881, or such subsequent date as he may avail himself thereof.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 19th March 1881.

No. 1245.—In exercise of the powers conferred by section 10 of the Inland Customs Act, 1875, and in modification of Rule 6 of the Rules issued with Notification No. 111, dated 17th April 1880, the Governor General in Council has fixed the fee for a license for the manufacture of Sulphate of Soda (*Khari*) or any other substance included under the term "Saltpetre" in section 3 of the said Act, at four annas.

No. 1265.—In supersession of Notification No. 1019, dated the 28th February 1880, it is notified that the price of the bags supplied by the Assistant Commissioner of Inland Customs at the Sambhar Lake to persons indenting on him for salt and bags, will, in future, be five annas instead of four annas each. The bags contain 2½ maunds each.

R. B. CHAPMAN,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 15th March, 1881.

RETIREMENTS.

No. 154.—In continuation of G. G. O. No. 104 of 1881, the undermentioned officer is permitted to retire from the service, under the provisions of G. G. O. No. 686 of 1880, with effect from the date specified, subject to Her Majesty's approval:—

Lieutenant-Colonel Spencer Alfred Taylor Judge, S.C.,—1st March, 1881.

The 15th March, 1881.

APPOINTMENTS.

No. 155.—QUARTERMASTER-GENERAL'S DEPARTMENT—

Lieutenant-Colonel G. E. L. S. Sanford, Deputy Quartermaster-General, Intelligence Branch, and Officiating Deputy Quartermaster-General, to be Deputy Quartermaster-General, *vice* Major-General C. M. MacGregor, C.B., C.S.I., C.I.E., appointed Quartermaster-General in India. Dated 19th November, 1880.

Lieutenant-Colonel W. S. A. Lockhart, Officiating Deputy Quartermaster-General, Intelligence Branch, to be Deputy Quartermaster-General, Intelligence Branch, *vice* Lieutenant-Colonel Sanford. Dated 19th November, 1880.

No. 156.—COMMISSARIAT DEPARTMENT—

Lieutenant W. R. Yeilding, S.C., Officiating Wing Officer, 5th Goorkha Regiment (The Hazara Goorkha Battalion), Punjab Frontier Force, to be a Sub-Assistant Commissary-General, 3rd class, on probation, with effect from the 29th January, 1881.

No. 157.—HORSE-BREEDING OPERATIONS—

Veterinary-Surgeon A. E. Queripel is confirmed in the appointment of Assistant Superintendent, Horse-Breeding Operations, Punjab, *vice* 1st Class Veterinary-Surgeon J. J. Meyrick, who reverts to home service.

No. 158.—MEDICAL DEPARTMENT—

Surgeon W. N. Keefer, 13th Bengal Lancers, to be Medical Officer, Lawrence Military Asylum, Sanáwar, *vice* Surgeon J. S. Gunn, M.B., resigned.

No. 159.—PUNJAB FRONTIER FORCE—

4th Punjab Cavalry.

Lieutenant E. Inglis, Officiating Squadron Officer, to be Squadron Officer, *vice* Captain E. Lloyd, seconded; and to be Adjutant, *vice* Captain C. G. Mansel, who vacates on promotion.

3rd Punjab Infantry.

Lieutenant E. W. Cunliffe, Officiating Wing Officer, 4th Sikh Infantry, to officiate as Wing Officer and Quartermaster, during the absence on furlough of Lieutenant J. A. C. Wedderburn, or until further orders.

5th Punjab Infantry.

Lieutenant G. A. Keef, 1st Battalion, 21st Foot, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation,

of India.

FURLOUGH AND LEAVE.

No. 160.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major A. Vallings, S.C., Wing Commander 1st Punjab Infantry, Punjab Frontier Force, (p. a.) for 1 year 54 days, under rule VIII, clause 2, and rule IX of the regulations of 1868.

Captain (Brevet Major) A. W. Capel, late 5th European Light Cavalry, Assistant Superintendent of Reserve Remount Depôts, (m. c.) for 1 year 182 days, under the regulations of 1854.

Captain G. Gaisford, S.C., Wing Officer, 5th Punjab Infantry, Punjab Frontier Force, (m. c.) for 1 year, under rule VIII, clause 2, and rules IX and XV of the regulations of 1868.

Captain J. T. Whish, S.C., Wing Officer and Quartermaster, 16th (The Lucknow) Regiment of Native Infantry, (m. c.) for 1 year, under rules IX and XV of the regulations of 1868.

Captain H. Boileau, S.C., Cantonment Magistrate, 1st class, and Judge, Small Cause Court, Dinapore, Bengal, (p. a.) for 1 year 182 days, under rule IX of the regulations of 1868.

Lieutenant A. L. Barrett, S.C., Wing Officer and Quartermaster, 43rd (Assam) Regiment of Native (Light) Infantry, (p. a.) for 1 year, under rule I of the regulations of 1875.

Surgeon P. F. O'Connor, (p. a.) for 1 year, under rule I of the regulations of 1875.

Surgeon B. Franklin, (p. a.) for 1 year, under rule IX of the regulations of 1868.

Surgeon E. Mulvany, (p. a.) for 273 days, under rule IX of the regulations of 1868.

Sub-Conductor W. H. Russell, Commissariat Department, (m. c.) for 1 year, under rule VI of the regulations of 1875.

Sub-Conductor W. Cottrell, Ordnance Department, (m. c.) for 2 years, under rule VI of the regulations of 1875.

Second-Class Assistant-Apothecary J. E. Cooney, (u. p. a.) for 182 days, under rule VIII of the regulations of 1875.

No. 161.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Major W. H. Unwin, S.C.,—6 months, medical certificate.

Captain A. J. Corse-Scott, S.C.,—6 *months*, medical certificate.

No. 162.—Surgeon J. S. Gunn, M.B., is allowed leave in India, (m. c.) for 121 days, under rule XXV of the regulations of 1868.

JUDICIAL.

No. 163.—With the sanction of the Secretary of State for India, the Governor-General in Council is pleased to declare the following to be "authorized prisons" in accordance with the provisions of the Army Discipline and Regulation Act :—

In the Bengal Presidency.

Sibágh Jail.

In the Madras Presidency.

The Penitentiary at Madras.
The Jail at Ootacammund.
The Central Jail at Rangoon.

In the Bombay Presidency.

The Yerrowda Jail.
The House of Correction in Bombay.

LONDON GAZETTE.

No. 164.—The following extracts are published for general information :—

"London Gazette," dated the 11th February, 1881, pages 640 and 641.

BREVET.

The following promotions to take place consequent on the death, on 30th December, 1880, of Major-General Edward Tuite Dalton, C.S.I., Bengal Staff Corps :—

Lieutenant-Colonel and Brevet Colonel Alfred William Lucas, C.B., Bombay Staff Corps, to be Major-General. Dated 31st December, 1880.

* * * *

The following promotions to take place consequent on the death, on the 7th January, 1881, of Major-General Annesley Knox Gore, Madras Staff Corps :—

Lieutenant-Colonel and Brevet Colonel Henry Hastings Affleck Wood, C.B., Bombay Staff Corps, to be Major-General. Dated 8th January, 1881.

* * * *

The following promotion to take place on the List of General Officers of Her Majesty's Indian Forces in consequence of the death of Major-General A. K. Gore, Madras Staff Corps, whose name was borne on that list as a Lieutenant-General :—

Major-General William Vine, Madras Cavalry, to be Lieutenant-General. Dated 8th January, 1881.

"London Gazette," dated the 15th February, 1881, page 657.

The Queen has approved the following admissions to the Staff Corps made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Alexander William Dennistown Campbell, from the 15th Hussars. Dated 17th August, 1878, but to rank from 30th December, 1871.

Lieutenant Alexander Wallace, from the 62nd Foot. Dated 28th August, 1879, but to rank from the 11th September, 1876.

Lieutenant George Frederick Willes, from the 31th Foot. Dated 25th June, 1879, but to rank from 24th June, 1877.

PROMOTIONS.

No. 165.—The following promotions are made, subject to Her Majesty's approval :—

STAFF CORPS.

To be Lieutenant-Colonels.

Major (Brevet Lieutenant-Colonel) Henry Alexander Little,—16th March, 1881.

Major Charles Augustus Munro,—17th March, 1881.

Major Robert Francis Firth,—17th March, 1881.

Major Francis James Napier Mackenzie,—17th March, 1881.

Major Oliver Richardson Newmarch,—17th March, 1881.

To be Major.

Captain John Tulloch Whish,—12th March, 1881.

To be Captain.

Lieutenant James Andrew Colvile Wedderburn,—17th March, 1881.

BREVET.

To be Colonel.

Lieutenant-Colonel Walter Rowlandson, Madras Infantry,—19th December, 1880.

No. 166.—NATIVE ARMY—

21st (Punjab) Regiment of Native Infantry.

Jemadar Munsoor Khan, to be Subadar, *vice* Nusur Khan, deceased; Havildar Akhmed Din, to be Jemadar, *vice* Munsoor Khan promoted,—29th January, 1881.

No. 167.—PUNJAB FRONTIER FORCE—

3rd Punjab Infantry.

Havildar Lal Khan, to be Jemadar, *vice* Illumdin, promoted,—1st May, 1880.

RETIREMENTS.

No. 168.—The undermentioned officers have been permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval :—

Major Ninian Lowis, S.C., — 22nd February, 1881.

Surgeon-Major Archibald Macdonald Garden, —26th January, 1881.

W. M. LEES, *Colonel*,
Officiating Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 18th March, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department from the 26th February to the 18th March, 1881 :—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Bombay Staff Corps...	Lieutenant W. S. Widdicombe ...	6th February, 1881.	Kokeran.		

Statement of Deposits on account of Estates from the 4th to the 17th March, 1881.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Indian Military Service.					Rs. A. P.		
George Charles Udney(a) ...	Major ...	Bengal Staff Corps.	25th August, 1880.	Intestate ...	1,520 1 10	...	18th May, 1881.
Howe Frederick Showers ...	Captain ...	Bengal Staff Corps.	25th March, 1880.	Not known	19 13 0		
William Devine (b) ...	Honorary Lieut.	Ordnance Department.	17th November, 1880.	Will left ...	184 12 7	...	18th May, 1881.

(a) *Mother*—Mrs. J. Pretty,
48, Aldridge Road Villas,
Westbourne Park,
London, England.

(b) *Children*—Joseph Devine.
Elizabeth Hannah Devine.
Kathleen Maud Devine.

W. M. LEES, *Colonel*,
Offg. Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Fort William, the 18th March, 1881.

APPOINTMENTS.

No. 6.—Mr. G. Lyons, to be a 3rd Class Engineer in Her Majesty's Indian Marine, with effect from the 10th January, 1881, and an Assistant Engineer, 2nd class, from the 1st March, 1881.

SALVAGE.

No. 7.—The following distribution of salvage-money admissible to each of the several classes of officers and crew of the I. G. S. *Dagmar*, and to the officers and men of the 25th Regiment of Bombay Native Infantry stationed at Perim under the command of Captain Lynch, for salvage services rendered to the S. S. *Thessaly* in June, 1879, is published for information and guidance:—

Dagmar.

	Rs.	A.	P.
Commander, one-tenth . .	585	5	10
Third class, 30 shares . .	212	10	6
Fourth class, 20 shares . .	141	12	4
Fifth class, 12 shares . .	85	1	0
Sixth class, 10 shares . .	70	14	2
Seventh class, 7 shares . .	49	9	11
Eighth class, 4 shares . .	28	5	8
Ninth class, 2 shares . .	14	2	10

Perim Garrison.

Captain Lynch, 3rd class, 30 shares .	212	10	6
Jemadar, 5th class, 12 shares . .	85	1	0
Havildars, 6th class, 10 shares . .	70	14	2
Naicks, 7th class, 7 shares . .	49	9	11
Privates, 8th class, 4 shares . .	28	5	8

2. All claims to the above salvage-money will be paid by the Accountant to the Bombay Dockyard, on the production by claimants of certificates from the Commander of the I. G. S. *Dagmar*.

W. M. LEES, *Colonel*,

Officiating Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 12th March 1881.

No. 107.—With reference to Notification No. 62, dated 16th February 1881, Colonel W. S. Trevor, V.C., R.E., assumed charge of the Office of Director General of Railways, and Deputy Secretary to the Government of India in the Public Works Department, Railway Branch, on the afternoon of this day.

The 14th March 1881.

No. 108.—Mr. F. M. Woodroffe, Assistant Examiner of Accounts, 2nd Grade, temporary rank, is confirmed in that grade, from 14th November 1880.

No. 109.—The services of the under-mentioned Officers of the Military Works Branch are placed temporarily at the disposal of the Military Department:—

Major W. H. Pierson, R.E., Executive Engineer, 1st Grade.

Lieutenant H. Appleton, R.E., Assistant Engineer, 2nd Grade.

No. 110.—The Governor General in Council is pleased to make the following permanent and temporary promotions:—

Name.	Grade from which promoted.	Grade to which promoted.	Date.
Craster, Colonel G. A., R.E.	Superintending Engineer, Class II.	Superintending Engineer, Class I.	From 12th Mar. 1881
Garbett, Mr. H. .	Superintending Engineer, Class II, temporary rank.	Superintending Engineer, Class II.	Ditto.
Swetenham, Major E.	Superintending Engineer, Class III.	Superintending Engineer, Class II, temporary rank	Ditto.
Johnstone, Mr. F. J.	Superintending Engineer, Class III.	Superintending Engineer, Class II, temporary rank.	Ditto.

No. 111.—Mr. A. Grant, Assistant Examiner, 2nd Grade, is promoted to Deputy Examiner, 2nd Grade, temporary rank, to fill an existing vacancy.

No. 112.—The following Accountants are appointed Assistant Examiners of Accounts, temporary rank:—

Mr. W. Ogden, Accountant, 2nd Grade,—to Assistant Examiner, 1st Grade.

Mr. C. R. T. Balston, Accountant, 2nd Grade,—to Assistant Examiner, 1st Grade.

Mr. F. W. Eicke, Accountant, 3rd Grade,—to Assistant Examiner, 2nd Grade.

The 16th March 1881.

No. 113.—Captain C. H. P. Christie, R.E., Examiner of Public Works Accounts, Central India, is appointed Examiner of Guaranteed Railway Accounts, Calcutta.

No. 114.—Major H. R. LeM. Carey, S.C., Deputy Examiner of Accounts, Madras, is appointed Examiner of Public Works Accounts, Central India.

No. 115.—With reference to Public Works Department Notification No. 104, dated 11th March 1881, Captain C. F. Call, R.E., is posted to the Rajputana State Railway, with the temporary rank of Examiner, 4th Class, 3rd Grade.

No. 116.—Mr. W. F. Barrow, Deputy Examiner of Accounts, North-Western Provinces and Oudh, is transferred to the Office of Accountant General, Public Works Department, to fill an existing vacancy.

ALEX. FRASER, *Major-Genl., R.E.*,

Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 14. } SIMLA, SATURDAY, APRIL 2, 1881.

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

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SUPPLEMENT No. 14.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 18th March 1881.

No. 439.—Under the provisions of section 9 of Statute 24 and 25 Vic., cap. 67, the Governor General in Council is pleased to direct that the Council of the Governor General shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab on the 30th instant.

ESTABLISHMENTS.

Simla, the 29th March 1881.

No. 128.—The services of Mr. C. W. Bolton, C.S., are replaced at the disposal of the Government of Bengal, with effect from the afternoon of the 29th instant.

No. 131.—The Hon'ble F. B. Pearson, a Judge of the High Court of Judicature for the North-Western Provinces, has been permitted to resign Her Majesty's Bengal Civil Service, with effect from the 30th instant.

MEDICAL.

The 1st April 1881.

No. 190.—The services of Surgeon J. Mullane, M.D., Officiating Medical Officer, 25th Regiment of Native Infantry, are temporarily placed at the disposal of the Chief Commissioner of Assam.

No. 195.—The services of Surgeon P. A. Weir, M.B., are placed temporarily at the disposal of the Government of Bengal.

EDUCATION.

The 31st March 1881.

No. 100.—Under section 12 of Act II of 1857, the Governor General in Council is pleased to authorise the affiliation of the Mahomedan Anglo-Oriental College, Aligarh, to the Calcutta University up to the B. A. Standard, with effect from the 1st January 1881.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 31st March 1881.

No. 625 *G.-G.*—His Excellency the Viceroy and Governor General in Council desires to place on public record his high appreciation of the services of Colonel Sir Richard John Meade, K.C.S.I., C.I.E., who has vacated, on retirement, his appointment as Resident at Hyderabad, and who, in the course of a long and honorable career, extending over 45 years, has discharged the duties of the most important political offices under the Government of India with eminent ability and success.

A. C. LYALL,
Secretary to the Government of India.

No. 282I.-P., dated 1st April 1881.

The following Proclamation, dated the 25th March 1881, is published for general information:—

PROCLAMATION.

Whereas in the year 1868 the Viceroy and Governor General of India in Council announced, by proclamation to the Chiefs and People in Mysore, that His Highness Chamrajendra Wadiar Bahadur, the adopted son of the late Maharaja Krishnaraj Wadiar Bahadur, had been acknowledged by the Government of India as successor to Maharaja Krishnaraj Wadiar and as Maharaja of the Mysore territories; and declared that, when His Highness should attain the age of eighteen years, the government of the country would be entrusted to him, subject to such conditions as might be determined at the time:

Now, therefore, His Excellency the Viceroy and Governor General of India in Council announces to the Chiefs and People of Mysore, by command of Her Majesty the Queen of Great Britain and Ireland and Empress of India, that His Highness Chamrajendra Wadiar Bahadur is hereby placed in possession of the territories of Mysore, and invested with the administration of the Mysore State.

And His Excellency the Viceroy and Governor General in Council declares further to the Chiefs and People of Mysore, that the administration of the aforesaid territories by the British Government has on this day ceased and determined.

A. C. LYALL,
Secretary to the Government of India.

GENERAL.

The 1st April 1881.

No. 639 *G.-G.*—Subject to the confirmation of the Secretary of State, the following appointments are made, with effect from the 25th March 1881:—

Mr. J. D. Gordon, B.C.S., C.S.I., Chief Commissioner of Mysore and Coorg, to be a Resident of the 1st Class and Resident in Mysore and Chief Commissioner of Coorg.

Mr. W. J. Cuningham, Bombay C. S., Secretary to the Chief Commissioner of Mysore and Coorg, in the General Department, to be a Political Agent of the 3rd Class and Assistant to the Resident in Mysore and Secretary to the Chief Commissioner of Coorg.

Surgeon P. H. Benson, M.B., Civil Surgeon, Nagar Division, to be Residency Surgeon in Mysore.

POLITICAL.

The 30th March 1881.

No. 69 *G.-P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Hermann Berger as Acting Consul for the German Empire at Calcutta.

The 1st April 1881.

No. 72 *G.-P.*—The Viceroy and Governor General is pleased to confer upon Balikram, Inspector, Berar Police, the title of "Rao Bahadoor," as a personal distinction.

GENERAL.

The 28th March 1881.

No. 607 *G.-G.*—During the absence of the Governor General in Council from Calcutta, the Officiating Secretary to the Government of India in the Military Department at the Presidency will have charge of that portion of the Foreign Department which is left at Calcutta.

The 31st March 1881.

No. 626 *G.-G.*—The services of Assistant Surgeon Fazl-ud-din, of the Punjab Medical Establishment, are placed temporarily at the disposal of the Agent to the Governor General in Biluchistan for employment in the Kelat Dispensary, with effect from the date of his assuming charge, *vice* Assistant Surgeon Buré Khan, proceeding on leave.

The 1st April 1881.

No. 637 *G.-G.*—Surgeon-Major L. D. Spencer, in medical charge of the Western Rajputana States and of the Erinpura Irregular Force, is appointed to officiate as Medical Officer of the Rajputana Agency and Superintendent General of Dispensaries and Vaccination in Rajputana, *vice* Surgeon-Major G. S. Sutherland, on furlough.

Surgeon A. Adams, Medical Officer of the Political Agencies at Kotah and Jhalra Patun, is appointed to officiate as Medical Officer of the Western Rajputana States and of the Erinpura Irregular Force, *vice* Surgeon-Major Spencer.

No. 191 *E.-G.*—With reference to Rule 1 of the Rules published under Notification No. 1330G., dated the 6th July 1875, it is hereby notified that goods may be declared and sealed at Kurrachee, as well as at Calcutta, Bombay, Amritsar and Sultanpur, for transmission in bond to Cashmere or to Central Asia *viâ* Cashmere.

A. C. LYALL,
Secy. to the Govt. of India.

STAR OF INDIA.

NOTIFICATION.

Simla, the 31st March 1881.

No. 4 *S.-I.*—The following Notification, which appeared in the *London Gazette* (Supplement) of the 1st March 1881, is published for general information:—

India Office, February 22, 1881.

THE Queen has been graciously pleased to nominate and appoint—

Lieutenant-Colonel James Johnstone, Bengal Infantry, Deputy Commissioner, Assam, and Political Agent, Munipur;

Major Montague Protheroe, Madras Staff Corps, late Political Officer in Afghanistan;

Captain Henry Wylie, Bengal Infantry, Assistant Political Agent, Biluchistan;

Lieutenant-Colonel William Tweedie, Bengal Staff Corps, late Political Officer in Afghanistan;

Henry Mortimer Durand, Esq., Bengal Civil Service, Under Secretary in the Foreign Department of the Government of India, on Political Duty, in 1879, with Kabul Field Force;

to be Companions of the Most Exalted Order of the Star of India.

By order of the Grand Master,

A. C. LYALL,
Secy. to the Most Exalted Order of the Star of India.

MILITARY DEPARTMENT.

Simla, the 1st April, 1881.

APPOINTMENTS.

No. 184.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Frank Gun Delamain, 70th Foot, Officiating Squadron Officer, 4th Bengal Cavalry,—17th November, 1879.

No. 185.—BRIGADE STAFF—

Major H. O. Cumberlege, General List, Infantry, Wing Officer, 39th Regiment of Native Infantry, to be a Brigade-Major on the establishment, *vice* Major J. S. Irvine, whose term of Staff service has expired,—Dated 18th March, 1881.

No. 186.—Captain T. Blake-Humfrey, 2nd Battalion, 8th Foot, to be a Brigade-Major on the establishment, *vice* Major H. T. Jones, whose term of Staff service has expired,—Dated 22nd March, 1881.

FURLOUGH AND LEAVE.

No. 187.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Captain H. V. Hunt, S.C., Sub-Assistant Commissary General, 1st class, (m. c.) for two years, under Rules IX and XV of the regulations of 1868.

Conductor J. H. Jelly, Ordnance Department, (m. c.) for one year, under the regulations of 1868.

Conductor F. Fraser, Ordnance Department, (m. c.) for one year, under the regulations of 1868.

No. 188.—Surgeon E. L. Robinson, having had the full amount of furlough (two years) which he can be allowed to anticipate under Rule VI

of the regulations of 1875, is placed on temporary half-pay, under Rule VII of those regulations, with effect from the 19th January, 1881.

PROMOTIONS.

No. 189.—Under the provisions of the Royal Warrant of the 28th January, 1878, the names of the undermentioned officers are placed on the Indian Gradation List, as specified:—

Colonel *Sir* W. L. Merewether, K.C.S.I., C.B., Bombay S. C. (since deceased), is placed on the list of Major-Generals.	In consequence of the death of Major-General E. T. Dalton, C.S.I., Bengal S. C., on the 30th June, 1880.
Major-General A. K. Gore, Madras S. C. (since deceased), is placed on the list of Lieutenant-Generals.	In consequence of the retirement from the service of Lieutenant-General H. Nott, Madras S. C., on the 14th July, 1880.
Colonel A. W. Lucas, C.B., Bombay S. C., is placed on the list of Major-Generals.	
Major-General C. Harris, Bengal S. C., is placed on the list of Lieutenant-Generals.	In consequence of the retirement from the service of Lieutenant-General F. Stock, Bombay S. C., on the 21st July, 1880.
Colonel H. H. A. Wood, C.B., Bombay S. C., is placed on the list of Major-Generals.	
Major-General F. H. Scott, Madras S. C., is placed on the list of Lieutenant-Generals.	In consequence of the retirement from the service of Lieutenant-General W. P. Hampton, Bengal Infantry, on the 21st September, 1880.
Colonel F. A. E. Loch, C.B., Bombay S. C., is placed on the list of Major-Generals.	
Colonel A. Robinson, Bengal S. C., is placed on the list of Major-Generals.	In consequence of the death of Colonel (Major-General on the Indian Gradation List) *Sir* W. L. Merewether, K.C.S.I., C.B., Bombay S. C., on the 4th October, 1880.
Captain (now Major) J. M. Trotter, Bengal S. C., is placed on the list of Majors.	
Lieutenant-General A. Fytche, C.S.I., Bengal S. C., is placed on the list of Generals.	In consequence of the retirement from the service of General *Sir* E. Green, K.C.B., Bombay S. C., on the 15th December, 1880.
Major-General J. S. D. Tulloch, Bengal S. C., is placed on the list of Lieutenant-Generals.	
Colonel F. G. Kempster, Madras S. C., is placed on the list of Major-Generals.	
Major-General G. W. Russell, Madras S. C., is placed on the list of Lieutenant-Generals.	In consequence of the retirement from the service of Lieutenant-General R. Hamilton, C.B., Madras S. C., on the 18th December, 1880.
Colonel C. P. Molony, Madras S. C., is placed on the list of Major-Generals.	
Major-General M. C. Spottiswoode, Madras S. C., is placed on the list of Lieutenant-Generals.	In consequence of the retirement from the service of Lieutenant-General C. A. Barwell, C.B., Bengal S. C., on the 21st December, 1880.
Colonel H. Hopkinson, C.S.I., Bengal S. C., is placed on the list of Major-Generals.	
Major H. C. Wright, Madras S. C., is placed on the list of Lieutenant-Colonels.	
Colonel R. R. Mainwaring, Bengal S. C., is placed on the list of Major-Generals.	In consequence of the death of Major-General (Lieutenant-General on the Indian Gradation List) A. K. Gore, Madras S. C., on the 12th January, 1881.

This cancels G. G. O. Nos. 544, 545, 560, 561, 708, 709 of 1880 and 96 and 97 of 1881.

No. 190.—The following promotion is made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Major.

Captain Henry Lees Smith,—1st April, 1881.

No. 191.—BREVET—

The following promotions and alterations of rank are made, subject to Her Majesty's approval:—

Promotions.

To be Major—

Captain (now Major) Walter Charles Farwell, Bengal Infantry.	From the 21st December, 1880, in succession to Lieutenant-General C. A. Barwell, C.B., Bengal S. C., retired.

To be Lieutenant-Colonel—

Major William Hay Macnaghten, Bengal Cavalry.	From the 13th January, 1881, in succession to Major-General (Lieutenant-General on the Indian Gradation List) A. K. Gore, Madras S. C., deceased.
To be Major—	
Captain (now Major) William Franco Dodsworth, Bengal Infantry.	

Alterations of rank.

Lieutenant-Colonel Charles Alfred Moore, Bombay Cavalry.	From the 1st July, 1880, in succession to Major-General E. T. Dalton, C.S.I., Bengal S. C., deceased.
Major Thomas St. Quintin Clutterbuck, Bengal Infantry.	
Lieutenant-Colonel Arthur Haldimand Prinsep, Bengal Cavalry.	From the 14th July, 1880, in succession to Lieutenant-General H. Nott, Madras S. C., retired.
Major Herbert Maynard Ramsay, Bengal Infantry.	
Lieutenant-Colonel John Macgregor Kerr, Madras Cavalry.	From the 21st July, 1880, in succession to Lieutenant-General F. Stock, Bombay S. C., retired.
Major Robert Francis Christopher Alexander Tytler, Bengal Infantry.	
Lieutenant-Colonel Philip Durham Henderson, C.S.I., Madras Cavalry.	From the 21st September, 1880, in succession to Lieutenant-General W. P. Hampton, Bengal Infantry, retired.
Major Divie Henry Robertson, Bengal Infantry.	
Lieutenant-Colonel John Mawby Clossy Galloway, Madras Cavalry.	From the 5th October, 1880, in succession to Major-General *Sir* W. L. Merewether, K.C.S.I., C.B., Bombay S. C., deceased.
Lieutenant-Colonel Thomas Harrison Tod Chalon, Madras Cavalry.	From the 15th December, 1880, in succession to General *Sir* E. Green, K.C.B., Bombay S. C., retired.
Major Louis Henry Emile Tucker, Bengal Infantry.	
Lieutenant-Colonel Thomas Francis Cosby Rochfort, Bengal Cavalry.	From the 18th December, 1880, in succession to Lieutenant-General R. Hamilton, C.B., Madras S. C., retired.
Major William Pringle Harrison, Bengal Infantry.	

RETIREMENTS.

No. 192.—The undermentioned officer is permitted to retire from the service under the provisions of G. G. O. No. 1 of 1881, with effect from the date specified, subject to Her Majesty's approval:—

Lieutenant-Colonel Alexander Kincaid Johnston Canning Mackenzie, Bengal Cavalry,—1st April, 1881.

No. 193.—In continuation of G. G. O. No. 182 of 1881, the undermentioned officer is permitted to retire from the service under the provisions of G. G. O. No. 686 of 1880, with effect from the date specified, subject to Her Majesty's approval:—

Lieutenant-Colonel (Brevet Colonel) John James Elder, Bombay S. C.,—31st March, 1881.

SPECIAL.

No. 194.—Colonel J. Penton, 89th Foot, to command a brigade in the field, with effect from the 22nd March 1881, *vice* Brigadier-General T. S. Brown, half pay late 83rd Foot, relieved.

While so employed, Colonel Penton will have the rank of Brigadier-General of the 2nd class.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 25th March 1881.

No. 117.—Mr. M. Birkbeck, Executive Engineer, 3rd Grade, at present employed in the Military Works Branch, is granted leave on private affairs for six months, together with the usual subsidiary leave under Supplement F, sections 6 and 11 respectively, of the Civil Leave Code, with effect from the date on which he may be relieved of his duties.

The 28th March 1881.

No. 118.—Major T. C. Manderson, R.E., Superintending Engineer, Class III, temporary rank, Military Works Branch, reverted to his substantive rank of Executive Engineer, 1st Grade, on the forenoon of the 5th March 1881.

No. 119.—The services of Lieutenant J. M. T. Badgley, R.E., Executive Engineer, 4th Grade, temporary rank, North-Western Provinces and Oudh, are replaced at the disposal of the Military Department from such date as he may be relieved of his duties.

The 30th March 1881.

No. 120.—The services of the undermentioned officers of the Military Works Branch are placed temporarily at the disposal of the Military Department:—

Captain S. C. Turner, R.E., Executive Engineer, 3rd Grade.

Lieutenant W. T. Shone, R.E., Executive Engineer, 4th Grade, temporary rank.

Lieutenant R. A. Wahab, R.E., Assistant Engineer, 1st Grade.

The 1st April 1881.

No. 121.—The undermentioned officers of the Railway Branch are transferred from the establishment under the Director General of Railways to that of the Government of Bengal for employment in Railway Branch:—

Mr. W. deW. Peel, Assistant Engineer, 1st Grade.

Mr. R. S. J. Routh, Assistant Engineer, 2nd Grade.

ALEX. FRASER, *Major-Genl., R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 15.] SIMLA, SATURDAY, APRIL 9, 1881.

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

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PART IV.—Acts of the Governor General's Council assented to by the Governor General:—

Nothing for publication.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.—

Nothing for publication.

SUPPLEMENT No. 15.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 7th April, 1881.

No. 14.—In exercise of the powers conferred by the Statute 24 & 25 Vic., Cap. 67, section 17, the Governor General in Council has been pleased to appoint Wednesday, the 13th instant, at 11 A.M., as the time, and the Council Chamber in the Government House, Simla, as the place, for a meeting of the Council of the Governor General of India for the purpose of making Laws and Regulations.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 8th April 1881.

No. 145.—The Right Honourable the Secretary of State having, in a Despatch* dated the 27th January 1881, announced to the Government of India the appointment of His Excellency General Sir Donald Martin Stewart, Bart., G.C.B., Commander-in-Chief of Her Majesty's Forces in India, to be an Extraordinary Member of the Council of the Governor General of India, it is hereby notified that General Sir Donald Martin Stewart has this day taken his seat as an Extraordinary Member of the Council of the Governor General of India under the usual salute.

* No. 13 (Public).

No. 146.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor General by the appointment of Lieutenant-General the Hon'ble Sir Donald Martin Stewart, Bart., G.C.B., to be Commander-in-Chief of Her Majesty's Forces in India, and no person provisionally appointed to succeed being present on the spot, the Governor General of India in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint Colonel George Tomkyns Chesney, R.E., Secretary to the Government of India in the Military Department, to be a temporary Member of the Council of the Governor General of India, and the said Colonel George Tomkyns Chesney has this day taken his seat under the usual salute.

SANITARY.

The 8th April 1881.

No. 70.—Surgeon-Major A. Stephen, M.B., Officiating Statistical Officer to the Government

of India in the Sanitary and Medical Departments, is confirmed in that appointment, with effect from the 18th November 1880, in succession to Surgeon-Major J. L. Bryden, M.D., deceased.

No. 75.—In exercise of the power conferred by section 3 of Act XIV of 1874 (The Scheduled Districts Act), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that Act I of 1870 (An Act to provide rules relating to Quarantine) is in force in the Province of Sind.

JUDICIAL.

The 7th April 1881.

No. 452.—The services of Lieutenant P. G. Kerans, S.C., Officiating Wing Officer, 14th Sikhs, are placed at the disposal of the Government of the Punjab for employment as Cantonment Magistrate.

The 8th April 1881.

No. 455.—*Appointment.*—Mr. W. F. Meres, of the Bengal Civil Service, is appointed to officiate as District and Sessions Judge of Sylhet and Sessions Judge of Cachar in Assam during the absence on furlough of Mr. H. Muspratt, C.S., or until further orders.

POLICE.

The 8th April 1881.

No. 91.—Major D. MacNeill, Officiating District Superintendent of Police, 2nd Class, in the Central Provinces, to officiate as District Superintendent of Police, 1st Class, during the absence on furlough of Lieutenant-Colonel T. E. Vandergucht, or until further orders.

Major H. A. Hammond, Officiating District Superintendent, 3rd Class, to officiate as District Superintendent, 2nd Class, *vice* Major MacNeill.

Mr. R. H. Hamilton, District Superintendent, 4th Class, to officiate as District Superintendent, 3rd Class, *vice* Major Hammond.

Sirdar Ratan Singh, District Superintendent, 5th Class, to officiate as District Superintendent, 4th Class, *vice* Mr. Hamilton.

ECCLESIASTICAL.

The 8th April 1881.

No. 51.—Her Majesty's Secretary of State for India has permitted the Revd. J. J. B. Coles, M.A., a Junior Chaplain on the Bengal Ecclesiastical Establishment, to resign the service, with effect from the 14th November 1880.

No. 52.—Her Majesty's Secretary of State for India has appointed the Revd. Ralph Allen Cumine, M.A., to be a Junior Chaplain on the Bengal Ecclesiastical Establishment to fill an existing vacancy.

Mr. Cumine reported his arrival in Calcutta on the forenoon of the 25th March 1881. His services are placed at the disposal of the Government of the North-Western Provinces and Oudh.

No. 54.—Her Majesty's Secretary of State for India has permitted the Revd. A. Horsburgh, M.A., a Senior Chaplain on the Bengal Ecclesiastical Establishment, to retire from the service, with effect from the 1st March 1881.

EDUCATION.

The 5th April 1881.

No. 103.—*Appointment.*—Mr. J. Willson, M.A., is confirmed in the appointment of Inspector of Schools in Assam, with effect from the 26th January 1880, *vice* Dr. C. A. Martin, transferred to Bengal.

SURVEYS.

The 8th April 1881.

No. 138.—Consequent on the departure on furlough of Mr. W. Theobald, Deputy Superintendent in the Geological Survey of India, the following appointments are made, with effect from the 17th ultimo :—

Mr. T. W. H. Hughes, A.R.S.M., F.G.S., Assistant of 2nd Grade, to officiate in the 1st Grade and as Deputy Superintendent.

Mr. C. L. Griesbach, F.G.S., Assistant of 3rd Grade, to officiate in the 2nd Grade.

PATENTS.

The 5th April 1881.

No. 249.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department at the Presidency, to public inspection upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 83 of 1880.—Samuel Cleland Davidson, of Belfast, Ireland, Gentleman, for improvements in stoves or air-heating apparatus.

No. 88 of 1880.—John Rankine Russell, of Rangoon, Engineer, for a new description of furnace for steam boilers, or other work to be fired with paddy husks, saw-dust, or small coal.

No. 92 of 1880.—James Smith Begg, of the Bhicanpore Indigo Factory, Muzufferpore, Tirhoot, Indigo Planter, for the construction of a machine for cleaning indigo cakes by means of suitable revolving brushes worked by hand, or steam, or other power.

No. 97 of 1880.—Paul Philippe Francois Michea, Indigo Manufacturer, at present residing at Sahibgunj, Sakrigali, Sonthal Pergunnahs, Bengal, for the complete separation and conversion of the Indican of the indigo feroe, and increasing thereby in the presence of alkalies and rapid oxydation the production of indigo.

No. 98 of 1880.—Peter McArthur, Engineer, of Greenock, Scotland, for improvements in hydraulic presses for compressing cotton, jute, and other fibrous substances.

No. 105 of 1880.—James Mylne, of Beheea, in Shahabad, Bengal, Zemindar and Indigo Planter, for a portable sugarcane crushing mill.

No. 9 of 1881.—James Macbeth Robertson, Tea Planter, residing at Areuttipore, Cachar, India, for sifting and assorting tea, entitled Robertson's Tea-assorting Apparatus.

No. 11 of 1881.—Adam Cyrus Engert, of Three Mills Lane, Bromley-by-Bow, in the County of Middlesex, England, for improvements in fire grates.

No. 12 of 1881.—George Duncan Macdougald, William Adie, George Rough Adams, and Peter Fleming, all of Dundee, in the County of Forfar, North Britain, for improvements in, and machinery for, the production of matrices from which stereotypes and electrotypes may be taken for use in printing, by which the ordinary operation for type-setting is dispensed with.

No. 15 of 1881.—Louis John Crossley, of Halifax, in the County of York, England, Carpet Manufacturer, for improvements in apparatus and arrangements for telephonic and microphonic purposes.

No. 16 of 1881.—The Anglo-American Electric Light Company, "Limited," of 74, Hatton Garden, London, England, for improvements in dynamo-electric machines and in apparatus used therewith.

No. 17 of 1881.—Joseph Wilson Swan, of Newcastle-upon-Tyne, in the Kingdom of England, Chemist, for improvements in, and connected with, electric lamps.

No. 19 of 1881.—Bernard Charles Molloy, of the Temple, in the County of Middlesex, Barrister-at-Law, and John Davis Warren, of South Kensington, in the County of Middlesex, Scientist, both in the Kingdom of England, for improvements in the treatment of auriferous and argentiferous ores, and in the apparatus employed therein.

No. 21 of 1881.—Frederic Allen Gower, of 9, Great Winchester Street, in the City of London, and Kingdom of England, for improvements in telephones or telephonic apparatus.

C. GRANT,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—MILITARY.

Simla, the 8th April 1881.

No. 34 *G.-M.*—The following Regimental Order issued by the Commandant of the Bhopal Battalion, dated 17th March 1881, is confirmed :—

Major R. G. Peart, having obtained furlough to Europe, Captain C. Ransford, Wing Officer, will officiate as Second-in-Command, in addition to his own duties, from this date.

No. 36 *G.-M.*—The following promotions are made in the Meywar Bheel Corps, with effect from the 1st December 1880 :—

Jemadar Goordial to be Subadar, *vice* Subadar Beeja, invalided.

Jemadar Nugga to be Subadar, *vice* Subadar Hurpursad, invalided.

Havildar Megha to be Jemadar, *vice* Jemadar Hurhinga, invalided.

Havildar Kulfut Singh to be Jemadar, *vice* Jemadar Goordial, promoted.

Havildar Ganga to be Jemadar, *vice* Jemadar Nugga, promoted.

REVENUE.

The 8th April 1881.

No. 281 *-R.*—His Excellency the Viceroy and Governor General in Council has learned with much satisfaction that the Raja of Chhatarpur has abolished all transit dues throughout his State.

POLITICAL.

The 6th April 1881.

No. 638 *-P.*—The following extract from the *London Gazette*, dated Tuesday, 1st March 1881, is republished for general information :—

Foreign Office, February 26, 1881.

THE following Despatch has been received from Her Majesty's Chargé d'Affaires at Constantinople, on the subject of the Passport Regulations in force in the Ottoman Dominions :—

Constantinople,

MY LORD, *February 4, 1881.*

I HAVE the honour to enclose copy of a note I have received from the Porte on the subject of the strict observance of the Passport Regulations in force in Turkey.

I have, &c.,

F. R. ST. JOHN.

The Earl Granville, K.G.,

&c., &c., &c.

(Note Verbale.)

Sublime Porte, Le 3 Février, 1881.

DANS le but d'obvier aux nombreux inconvénients qui résultent de la non-application rigoureuse du règlement sur les passeports, la S. Porte a décidé de prendre des mesures propres à mettre fin aux contraventions de plus en plus fréquentes qui se produisent.

Il importe de combiner l'action des Autorités Impériales avec le concours des diverses compagnies de navigation à vapeur qui embarquent dans les ports Ottomans des passagers à destination de l'étranger.

Le ministère impérial vient en conséquence prier l'ambassade de Sa Majesté Britannique de donner à qui de droit les ordres nécessaires pour que les capitaines des bateaux anglais desservant les échelles de l'empire n'aient pas à embarquer à l'avenir les gens non-munis de passeports, ni ceux qui ni les auront pas fait viser par le consulat du pays où ils se rendent.

A l'Ambassade de S. M. Britannique.

(Translation.)

In order to obviate the very great inconvenience arising from the fact that the regulations respecting passports are not rigorously enforced, the S. Porte has decided to take measures calculated to put an end to irregularities which are becoming more and more frequent.

It is important that the Imperial authorities should act in concert with the various steam navigation companies which receive on board their ships in Ottoman ports passengers bound for foreign countries.

The Imperial Cabinet requests therefore the Embassy of Her Britannic Majesty to be so good as to give categorical orders in the proper quarter that the captains of the English vessels calling at the ports of the empire shall not receive on board any passenger who is not provided with a passport or who has not obtained the visa of the consul of the country whither he is going.

To Her Britannic Majesty's Embassy.

The 7th April 1881.

No. 76*G.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. A. M. Pereira as Consul-General for Portugal at Bombay.

No. 79*G.-P.*—With reference to Notification No. 125G.-P., dated 17th May 1880, Mr. Dorabji Dinshaw, Consul for Portugal at Aden, resumed charge of his office on 7th March 1881.

No. 82*G.-P.*—With reference to Notification No. 127G.-P., dated 17th May 1880, Mr. Dorabji Dinshaw, Vice-Consul for Spain at Aden, resumed charge of his office on 7th March 1881.

The 8th April 1881.

No. 89*G.-P.*—With reference to Notification No. 1G.-P., dated 6th January 1881, Mr. W. Ganslandt, Consul for Germany at Aden, resumed charge of his office on the 19th February 1881.

GENERAL.

The 7th April 1881.

No. 692*G.-G.*—The services of Lieutenant A. G. A. Durand, Adjutant, 1st Regiment, Central India Horse, are placed temporarily at the disposal of the Military Department.

The 8th April 1881.

No. 702*G.-G.*—Surgeon P. M. Grant, lately attached to the 1st Regiment, Central India Horse, to officiate as Medical Officer of the Bhopawur Political Agency and Malwa Bheel Corps, with effect from the date of assuming charge, *vice* Surgeon-Major F. Odevaine.

No. 704*G.-G.*—Captain A. C. Talbot, Political Agent, 3rd Class, substantive *pro tempore*, and 1st Assistant to the Agent to the Governor General in Rajputana, is appointed to be an Additional Political Agent, 2nd Class, and is posted as Additional Political Agent in the Eastern States of Rajputana, with effect from the date of assuming charge.

Captain E. A. Fraser, Political Assistant, 3rd Class, is appointed to be a Political Agent, 3rd Class, substantive *pro tempore*, and is posted as 1st Assistant to the Agent to the Governor General in Rajputana, with effect from the date of assuming charge, *vice* Captain Talbot.

No. 706*G.-G.*—Captain D. W. K. Barr, Political Agent, 3rd Class, substantive *pro tempore*, and 1st Assistant to the Agent to the Governor General in Central India, is posted as Political Agent in Baghelkhand, with effect from the date of assuming charge, *vice* Lieutenant-Colonel Berkeley, proceeding on furlough.

This cancels so much of the Foreign Department Notification No. 206G.-G., dated the 4th February 1881, as refers to Captain Barr.

Captain D. Robertson, Political Agent, 3rd Class, substantive *pro tempore*, and Assistant Commissioner, Mhairwara, is posted as 1st Assistant to the Agent to the Governor General in Central India, with effect from the date of assuming charge, *vice* Captain Barr.

Major A. W. Roberts, Political Assistant, 1st Class, is posted as Assistant Commissioner, Mhairwara, with effect from the date of assuming charge, *vice* Captain Robertson.

No. 709*G.-G.*—Major R. G. E. Dalrymple, Officiating Political Assistant, 1st Class, and Assistant Political Agent, Banswara, is posted as Cantonment Magistrate of Nowgong, with effect from the date of assuming charge.

Captain C. B. Cooke, Officiating Political Agent, 2nd Class, and Cantonment Magistrate, Nowgong, is appointed temporarily to the charge of the Political Agency in Bandelkhand, in addition to his own duties.

Captain Cooke to continue in charge of the Cantonment Magistracy until relieved by Major Dalrymple.

No. 712*G.-G.*—Captain N. C. Martelli, Political Assistant, 1st Class, substantive *pro tempore*, is appointed to officiate as Political Agent, 3rd Class, and posted temporarily as Political Agent in Baghelkhand.

No. 714*G.-G.*—Surgeon J. O'Neill, M.D., Civil Surgeon at Shahpur, Punjab, is appointed to officiate as Medical Officer of the Meywar Bheel Corps, *vice* Surgeon D. F. Mullen, with effect from date of assuming charge.

A. C. LYALL,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 7th April, 1881.

APPOINTMENTS.

No. 195.—General *Sir* D. M. Stewart, Bart., G.C.B., appointed to be Commander-in-Chief of the Forces in India, as announced in G. G. O. No. 83 of 1881, assumed command this day, in succession to General *Sir* F. P. Haines, G.C.B., G.C.S.I., C.I.E.

Ordered, that all returns of the Army be made in the usual manner to General *Sir* D. M. Stewart, Bart., G.C.B., as Commander-in-Chief in India.

The 8th April, 1881.

No. 196.—MILITARY SECRETARIAT—

Lieutenant-Colonel O. R. Newmarch, s.c., Accountant General, Military Department, to officiate as Secretary to the Government of India, Military Department, *vice* Colonel G. Chesney, temporarily holding the office of an Ordinary Member of the Council of the Governor General.

Lieutenant-Colonel Newmarch assumed charge of his duties on the forenoon of the 8th April, 1881.

No. 197.—PERSONAL STAFF—

Lieutenant A. G. A. Durand, s.c., Squadron Officer and Adjutant, 1st Regiment, Central India Horse, to be an Extra Aide-de-Camp on the personal staff of His Excellency the Viceroy and Governor General,—Dated 21st March, 1881.

No. 198.—QUARTER MASTER GENERAL'S DEPARTMENT.

Lieutenant-Colonel H. A. Little, Assistant Quartermaster General, to be 1st Assistant Quartermaster General, *vice* Lieutenant-Colonel E. F. Chapman, resigned,—Dated 17th February, 1881.

No. 199.—COMMISSARIAT DEPARTMENT—

Lieutenant J. G. Ramsay, s.c., Wing Officer and Adjutant, 24th (Punjab) Regiment of Native Infantry, to be a Sub-Assistant Commissary General, 3rd Class, on probation, with effect from the 21st March, 1881, to fill an existing vacancy.

No. 200.—MEDICAL DEPARTMENT—

The following paragraphs of a letter from the Right Hon'ble the Secretary of State for India, are published for general information :—

MILITARY. INDIA OFFICE;

No. 68. *London, 3rd March, 1881.*

PARA. 1. The undermentioned candidates, having completed a course of instruction at the Army Medical School, and having been reported qualified, have been appointed Surgeons on the Bengal Establishment, their commissions as such bearing date the 2nd October, 1880 :—

George Michael James Giles.
Arthur Robert Uryall Sedgefield.
Edwin Francis Horatio Dobson.
Johnston Shearer.
Syed Hassan.
Robert James Polden.
Hem Chandra Barnegie.
Sambhu Chandra Nandi.
Alfred Henry Pierson.
Francis Samuel Peck.
William Deane.
Philip deConceicac.

2. They will be entitled to count as service for full pay pension the period of their residence at the Army Medical School, from the 2nd October, 1880, to the 7th February, 1881, inclusive.

No. 201.—MILITARY ACCOUNTS DEPARTMENT—

Major C. J. Durand, Military Accountant, 2nd Class, 1st Grade, to be Military Accountant, 1st Class, 2nd Grade.
Lieutenant E. J. G. Lewis, Military Accountant, 2nd Class, 2nd Grade, to be Military Accountant, 2nd Class, 1st Grade.
Lieutenant D. A. A. Macpherson, Military Accountant, 3rd Class, to be Military Accountant, 2nd Class, 2nd Grade.

} With effect from the 26th February, 1881, *vice* Colonel C. Armstrong, Military Accountant, 1st Class, 2nd Grade, retired.

No. 202.—PUNJAB FRONTIER FORCE—

No. 1 (Kohat) Mountain Battery.

Lieutenant W. J. Honner, R.A., 3rd Subaltern, to be 2nd Subaltern, *vice* Lieutenant F. R. Thackeray, R.A., transferred to the Royal Horse Artillery.

No. 203.—*4th Punjab Cavalry.*

2nd-Lieutenant W. H. M. Stewart, 43rd Foot, a candidate for the Bengal Staff Corps, to be Officiating Squadron Officer, on probation.

No. 204.—*1st Punjab Infantry.*

Lieutenant F. B. Deane, Madras S. C., Wing Officer and Adjutant, 34th Regiment of Madras (Chicacole) Light Infantry, to officiate as Wing Officer.

4th Punjab Infantry.

Lieutenant W. duG. Gray, Madras S. C., Wing Officer and Quartermaster, 11th Regiment of Madras Native Infantry, to officiate as Wing Officer.

No. 205.—HYDERABAD CONTINGENT—

1st Cavalry.

Lieutenant F. Oswald, 2nd Battalion, 16th Foot, a candidate for the Bengal Staff Corps, to be officiating Squadron Officer, on probation.

FURLOUGH AND LEAVE.

No. 206.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) H. H. Lyster, v.c., s.c., Commandant, 3rd Goorkha (The Kemaoon) Regiment, (m. c.) for two years, under Rules IX and XV of the regulations of 1868.

Lieutenant-Colonel J. V. Hunt, C.B., s.c., Deputy Commissary General, (m. c.) for one year 184 days, under Rules IX and XV of the regulations of 1868.

Major H. M. Ramsay, General List, Infantry, District Superintendent of Police, 3rd grade, Bengal, (p. a.) for one year 100 days, under Rule IX of the regulations of 1868.

Captain A. I. Shepherd, s.c., Wing Officer, 4th Punjab Infantry, Punjab Frontier Force, Deputy Assistant Adjutant General for Musketry on the establishment, (p. a.) for one year, under Rule IX of the regulations of 1868.

Captain A. J. C. Cunningham, R.E., 1st Assistant Principal, Thomason College, Roorkee, (p. a.) for one year 182 days, under Rule IX of the regulations of 1868.

Lieutenant F. G. L. Mainwaring, s.c., Wing Officer, 30th (Punjab) Regiment of Native Infantry, (m. c.) for one year, under Rule I of the regulations of 1875.

Lieutenant A. F. Cotton, s.c., Wing Officer and Adjutant, 35th (The Mynpoorie) Regiment of Native Infantry, (u. p. a.) for 182 days, under Rule XI of the regulations of 1868.

Lieutenant H. B. Thornhill, s.c., Wing Officer and Adjutant, 37th (The Meerut) Regiment of Native Infantry, (m. c.) for one year, under Rule VI of the regulations of 1875.

Surgeon-Major W. Finden, 2nd (Prince of Wales' Own) Goorkha Regiment (The Sirmoor Rifles), (p. a.) for one year 102 days, under Rule IX of the regulations of 1868.

Surgeon J. S. Gunn, M.B., (m. c.) for one year 182 days,—122 days under Rules IX and XV, and the remaining period under Rule XIV, clause 2, of the regulations of 1868.

Surgeon C. J. W. Meadows, (p. a.) for one year 243 days, under Rule IX of the regulations of 1868.

Conductor J. H. Quilter, Sub-Engineer, 2nd grade, Military Works Branch, Public Works Department, (m. c.) for one year 243 days under the regulations of 1868.

Sub-Conductor J. Saxon, Commissariat Department, (m. c.) for one year under Rule VI of the regulations of 1875.

LONDON GAZETTE.

No. 207.—The following extracts are published for general information :—

"London Gazette," dated the 8th February, 1881, page 547.

THE Queen has approved the following promotions amongst the Officers of the Staff Corps and Indian Military Forces, made by the Governments in India :—

BENGAL STAFF CORPS.

To be Captain.

Lieutenant Malcolm Alexander Gray. Dated 7th November, 1880.

BENGAL ARMY.

INFANTRY.

To be Colonels.

Lieutenant-Colonel and Brevet Colonel Mowbray Thomson. Dated 9th November, 1880.

Lieutenant-Colonel and Brevet Colonel Charles Phayre Hildebrand. Dated 10th November, 1880.

To be Majors.

[illegible] Divie Henry Robertson. Dated 4th [illegible]ber, 1880.

[illegible]drew McCrae Bruce. Dated 4th [illegible]880.

BENGAL MEDICAL ESTABLISHMENT.

To be [illegible]jors.

Surgeon John [illegible] 1880. [illegible]ted 1st October,

Surgeon George Hutcheson, M.D. Dated 1st October, 1880.

Surgeon Edward Reginald Johnson. Dated 1st October, 1880.

"London Gazette," dated the 25th February, 1881, page 853.

BREVET.

* * * *

The promotion of Deputy Assistant-Commissary Thomas Courtenay, Bombay Establishment, to the honorary rank of Lieutenant, which appeared in the Gazette of 15th October, 1880, is post-dated from the 19th to the 29th December, 1879.

Deputy Assistant-Commissary Edwin Bonner, Madras Establishment, to have the honorary rank of Lieutenant. Dated 20th November, 1880.

* * * *

The undermentioned Officers to be Colonels :—

Lieutenant-Colonel Donald Macintyre, V.C., Bengal Staff Corps. Dated 1st October, 1877.

Lieutenant-Colonel Frank Horsley, Madras Staff Corps. Dated 20th November, 1880.

Lieutenant-Colonel Robert J. Logan Crutchley, Bengal Staff Corps. Dated 23rd November, 1880.

Lieutenant-Colonel Thomas Rose Nimmo, Bombay Staff Corps. Dated 11th December, 1880.

Lieutenant-Colonel William Alexander Garden, Bengal Staff Corps. Dated 11th December, 1880.

Lieutenant-Colonel Henry Thomas Oldfield, Bengal Staff Corps. Dated 11th December, 1880.

Lieutenant-Colonel Henry Daniel Cloeté, Madras Staff Corps. Dated 12th December, 1880.

Lieutenant-Colonel William Gordon, Bengal Staff Corps. Dated 12th December, 1880.

Lieutenant-Colonel Henry Tod Stuart, Madras Staff Corps. Dated 12th December, 1880.

Lieutenant-Colonel Hugh Christian Menzies, Madras Staff Corps. Dated 12th December, 1880.

Lieutenant-Colonel Arthur Thaddeus Searle, Madras Staff Corps. Dated 12th December, 1880.

Lieutenant-Colonel William Robert Johnson, Madras Staff Corps. Dated 20th December, 1880.

Lieutenant-Colonel William Jackson, Bengal Staff Corps. Dated 20th December, 1880.

Lieutenant-Colonel Henry Vincent Mathias, Bengal Staff Corps. Dated 20th December, 1880.

Lieutenant-Colonel William Playfair, Bengal Staff Corps. Dated 20th December, 1880.

"London Gazette," dated the 1st March, 1881, pages 920 and 921.

HER Majesty has been pleased to approve of the following promotions among the Officers of the Staff Corps and Indian Military Forces made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Aylmer Vivian. Dated 9th December, 1880.

Major Frederick Donnelly Harington. Dated 10th December, 1880.

Major Robert Elphinstone Boyle. Dated 10th December, 1880.

Major and Brevet Lieutenant-Colonel Mark Henry Heathcote. Dated 20th December, 1880.

Major Charles William Campbell. Dated 20th December, 1880.

To be Majors.

Captain and Brevet Major Dodgson Hamilton Thompson. Dated 18th December, 1880.

Captain Charles Edward Shepherd. Dated 19th December, 1880.

Captain Edward Stedman. Dated 19th December, 1880.

Captain John Alexander Temple. Dated 19th December, 1880.

To be Captains.

Lieutenant Henry FitzGerald Stevens. Dated 2nd December, 1880.

Lieutenant Robert Gordon Handcock. Dated 2nd December, 1880.

BENGAL ARMY.

INFANTRY.

To be Colonel.

Lieutenant-Colonel and Brevet Colonel Edward Samuel Jackson. Dated 16th December, 1880.

To be Majors.

Captain Charles Young. Dated 4th December, 1880.

Captain Joseph West Ridgeway. Dated 4th December, 1880.

Captain Arthur George Hartshorne. Dated 4th December, 1880.

Captain Louis Henry Emile Tucker. Dated 19th December, 1880.

Captain Charles McDowal Skene. Dated 19th December, 1880.

Captain Charles McKenzie Hall. Dated 20th December, 1880.

BREVET.

To be Colonel.

Lieutenant-Colonel John Boyd Saunders, Bengal Cavalry. Dated 20th December, 1880.

To be Major.

Captain John Mowbray Trotter, Bengal Staff Corps. Dated 19th December, 1880.

PROMOTIONS.

No. 208.—The following promotion is made, subject to Her Majesty's approval :—

BREVET.

To be Colonel.

Lieutenant-Colonel Horace Searle Anderson, Bombay S. C., 6th April, 1881.

REWARDS.

No. 209.—ORDER OF BRITISH INDIA—

His Excellency the Governor General in Council is pleased to admit the undermentioned Native officer to the 2nd Class of the Order of British India, with effect from the date specified :—

MADRAS.

To the 2nd Class, with the title of "Bahadur."

Subadar-Major Pinceandy, 2nd Regiment, Native Infantry, *vice* pensioned Subadar-Major Veeragoo, "Bahadur," deceased,—9th December, 1880.

O. R. NEWMARCH, *Lieut.-Col.,*
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

NOTIFICATION.

CALCUTTA, THE 4TH APRIL, 1881.

Statement of Deposits on account of Estates from 25th March to 4th April, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
Robert Stewart Cleland (a)	Lieut.-Col.	9th Lancers	7th Aug. 1880	Intestate ...	3,652 8 0		
Indian Military Service.							
Charles Alexander Daubeny (b).	Surgeon	Indian Medical Dept.	25th Aug. 1880.	Intestate ...	3,024 14 0	...	1st June, 1881.

(a) *Next-of-kin.*—*Mother.*—Mrs. Cleland.
Executor.—Andrew Cleland, Dundonald, Belfast, Ireland.

(b) *Next-of-kin.*—*Mother.*—Margaret Daubeny, Clifton, Bristol, or Uplands, Wrington, Somersetshire.
Brother.—Henry Daubeny (Lieutenant), 18th Royal Irish, Aldershot.
Sister.—Louisa Daubeny.
Uncle.—Mr. Daubeny, The Grange, Charlton Kings, Cheltenham, Gloucestershire.

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 4th April 1881.

No. 122.—Major-General C. Pollard, R.E., Chief Engineer to the Government of the Punjab in the General Branch, will perform the duties of Chief Engineer in the Irrigation Branch, in addition to his own, during the absence of Major-General Gulliver, R.E., on privilege leave, or until further orders.

The 7th April 1881.

No. 123.—Mr. J. H. Handley, Assistant Engineer, 1st Grade, British Burmah, is transferred, as a temporary arrangement, to the Public Works Accounts Establishment.

No. 124.—With reference to Public Works Department Notification No. 111, dated 14th March 1881, the following postings are made:—

Mr. W. Ogden, Assistant Examiner, 1st Grade, temporary rank, to the office of Accountant General, Public Works Department.

Mr. C. R. T. Balston, Assistant Examiner, 1st Grade, temporary rank, to the office of Examiner of Accounts, Punjab Northern State Railway.

Mr. F. W. Eicke, Assistant Examiner, 2nd Grade, temporary rank, to the office of Examiner of Guaranteed Railway Accounts, Lahore.

No. 125.—With reference to Public Works Department Notification No. 123, dated 7th April 1881, Mr. J. H. Handley is posted to the office of Examiner of Public Works Accounts, Madras, with the rank of Deputy Examiner, 2nd Grade.

No. 128.—Mr. D. J. Clancey, Apprentice Engineer, Rajputana, is promoted to Assistant Engineer, 3rd Grade.

The 8th April 1881.

No. 129.—The services of Major L. Conway Gordon, R.E., Examiner of Guaranteed Railway Accounts, Calcutta, are placed temporarily at the disposal of the Director General of Railways.

No. 130.—Mr. E. Gramatzki, Executive Engineer, 3rd Grade, Mysore, is transferred to Assam.

TELEGRAPH.

The 7th April 1881.

No. 126.—Mr. B. T. Ffinch, Deputy Director, Persian Gulf Telegraph, is granted furlough to Europe for 12 months, under section 21 of the Civil Leave Code, from such date as he may avail himself of it.

No. 127.—Mr. L. Gabler, Senior Superintendent, is appointed to officiate as Deputy Director, Persian Gulf Telegraph, during the absence of Mr. Ffinch, or until further orders.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 16. SIMLA, SATURDAY, APRIL 16, 1881.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—

Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 16.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 11th April 1881.

No. 149.—Mr. H. S. Reid is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 4th May 1881.

MEDICAL.

The 11th April 1881.

No. 202.—The services of Surgeon G. F. A. Harris are placed at the disposal of the Government of Bengal.

The 13th April 1881.

No. 208.—The services of the undermentioned medical officers are placed at the disposal of the Government of the Punjab:—

Surgeon G. F. Nicholson, M.D., 8th Native Infantry.

Surgeon B. Doyle, 1st Native Infantry.

ECCLESIASTICAL.

The 9th April 1881.

No. 56.—The services of the Reverend W. C. Bell, who reported his return from furlough on the forenoon of the 23rd ultimo, are placed at the disposal of the Government of the North-Western Provinces and Oudh.

FORESTS.

The 14th April 1881.

No. 388F.—Mr. T. G. B. Atkinson, Sub-Assistant Conservator of Forests, on probation, in the Central Provinces, is permitted to resign his appointment, with effect from the 17th February 1881.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 8th April 1881.

No. 719G.-G.—The following Notification, which appeared in the *London Gazette* of the 4th March 1881, is published for general information:—

INDIA OFFICE;
March 2nd, 1881.

The Queen has been graciously pleased to confer the decoration of the Imperial Order of the Crown of India on—

Her Highness Lakshmi Bhayie, Senior Rani of Travancore.

MILITARY.

The 14th April 1881.

No. 40*G.-M.*—The following extract from Station Orders issued by the Commandant, Erinpura Irregular Force, dated 26th February 1881, is confirmed :—

Lieutenant J. M. Clements assumed charge of the Station Staff Office, Erinpura, from Major A. R. T. McKae on the forenoon of this day.

JUDICIAL.

The 14th April 1881.

No. 89*I.-J.*—Whereas His Highness the Maharaja Sindia has granted to the British Government full jurisdiction within those portions of land forming the Sindia State Railway, including the land occupied as stations, out-buildings, and for other purposes connected with the Railway, which lie within the territories of the Gwalior State; in exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification, in continuation of Notification No. 64I.-J., dated the 28th May 1880 :—

The Assistant Inspector General, Railway Police, North-Western Provinces, shall exercise within the aforesaid portions of land all such police powers in regard to the investigation of offences as may be exercised by a District Superintendent of Police under any law for the time being in force in British territory.

No. 93*I.-J.*—Whereas His Highness the Maharaj Rana of Dholepur has granted to the British Government full jurisdiction within those portions of land forming the Sindia State Railway, including the land occupied as stations, out-buildings, and for other purposes connected with the Railway, which lie within the territories of the Dholepur State; in exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification, in continuation of Notification No. 67I.-J., dated the 28th May 1880 :—

The Assistant Inspector General, Railway Police, North-Western Provinces, shall exercise within the aforesaid portions of land all such police powers in regard to the investigation of offences as may be exercised by a District Superintendent of Police under any law for the time being in force in British territory.

POLITICAL.

The 12th April 1881.

No. 717*E.-P.*—The following extract from the *London Gazette*, dated the 4th March 1881, is published for general information :—

At The Court at *Windsor*, the 2nd day of *March*, 1881.

PRESENT :

The QUEEN'S Most Excellent Majesty.

Lord President.	Marquess of Huntly.
Lord Steward.	Mr. Bright.

Sir Arthur Hobhouse.

WHEREAS by the Extradition Acts of 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the twenty-fourth day of November, one thousand eight hundred and eighty, between Her Majesty and the King of the Netherlands, Grand Duke of Luxemburg, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the territories of Her Britannic Majesty and the Grand Duchy of Luxemburg, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, their said Majesties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say :

Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, ayant jugé opportun, afin de mieux assurer l'administration de la justice et la répression des crimes sur les territoires de Sa Majesté Britannique et dans le Grand-Duché de Luxembourg, de se livrer réciproquement, dans certaines circonstances, les individus accusés ou condamnés du chef des crimes ci-après énumérés, et qui seraient en fuite, ont nommé pour leurs Plénipotentiaires chargés de conclure un Traité à cet effet, savoir :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,—the Honourable William Stuart, a Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands, as Grand Duke of Luxemburg;

And His Majesty the King of the Netherlands, Grand Duke of Luxemburg,—Baron Felix de Blochausen, Grand Cross of the Order of the Crown of Oak, Chevalier of the Second Class of the Order of the Golden Lion of the House of Nassau, &c., &c., his Minister of State, President of the Government of the Grand Duchy of Luxemburg;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to deliver up, under the circumstances and on the conditions stipulated in the present Treaty, all persons, and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, so far as concerns the Grand Duchy of Luxemburg, engages to deliver up under the like circumstances and conditions all persons, excepting subjects of the Grand Duchy, who, having been charged with or convicted by the Tribunals of one of the two High Contracting Parties of any of the crimes or offences enumerated in Article II committed in the territory of the one party, shall be found within the territory of the other.

ARTICLE II.

The crimes for which the extradition is to be granted are the following :—

1. Murder (including assassination, parricide, infanticide, poisoning, or attempt to murder).

2. Manslaughter.

3. Administering drugs or using instruments with intent to procure the miscarriage of women.

4. Rape.

5. Aggravated or indecent assault. Carnal knowledge of a girl under the age of ten years; carnal knowledge of a girl above the age of ten years and under the age of twelve years; indecent assault upon any female, or any attempt to have carnal knowledge of a girl under twelve years of age.

6. Kidnapping and false imprisonment, child-stealing, abandoning, exposing, or unlawfully detaining children.

7. Abduction of minors.

8. Bigamy.

9. Wounding, or inflicting grievous bodily harm.

10. Assaulting a magistrate or peace or public officer.

11. Threats by letter or otherwise with intent to extort money or other things of value.

12. Perjury, or subornation of perjury.

13. Arson.

14. Burglary or housebreaking, robbery with violence, larceny or embezzlement.

Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande,—l'Honorable William Stuart, Compagnon du Très-Honorable Ordre du Bain, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Pays-Bas en sa qualité de Grand-Duc de Luxembourg; et

Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg,—M. le Baron Félix de Blochausen, Grand-Croix de l'Ordre de la Couronne de Chêne, Chevalier de Deuxième Classe de l'Ordre du Lion d'Or de la Maison de Nassau, &c., &c., son Ministre d'Etat, Président du Gouvernement du Grand-Duché de Luxembourg;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande s'engage à livrer, dans les circonstances et sous les conditions prévus par le présent Traité, tous les individus, et Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, pour ce qui concerne le Grand-Duché de Luxembourg, s'engage à livrer, dans les mêmes circonstances, et sous les mêmes conditions, tous les individus, à l'exception des sujets du Grand-Duché, lesquels, ayant été accusés ou condamnés par les Tribunaux d'une des Hautes Parties Contractantes, du chef des crimes ou délits énumérés dans l'Article II, commis sur le territoire de l'une des Parties,, seront trouvés sur le territoire de l'autre.

ARTICLE II.

Les crimes pour lesquels l'extradition devra être accordée sont les suivants :—

1. Meurtre (y compris l'assassinat, le parricide, l'infanticide, l'empoisonnement, ou tentative de meutre).

2. Homicide sans préméditation ou geutapens.

3. Administration de substances ou emploi d'instrument dans l'intention de provoquer l'avortement.

4. Viol.

5. Attentat à la pudeur avec violence. Attentat à la pudeur commis avec ou sans violence sur la personne d'une fille âgée de moins de dix ans; attentat à lu pudeur commis avec ou sans violence sur la personne d'une fille âgée de plus de dix et de moins de douze ans; attentat à la pudeur avec violence commis sur une personne du sex féminin, ou tentative punie en Angleterre sous le nom "Attempt to have carnal knowledge of a girl under twelve years of age.

6. Enlèvement et emprisonnement illégal de personnes, vol, abandonnement, exposition ou détention illégale d'enfants.

7. Enlèvement de mineurs.

8. Bigamie.

9. Actes de voilences ou sévices ayant causés des blessures graves.

10. Violences contre un magistrat ou officier public.

11. Menaces écrites ou autres faites en vue d'extorquer de l'argent ou des valeurs.

12. Faux témoignage, ou subornation de témoins.

13. Incendie volontaire.

14. Vol avec effraction, escalade, ou violence; toute soustraction frauduleuse.

15. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, made criminal by any law for the time being in force.

16. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been unlawfully obtained.

17. (*a*) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money;

(*b*) Forgery, or counterfeiting or altering or uttering what is forged, counterfeited or altered;

(*c*) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of coin of the realm.

18. Crimes against Bankruptcy Law.

19. Any malicious act done with intent to endanger persons in a railway train.

20. Malicious injury to property, if such offence be indictable.

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact, provided such participation be punishable by the laws of both Contracting Parties.

ARTICLE III.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of the Grand Duchy of Luxemburg, has already been tried and discharged or punished, or is still under trial, in the Grand Duchy or in the United Kingdom, respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of the Grand Duchy of Luxemburg, should be under examination for any other crime in the Grand Duchy or in the United Kingdom, respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

ARTICLE IV.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE V.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character.

ARTICLE VI.

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until

15. Fraude par un administrateur, banquier, agent, procureur, tuteur, ou curateur, directeur, membre, ou fonctionnaire d'une société quelconque, pour autant que le fait est puni par les lois en vigueur.

16. Escroquerie d'argent, de valeurs ou de marchandises sous de faux prétextes; recel d'argent, de valeurs, ou d'autres proprietés, avec connaissance de leur provenance illégitime.

17. (*a*) Contrefaçon ou altération de monnaie, ou mise en circulation de la monnaie contrefaite or altérée;

(*b*) Faux, contrefaçon ou altération, ou mise en circulation de ce qui falsifié, contrefait, ou altéré.

(*c*) Fabrication avec connaissance de cause, en dehors de l'autorisation légale, d'un instrument, outil, ou engin destiné à la contrefaçon de la monnaie du pays.

18. Crimes contre les lois sur les banqueroutes.

19. Tout acte commis avec intention de mettre en danger la vie de personnes se trouvant dans un train de chemin de fer.

20. Atteinte à la propriété, avec mauvaise intention, pour autant que le fait est punissable par les lois.

L'extradition aura également lieu pour complicité à un des crimes ci-dessus mentionnés, que la complicité se soit produite avant ou après la perpétration, pourvu que la complicité soit punissable par les lois des deux Parties Contractantes.

ARTICLE III.

L'extradition ne sera pas accordée si l'individu poursuivi par le Gouvernement du Royaume-Uni ou par le Gouvernement du Grand-Duché de Luxembourg, a déjà été dans le Grand-Duché ou dans le Royaume-Uni l'objet d'une instruction ou d'une ordonnance de non-lieu pour le crime pour lequel l'extradition est demandée, ou s'il est encore en état de prévention, ou qu'il ait déjà été puni pour ce fait.

Si l'individu poursuivi par le Gouvernement du Royaume-Uni ou par le Gouvernement du Grand-Duché de Luxembourg est en état de prévention dans le Grand-Duché ou dans le Royaume-Uni pour un autre crime, son extradition sera différée jusqu'à la conclusion du procès et l'exécution complète de la peine lui infligée.

ARTICLE IV.

L'extradition n'aura pas lieu si postérieurement á la perpétration du crime, aux poursuites ou à la condamnation, la prescription de l'action ou de la peine est acquise d'aprés les lois du pays où le prévenu s'est réfugié.

ARTICLE V.

Aucun criminel fugitif ne sera extradé, si le délit pour lequel l'extradition est demandée, est considéré comme un délit politique, ou si l'individu prouve que la demande d'extradition a été faite en réalité dans le but de la poursuivre ou de le punir pour un délit d'un caractère politique.

ARTICLE VI.

L'individu qui aura été livré ne pourra, dans le paye auquel l'extradition a été accordée, être tenu en état d'arrestation ou poursuivi pour aucune infraction ou fait autre que ceux ayant motivé l'extradition, jusqu'à ce qu'il ait été rendu ou qu'il

he has been restored or has had the opportunity of returning to the country from whence he was surrendered.

The period of one month shall be considered as the limit of the period during which the prisoner may, with the view of securing the benefits of this Article, return to the country from whence he was surrendered

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VII.

The requisition for extradition must always be made by the way of diplomacy, and to wit, in the Grand Duchy of Luxemburg by the British Minister in Luxemburg, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Foreign Minister in Great Britain, who, for the purposes of this Treaty, is recognized by Her Majesty as a Diplomatic Representative of the Grand Duchy of Luxemburg.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed in contumaciam.

ARTICLE VIII.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, according to the laws of the country in which he is found.

ARTICLE IX.

The extradition shall not take place before the expiration of fifteen days from the date of the fugitive criminal's committal to prison to await his surrender, and then only if the evidence produced in due time be found sufficient according to the laws of the State applied to.

ARTICLE X.

A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided however that, in the United Kingdom, the accused shall, in such cases, be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in the Grand Duchy of Luxemburg, if within fourteen days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country.

ait eu l'occasion de retourner au pays qui l'a extradé.

Le délai d'un mois sera considéré comme la limite du temps pendant lequel le prisonnier, afin de s'assurer les bienfaits de cet Article, peut retourner au pays dont il a été extradé.

Cette stipulation n'est pas applicable aux crimes commis après l'extradition.

ARTICLE VII.

L'extradition sera toujours demandée par la voi diplomatique, savoir: dans le Grand-Duché de Luxembourg, par l'Envoyé Britannique, et dans le Royaume-Uni au Secrétaire d'Etat pour les Affaires Etrangères, par le Ministre Etranger dans la Grande-Bretagne lequel sera à cette fin, reconnu par Sa Majesté la Reine comme le Représentant Diplomatique du Grand-Duché de Luxembourg.

La demande d'extradition d'un prévenue devra, être accompagnée d'un mandat d'arrêt décerne par l'autorité compétente du pays requérant, et des preuves qui, d'après les lois de l'endroit où le prévenu a été trouvé justifieraint son arrestation, si l'acte punissable y avait été commis.

Si la demande d'extradition concerne une personne déjà condamnée, on doit produire l'arrêt de condamnation qui a été rendu par le Tribunal compétent de l'Etat requérant.

La demande d'extradition ne peut se baser sur des arrêts qui ont été rendus par contumace.

ARTICLE VIII.

Si la demande d'extradition est en accord avec les stipulations précédentes, les autorités compétentes de l'Etat auquel la demande d'extradition a été faite, procéderont à l'arrestation du fugitif.

Le prisonnier sera ensuite amené devant un magistrat compétent, qui devra l'examiner et conduire les investigations préliminaires d'après les lois du pays où il est trouvé.

ARTICLE IX.

L'extradition n'aura pas lieu avant l'expiration de quinze jours, à dater de l'arrestation du criminel fugitif attendant son extradition, et elle n'aura lieu que sur la production en temps utile de pièces trouvées suffisantes d'après les lois de l'Etat requis.

ARTICLE X.

Un malfaiteur fugitif peut néanmoins être arrêté dans les deux pays en vertu d'un mandat d'arrêt décerné par un magistrar ou fonctionnaire de police, par un Juge de Paix ou telle autre autorité compétente, sur une dénonciation ou plainte, et sur les preuves, ou d'après une procédure établissant que, dans l'opinion du fonctionnaire qui décerne le mandat d'arrêt, cette mesure serait justifiée, si le crime avait été commis ou si le prisonnier avait été condamné dans la partie des territoires des deux Parties Contractantes où le fonctionnaire exerce la juridiction. Il est stipulé toutefois que, dans le Royaume-Uni, le prévenu devra, en pareil cas, être aussi promptement que possible conduit devant un magistrat de police à Londres. Il devra être mis en liberté dans le Royaume-Uni et dans le Grand-Duché de Luxembourg si, dans l'espace de quatorze jours, une demande d'extradition n'est pas faite par l'Agent Diplomatique de son pays.

ARTICLE XI.

If, in any criminal matter, pending in any Court or Tribunal of one of the two countries, it is thought desirable to take the evidence of any witness in the other, such evidence may be taken by the judicial authorities in accordance with the laws in force on this subject in the country where the witness may be.

ARTICLE XII.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XIII.

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance till placed on board ship, as well as for the reimbursement of the expenses incurred in taking the evidence of any witness in consequence of Article XI, and in giving up and returning seized articles. They reciprocally agree to bear such expenses themselves.

ARTICLE XIV.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or to the supreme authority of such Colony or possession through the Luxemburg Consul, or, in case there should be no Luxemburg Consul, through the Consular Agent of another State charged for the occasion with Luxemburg interests in the Colony or possession in question, and recognized by such Governor or supreme authority as such.

The Governor or supreme authority abovementioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of such individuals as shall have committed in the Grand Duchy of Luxemburg any of the crimes hereinafore mentioned, who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as they may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign possession of Her Britannic Majesty shall be governed by the [illegible] laid down in the preceding Articles of the [illegible] Treaty.

ARTICLE XV.

The [illegible] Treaty shall come into force ten days after [illegible] forms prescribed [illegible] tion in conformity with the [illegible] tracting Parties. [illegible] laws of the High Contracting Parties [illegible] terminated by either of the High Contracting Parties, but shall remain in force for six months [illegible] has been given for its termination.

ARTICLE XI.

Si, dans une matière criminelle pendante devant une Cour ou un Tribunal de l'un des deux pays, il est jugé désirable d'entendre dans l'autre les dépositions d'un témoin, pareilles dépositions peuvent être reçues par les autorités judiciaires d'après les lois en vigueur sur la matière dans le pays où le témoin se trouve.

ARTICLE XII.

Les objets saisis en la possession de l'individu au moment de son arrestation seront, si l'autorité compétente de l'Etat requis en a ordonné la remise, livrés lorsque l'extradition aura lieu, et cette remise ne comprendra pas seulement les objets enlevés, mais encore tout ce qui peut servir de pièce à conviction.

ARTICLE XIII.

Les Hautes Parties Contractantes renoncent à toute réclamation pour le remboursement des frais qui leur ont été occasionnés par l'arrestation, l'entretien, et le transport de l'individu jusqu'au bord d'un navire, ainsi que de ceux occasionnés par la déposition d'un témoin, en conséquence de l'Article XI, et par la remise et la restitution des objets saisis. Elles consentent à supporter réciproquement les dits frais.

ARTICLE XIV.

Les stipulations du présent Traité seront applicables aux Colonies et possessions étrangères de Sa Majesté Britannique.

La demande d'extradition d'un criminel qui s'est réfugié dans une de ces Colonies ou Possessions étrangères, sera faite au Gouverneur ou à l'autorité suprême de cette Colonie ou Possession par le Consul Luxembourgeois, ou, à défaut d'un Consul Luxembourgeois, par l'Agent Consulaire d'un autre Etat chargé pour l'occasion des intérêts Luxembourgeois dans la Colonie ou Possession en question, et reconnu comme tel par le Gouverneur ou l'autorité suprême.

Le Gouverneur, ou l'autorité suprême, mentionné ci-dessus, décidera à l'égard de telles demandes, en se conformant autant que possible aux dispositions du présent Traité. Il sera néanmoins libre d'accorder l'extradition ou de soumettre le cas à son Gouvernement.

Sa Majesté Britannique se réserve cependant le droit de faire, en se conformant autant que possible aux stipulations du présent Traité, des arrangements spéciaux dans les Colonies ou Possessions étrangères pour l'extradition d'individus qui ont commis dans le Grand-Duché de Luxembourg un des crimes prévus dans le Traité, et qui auraient trouvé un refuge dans ces Colonies ou Possessions étrangères.

Les demandes concernant l'extradition de criminels qui se sont échappés d'une des Colonies ou Possessions étrangères de Sa Majesté Britannique seront traitées suivant les dispositions des Articles précédents du présent Traité.

ARTICLE XV.

Le présent Traité entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des Hautes Parties Contractantes. Le Traité peut être dénoncé par chacune des Parties Contractantes; il demeurera toutefois en vigueur encore six mois après qu'il aura été dénoncé.

The Treaty shall be ratified, and the ratifications shall be exchanged at Brussels as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Luxemburg, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and eighty.

(L.S.) W. STUART.

(L.S.) F. DE BLOCHAUSEN.

Le Traité sera ratifié, et les ratifications en seront échangées à Bruxelles, le plus tôt que faire se peut.

En foi de quoi, les Plénipotentiairies respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs armes.

Fait à Luxembourg le vingt-quatre Novembre, de l'an mil huit cent quatre-vingt.

(L.S.) W. STUART.

(L.S.) F. DE BLOCHAUSEN.

And whereas the ratifications of the said Treaty were exchanged at Brussels on the fifth day of January, one thousand eight hundred and eighty-one:—

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the fifteenth day of March, one thousand eight hundred and eighty-one, the said Acts shall apply in the case of the said Treaty with the King of the Netherlands, Grand Duke of Luxemburg.

C. L. Peel.

The 14th April 1881.

No. 97 *G.-P.*—**His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Paul Koop as Consul for Denmark at Akyab.**

No. 100 *G.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. George Ruckert as Acting Consul for Sweden and Norway at Akyab.

No. 103 *G.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. S. F. Voigt as Consul for Sweden and Norway at Calcutta.

No. 106 *G.-P.*—**His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. J. E. Borland as Consul for the Netherlands at Rangoon.**

GENERAL.

The 14th April 1881.

No. 757 *G.-G.*—Mr. Purshuttam Rao Narayen, Extra Assistant Commissioner, 3rd Class, Berar Commission, is appointed to be an Extra Assistant Commissioner, 2nd Class, with effect from the 1st April 1881, *vice* Mr. Bapuji Rangnath, retired.

Mr. Vishnu Punt, Clerk of the Court of the Resident, Hyderabad, is appointed to be an Extra Assistant Commissioner, 3rd Class, with effect from the date of assuming charge, *vice* Mr. Purshuttam Rao Narayen.

The 15th April 1881.

No. 761 *G.-G.*—Lieutenant-Colonel W. G. Waterfield, C.S.I., Commissioner and Superintendent, Peshawar Division, is appointed to officiate temporarily as a Resident of the 1st Class and as Agent to the Governor General at Baroda, with effect from the afternoon of the 11th April 1881, *vice* Mr. Melvill, on privilege leave.

A. C. LYALL,
Secy. to the Govt. of India.

INDIAN EMPIRE.

NOTIFICATION.

Simla, the 14th April 1881.

No. 7 *I.-E.*—*Erratum.*—In Notification, No. 11 I.-E., of the 15th March 1881, *for* Meerza Hossein Ali Khan, *read* Mirza Hasan Ali Khan.

A. C. LYALL,
Secy. to the Order of the Indian Empire.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 16th April 1881.

No. 43.—Furlough for one year having been granted to Mr. R. B. Chapman, C.S.I., B.C.S., Secretary to the Government of India in the Department of Finance and Commerce, Mr. T. C. Hope, C.S.I., Bombay Civil Service, has been appointed to officiate in the said office. Mr. Hope received charge of the office after noon on the 6th April 1881.

No. 67.—The Governor General in Council authorises the payment to the heirs of a deceased officer of the salary due to him to the extent of Rs. 200 in each case, after such enquiry into the rights and title of the claimants as the Collector or other officer responsible for the payment may deem sufficient. Any excess over that amount should be paid only to the person duly authorised to receive assets belonging to the estate of the deceased.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 15th April, 1881.

APPOINTMENTS.

No. 210.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Charles John Bernhard Hough Dressner, 9th Lancers, Officiating Squadron Officer, 2nd Regiment, Central India Horse. Dated 12th March, 1879.

No. 211.—ADJUTANT GENERAL'S DEPARTMENT—

Captain J. E. Baines, 2nd Battalion, 6th Foot, to be a Deputy Assistant Adjutant General for Musketry, *vice* Major R. S. Lemon, rejoined the 2nd Battalion, 14th Foot. Dated 10th March, 1881.

No. 212.—BRIGADE STAFF—

Captain C. M. Stockley, 2nd Battalion, 9th Foot, to be a Brigade-Major on the establishment, consequent on the reconstitution of the Sialkot Brigade. Dated 23rd March, 1881.

No. 213.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Surgeon J. G. Hancock, Officiating Medical Officer, 5th Punjab Cavalry, to be Medical Officer, *vice* Surgeon-Major G. Thomson, M.B., transferred to civil employment.

No. 214.—HYDERABAD CONTINGENT—

3rd Cavalry.

Second-Lieutenant E. L. Wright, 1st (King's) Dragoon Guards, a candidate for the Bengal Staff Corps, to be Officiating Squadron Officer, on probation.

FURLOUGH AND LEAVE.

No. 215.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel J. N. B. Hewett, s.c., (m. c.) for one year, under Rules IX and XV of the regulations of 1868.

Captain (local Major) W. J. Boyes, 12th Foot, Deputy Assistant Adjutant General on the establishment, (m. c.) for 182 days, under G. G. O. No. 813 of 1876.

Captain S. H. P. Graves, s.c., Wing Officer, 24th (Punjab) Regiment of Native Infantry, (m. c.) for one year, under Rule I of the regulations of 1875.

Surgeon-Major J. G. French, M.D., (m. c.) for one year 243 days, under Rules IX and XV of the regulations of 1868.

Conductor M. McNicholas, Ordnance Department, (m. c.) for two years, under the regulations of 1868.

Sub-Conductor S. Leslie, Commissariat Department, (m. c.) for two years, under the regulations of 1868.

Sub-Conductor G. G. Reid, Commissariat Department, (m. c.) for one year, under Rule VI of the regulations of 1875.

No. 216.—Captain W. Shepherd, R.E., Executive Engineer, 1st Grade, Public Works Department, is allowed special leave for two years, under the Resolution in the Public Works Department No. 1605-27E.-G., dated 3rd September 1879, with effect from the 17th April 1881, the date of expiration of his furlough.

LONDON GAZETTE.

No. 217.—The following extracts are published for general information:—

"*London Gazette*," *dated the 8th March, 1881, page 1072.*

ERRATUM.

The first Christian name of Lieutenant E. V. Goldsmid, admitted to the Bengal Staff Corps in the *London Gazette* of the 28th January, 1881, is *Everard*, and not *Edward*, as therein stated.

"*London Gazette*," *dated the 11th March, 1881, page 1151.*

To be Honorary Lieutenants.

Deputy Assistant-Commissary Thomas Foxton, Bengal Establishment. Dated 18th November, 1880.

Deputy Assistant-Commissary Daniel Falvey, Madras Establishment. Dated 23rd November, 1880.

The Queen has been graciously pleased to approve of the following promotions being conferred upon the undermentioned Officers in recognition of their services during the Afghan Campaign of 1878-79:—

To be Honorary Major.

Deputy Commissary and Honorary Captain Philip Rubie, Bengal Commissariat Department. Dated 2nd March, 1881.

To be Honorary Captains.

Deputy Commissary and Honorary Lieutenant Horatio Boardman Steward, Bengal Commissariat Department. Dated 21st January, 1881.

Deputy Commissary and Honorary Lieutenant David Johnston, Bengal Commissariat Department. Dated 21st January, 1881.

To be Honorary Lieutenants.

Deputy Assistant-Commissary James Neal, Bengal Ordnance Department. Dated 21st January, 1881.

Deputy Assistant-Commissary Daniel Buckley, Bengal Ordnance Department. Dated 21st January, 1881.

"*London Gazette*," *dated the 15th March, 1881, pages 1199 and 1200.*

THE Queen has approved of the following retirements from the Service of the undermentioned Officers of Her Majesty's Indian Army:—

Lieutenant-Colonel and Brevet Colonel John Macdonald, of the Bengal Staff Corps. Dated 13th December, 1880.

Lieutenant-Colonel and Brevet Colonel Donald Macintyre, V.C., of the Bengal Staff Corps. Dated 24th December, 1880.

Lieutenant-Colonel and Brevet Colonel Augustus Arthur Currie, C.B., of the Bengal Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel and Brevet Colonel Arthur Elderton, of the Bengal Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel and Brevet Colonel George de la Poer Beresford, of the Madras Staff Corps. Dated 29th December, 1880.

Lieutenant-Colonel and Brevet Colonel Charles William Wahab, of the Bombay Staff Corps. Dated 27th December, 1880.

Lieutenant-Colonel and Brevet Colonel Franklin Phillips Mignon, of the Bombay Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel Willoughby Henry Garton, of the Bengal Staff Corps. Dated 31st December, 1880.

Major Ninian Lowis, of the Bengal Staff Corps. Dated 22nd February, 1881.

Surgeon-Major William John Palmer, M.D., of the Bengal Army. Dated 10th January, 1881.

Surgeon-Major Archibald Macdonald Garden, of the Bengal Army. Dated 26th January, 1881.

Surgeon James Atkinson West Spence, of the Madras Army. Dated 17th January, 1881.

Surgeon Daniel Henry Cullimore, of the Madras Army. Dated 18th January, 1881.

BREVET.

The undermentioned Officers are granted a step of honorary rank on retirement:—

To be Major-Generals.

Lieutenant-Colonel and Brevet Colonel John Macdonald, of the Bengal Staff Corps. Dated 13th December, 1880.

Lieutenant-Colonel and Brevet Colonel Donald Macintyre, V.C., of the Bengal Staff Corps. Dated 24th December, 1880.

Lieutenant-Colonel and Brevet Colonel Augustus Arthur Currie, C.B., of the Bengal Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel and Brevet Colonel Arthur Elderton, of the Bengal Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel and Brevet Colonel George de la Poer Beresford, of the Madras Staff Corps. Dated 29th December, 1880.

Lieutenant-Colonel and Brevet Colonel Charles William Wahab, of the Bombay Staff Corps. Dated 27th December, 1880.

Lieutenant-Colonel and Brevet Colonel Franklin Phillips Mignon, of the Bombay Staff Corps. Dated 31st December, 1880.

To be Colonel.

Lieutenant-Colonel Willoughby Henry Garton, of the Bengal Staff Corps. Dated 31st December, 1880.

To be Lieutenant-Colonel.

Major Ninian Lowis, of the Bengal Staff Corps. Dated 22nd February, 1881.

PENSIONS.

No. 218.—The undermentioned Warrant Officers are transferred to the pension establishment:—

Sub-Conductor Adolphus Freeman, Public Works Department.

Sub-Conductor John Willing, Public Works Department.

PROMOTIONS.

No. 219.—The following promotions are made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Major.

Captain George Thomas Maitland,—9th April, 1881.

BREVET.

To be Colonels.

Lieutenant-Colonel William Reid Martin, Bengal Infantry,—24th March 1881.

Lieutenant-Colonel John Mackie Stewart, Bengal Infantry,—1st April 1881.

No. 220.—COMMISSARIAT DEPARTMENT—

Sergeant Joseph Baker to be Sub-Conductor, supernumerary, until absorbed by the vacancy which would have promoted him in ordinary course, in recognition of his services with the Naga Expeditionary Force.

No. 221.—PUBLIC WORKS DEPARTMENT—

Rank and Names.	To what rank promoted.	From what date.	In whose room.
		1881.	
Honorary Lieutenant and Deputy Assistant Commissary Joseph Mealin.	Assistant Commissary	25th January	Honorary Lieutenant and Assistant Commissary Richards, deceased.
Conductor Sidney Smith Saunders ...	Deputy Assistant Commissary.	Ditto	Honorary Lieutenant and Deputy Assistant Commissary Mealin.
Sub-Conductor William Marr ...	Conductor ...	Ditto	Conductor Saunders.
Sergeant William Beevers ...	Sub-Conductor ...	Ditto	Sub-Conductor Marr.
Honorary Lieutenant and Assistant Commissary John Walshe.	Deputy Commissary	26th January	Honorary Lieutenant and Deputy Commissary Mole, pensioned.
Honorary Lieutenant and Deputy Assistant Commissary John Keane.	Assistant Commissary	Ditto	Honorary Lieutenant and Assistant Commissary Walshe.
Honorary Lieutenant and Deputy Assistant Commissary James Murray.	*Assistant Commissary*	Ditto	*Supernumerary.*
Conductor George Stevens Beckett ...	Deputy Assistant Commissary.	Ditto	Honorary Lieutenant and Deputy Assistant Commissary Keane.
Sub-Conductor George Wilkinson ...	Conductor ...	Ditto	Conductor Beckett.
Sergeant Edward Daintith ...	Sub-Conductor ...	Ditto	Sub-Conductor Wilkinson.

This cancels the promotions made in G. G. O. No. 179, dated the 25th March 1881, on the retirement of Honorary Lieutenant and Deputy Commissary Mole.

REWARDS.

No. 222.—ORDER OF MERIT—

The Governor General in Council is pleased to admit the undermentioned non-commissioned officer and private of the 1st Bombay Native Infantry (Grenadiers) to the 3rd Class of the Order of Merit:—

No. 2, Havildar Ganda Sing, and No. 1057, Private Bhagwán Sing.—For conspicuous gallantry and devotion in and after the battle of Maiwand on the 27th July, 1880, on which occasion they saved the life of Lieutenant-Colonel H. S. Anderson, 1st Bombay Native Infantry, carrying him off the field on his falling severely wounded at the close of the action.

O. R. NEWMARCH, *Lieut.-Col.*,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 9th April, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer on the date specified, was received in the Military Department from the 26th March to the 9th April, 1881.

Corps.	Rank and Name.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Army Medical Department	Surgeon-Major W. Lougheed ...	25th September, 1880.	Peshawar ...	Intestate.	

Statement of Deposits on account of Estates from the 2nd to the 9th April, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
William Percy Ricardo (*a*)	2nd-Lieutenant	9th Lancers ...	11th December, 1879.	Intestate	906 4 4		

(*a*) *Next-of-kin—Father*—Frederick Ricardo, 67, Avenue de l'Alma, Paris, or 40, Onslow Square, S. W., London.

W. M. LEES, *Colonel*,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 8th April 1881.

No. 131.—Mr. D. C. Gordon, Examiner of Guaranteed Railway Accounts, Madras, is appointed Examiner of Public Works Accounts, Madras, in succession to Major Trail, R.E., proceeding on furlough.

Captain J. S. Biscoe, S.C., Examiner of Guaranteed Railway Accounts, Lahore, is transferred to the charge of the Guaranteed Railway Accounts, Madras.

With reference to Public Works Department Notification No. 104, dated 11th March 1881, Captain C. F. [illegible], R.E., is posted to the charge of the Guaranteed Railway Accounts, Lahore. This cancels Public Works Department Notification No. 115, dated 16th March 1881.

The 9th April 1881.

No. 132.—Mr. R. C. F. Volkers, Accountant, 3rd Grade, is temporarily appointed Assistant Examiner, 2nd Grade, and posted to the office of Examiner of Public Works Accounts, Madras.

The 11th April 1881.

No. 133.—Baboo Mutty Lall Dey, Assistant Engineer, 1st Grade, Railway Branch, is transferred temporarily from the Establishment of the Director General of Railways to British Burmah Provincial.

No. 134.—Major C. C. S. Moncrieff, C.S.I., R.E., Superintending Engineer, 2nd Class, North-Western Provinces and Oudh, is appointed to officiate as Chief Engineer and Secretary to the Chief Commissioner of British Burmah in the Public Works Department, with temporary rank of Chief Engineer, Class III, during the absence on furlough of Mr. W. C. Furnivall, or until further orders.

The 12th April 1881.

No. 136.—Mr. A. Wilson, Deputy Examiner of Public Works Accounts, Assam, is granted privilege leave of absence for four days, with effect from 5th December 1880.

No. 137.—Mr. C. H. Croudace, Executive Engineer, 2nd Grade, is transferred from the Railway Establishment under the Government of Bombay to that under the Government of Bengal.

The 14th April 1881.

No. 139.—In continuation of Public Works Department Notification No. 129, dated 8th instant, Major L. Conway-Gordon, R.E., Examiner of Public Works Accounts, Class II, will officiate as Manager of the Indus Valley Railway during the absence on furlough of Captain Savi, R.E., or until further orders.

No. 140.—Lieutenant R. C. Maxwell, R.E., Assistant Engineer, 1st Grade, is, on return from field service, appointed to act as Deputy Consulting Engineer, and posted to the office of Consulting Engineer for Guaranteed Railways, Lucknow.

TELEGRAPH.

The 12th April 1881.

No. 135.—Mr. F. A. Patten, Assistant Superintendent, Persian Gulf Telegraphs, officiated as Superintendent during the absence on privilege leave of Mr. L. Gabler, with effect from the 21st February 1881.

The 14th April 1881.

No. 138.—Mr. W. F. Melhuish, Assistant Superintendent, 1st Grade, Indian Telegraph Department, is appointed to officiate as Superintendent, 3rd Grade, during the absence on furlough of Mr. J. C. Douglas, Superintendent, 3rd Grade, or until further orders, with effect from the 7th March 1881.

ALEX. FRASER, *Major-Genl., R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 17.] SIMLA, SATURDAY, APRIL 23, 1881.

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

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SUPPLEMENT No. 17.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 22nd April, 1881.

No. 15.—His Excellency the Viceroy and Governor General has been pleased to accept the resignation by the Hon'ble J. Pitt Kennedy of his office of Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

No. 16.—His Excellency the Viceroy and Governor General, under the authority vested in him by the Statute 24 & 25 Vic., Cap. 67, section 10, has been pleased to nominate Mr. G. H. P. Evans, Barrister-at-law, to be an Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

No. 17.—Mr. H. C. Kirkpatrick has been granted leave of absence from his office of Reporter for the Indian Law Reports in the High Court, Bombay, for the period during which he may be acting as Clerk of the Crown at Bombay.

No. 18.—Mr. James Jardine, Barrister-at-law, has been appointed to officiate as Reporter for the Indian Law Reports in the High Court, Bombay, during the absence on leave of Mr. H. C. Kirkpatrick, or until further orders.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 22nd April 1881.

No. 219.—Surgeon J. Crofts, M.D., is appointed to officiate as Medical Officer of the Rajputana State Railway during the absence on furlough of Dr. R. Willmot, or until further orders.

SANITARY.

The 20th April 1881.

No. 81.—The following Rules have been sanctioned by the Governor General in Council under the provisions of Act I of 1870, as a temporary measure, with effect from the 28th March 1881, to provide for quarantine against plague in the ports of Bombay and Karachi:—

I.—The commander of every vessel, including buggalows or other native craft, arriving from a port where plague prevails, shall, before entering the harbour, indicate by signal the port from which such vessel has come.

II.—Such commander shall not, without having first obtained permission as hereinafter provided, allow any communication either with the pilot boat, except orally, or with the shore, or with any other vessel or boat in the harbour.

III.—Immediately on the signal of such arrivals being made, the Health Officer of the port shall go alongside the vessel, and ascertain by enquiry from the commander whether any person on board is then suffering, or has during the voyage suffered, from plague; and if such officer is satisfied by such enquiry that no such case has occurred, he shall by writing under his hand, to be delivered to the commander, permit free communication between such vessel and the shore, and with other vessels and boats in the harbour.

IV.—If the Health Officer shall have reason to believe that any such case has occurred, he shall direct the commander to take the vessel to the quarantine anchorage duly appointed and notified by Government, there to remain for the space of fifteen days from the day of arrival in the harbour or from the date of the occurrence of the latest case of illness, and shall further direct the commander to prohibit during the said fifteen days all communication, except such as is hereinafter provided for, between such vessel and the shore, or other vessels or boats in the harbour. The Health Officer may further direct the removal of so many of the passengers and crew as may not be suffering from sickness, and whose services may not be required on board the ship, to such particular spots as may from time to time be fixed upon by the Local Government as places of quarantine, there to remain for a space of fifteen days, or, in the event of the occurrence of a case of sickness, for a space of fifteen days from the date of the occurrence of the last case.

V.—Any mails or cargo which may be brought by any vessel so arriving shall be landed under such precautions as may be deemed necessary by the Health Officer to prevent the spread of the disease.

VI.—It will be the duty of the Superintendent of Marine to facilitate the conveyance to the vessel in quarantine of all supplies of provisions, stores, and other articles required by those on board. These supplies should be placed on the boats of the vessel, to be subsequently removed by members of her crew.

JUDICIAL.

The 16th April 1881.

No. 486.—Under the provisions of section 2 of Act XI of 1880 (The Burma Courts Act, 1880), the Governor General in Council is pleased to appoint temporarily, with effect from the 18th instant, Mr. C. F. Egerton Allen, Barrister-at-Law and Government Advocate in British Burma, to be Additional Recorder of Rangoon, and to sit as such in the Court of the Recorder of Rangoon.

The 21st April 1881.

No. 508.—The services of Major H. W. Shoubridge, Bengal Staff Corps, are placed temporarily at the disposal of the Government of the Punjab for employment as Cantonment Magistrate, Umballa.

The 22nd April 1881.

No. 512.—The Honourable W. F. McDonell, C.S.I., a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for three months, with effect from the 25th June next, or from any subsequent date on which he may avail himself of it.

ECCLESIASTICAL.

The 21st April 1881.

No. 61.—The Reverend H. C. Spring to be Chaplain of Gauhati and Shillong in Assam, with effect from the date on which he may take charge of his duties.

FORESTS.

The 21st April 1881.

No. 410*F.*—The Governor General in Council is pleased to make the following special appointments in the Forest Department, with effect from the dates specified:—

Mr. W. R. Fisher, B.A., Assistant Conservator of Forests in Assam, to be Deputy Director of the Forest School at Dehra Dún, with effect from the 15th April 1881.

Dr. H. S. F. Warth, Assistant Conservator of Forests in the North-Western Provinces and Oudh, to be Instructor at the Forest School at Dehra Dún, with effect from the 1st April 1881.

No. 413*F.*—Mr. T. J. Campbell, Officiating Sub-Assistant Conservator of Forests, on probation, in Assam, is confirmed in his appointment, with effect from the 1st April 1881.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—MILITARY.

Simla, the 21st April 1881.

No. 43*G.-M.*—The following promotions are made in the Infantry Branch of the Deoli Irregular Force, with effect from 1st February 1881:—

Jemadar Mungulla to be Subadar, *vice* Subadar Ram Roop Sing, invalided.

Havildar-Major Bhoja to be Jemadar, *vice* Jemadar Mungulla, promoted.

POLITICAL.

The 19th April 1881.

No. 110*G.-P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. A. Dausseing as Acting Consul General for France at Calcutta during the absence on leave of Mr. Blanchard de Farges.

The 20th April 1881.

No. 789*E.-P.*—In recognition of the services rendered to Government by Rai Hittu Ram, Native Assistant Agent to the Governor General for Biluchistan, the Viceroy and Governor General is pleased to confer upon him the title of "Bahadoor" as a personal distinction.

The 21st April 1881.

No. 340*I.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to notify that the Raja Dheraj of Shahpura intends to abolish all duties levied within the State on sugar and jagri and articles manufactured therefrom, with effect from the 11th July 1881.

GENERAL.

The 21st April 1881.

No. 790*G.-G.*—Major H. M. Buller, 2nd-in-Command, 1st Regiment, Central India Horse, is appointed Political Assistant at Goona in addition to his other duties, with effect from 4th March 1881, *vice* Captain H. A. Vincent.

No. 792*G.-G.*—Notification No. 535G.-G., dated 10th March 1881, granting one month's privilege leave to Surgeon-Major J. P. Stratton, Officiating Resident, 2nd Class, and Officiating Political Agent, Meywar, is hereby cancelled.

The 22nd April 1881.

No. 794*G.-G.*—Lieutenant-Colonel O. B. C. St. John, C.S.I., Political Resident in Southern Afghanistan, is posted as Agent to the Governor General in Biluchistan, with effect from the date of assuming charge.

No. 240*E.-G.*—The services of Surgeon C. J. McCartie, M.D., Officiating Medical Officer at Gilgit, are replaced at the disposal of the Military Department.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 6th April 1881.

No. 174.—The Fifth authorised edition of the Civil Pension, Leave and Pay and Acting Allowance Codes, revised and corrected to date, has now been published and is in course of supply to all Public Officers entitled to receive it.

Henceforth this edition only should be quoted.

The 23rd April 1881.

No. 184.—Mr. S. Jacob, B.C.S., having been appointed to officiate, as Under-Secretary in this Department, in consequence of the transfer of Mr. E. J. Sinkinson to officiate as Accountant General, North-Western Provinces and Oudh, received charge of the said office after noon on the 29th March 1881.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 22nd April, 1881.

APPOINTMENTS.

No. 223.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant George Alexander McCarthy, 39th Foot, Wing Officer, 39th (The Allygurh) Regiment of Native Infantry,—11th March, 1880.

No. 224.—DIVISIONAL STAFF—

With reference to G. G. O. No. 691 of 1880, the appointment of Major-General Sir M. A. S. Biddulph, K.C.B., R.A., to the Divisional Staff of the Army dates from the 1st December, 1880, and not from the 14th December, 1880, as stated in that General Order.

No. 225.—COMMISSARIAT DEPARTMENT—

Lieutenant J. P. Sparling, S.C., Officiating Wing Officer, 5th Punjab Infantry, Punjab Frontier Force, to be a Sub-Assistant Commissary General, 3rd class, on probation, with effect from the 29th March, 1881, to fill an existing vacancy.

No. 226.—PUNJAB FRONTIER FORCE—

5th Punjab Cavalry.

Lieutenant H. Blackburn, Officiating Wing Officer, on probation, 31st (Punjab) Regiment of Native Infantry, to be Officiating Squadron Officer, on probation.

FURLOUGH AND LEAVE.

No. 227.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel M. Ramsay, s.c., Cantonment Magistrate, 1st class, Punjab, (m. c.) for one year and 182 days,—one year seven days under Rules IX and XV, and the remaining period under Rule XIV, clause 2, of the regulations of 1868.

Lieutenant-Colonel M. G. Clerk, Infantry, (p. a.) for one year and 204 days, under Rule IX of the regulations of 1868.

Lieutenant-Colonel G. W. Holdsworth, Infantry, (m. c.) for two years, under Rule XIV, clause 1, of the regulations of 1868.

Lieutenant-Colonel C. J. Hughes, s.c., Commandant, 27th (Punjab) Regiment of Native Infantry, (p. a.) for 214 days, under Rule IX of the regulations of 1868.

Lieutenant-Colonel C. A. E. S. Carter, Infantry, Military Accountant, 1st class, 2nd grade, (m. c.) for two years, under Rules IX and XV of the regulations of 1868.

Major R. P. Davis, s.c., District Superintendent of Police, 3rd grade, Bengal, (p. a.) for two years, under Rule IX of the regulations of 1868.

Captain W. P. Tomkins, R.E., Executive Engineer, 1st grade, Assistant Secretary to the Government of India, Civil and Military Works Branch, Public Works Department, (p. a.) for one year and 150 days, under Rule IX of the regulations of 1868.

Lieutenant G. L. Garstin, s.c., Squadron Officer, 9th Bengal Cavalry, (m. c.) for one year and 182 days,—one year under Rule I, and the remaining period under Rule VI of the regulations of 1875.

Surgeon A. Deane, (m. c.) for 243 days, under Rules IX and XV of the regulations of 1868.

No. 228.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major D. G. Pitcher, s.c., (m. c.) for three months.

Surgeon L. R. Dawson, M.D., (m. c.) for six months.

PROMOTIONS.

No. 229.—The following promotion is made, subject to Her Majesty's approval :—

STAFF CORPS.

To be Lieutenant-Colonel.

Major Henry Constantine Evelyn Ward,—20th April, 1881.

VOLUNTEER CORPS.

No. 230.—**His Excellency the Governor General in Council is pleased to sanction the designation of the "3rd, or Sind, Punjab and Delhi Railway Volunteer Rifle Corps," being changed to *3rd, or Sind, Punjab and Indus Valley Railways Volunteer Rifle Corps.***

O. R. NEWMARCH, *Lieut.-Col.*,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

NOTIFICATION.

CALCUTTA, THE 18TH APRIL, 1881.

Statement of Deposits on account of Estates from the 10th to the 18th April, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
William Lougheed (*a*) ...	Surgeon-Major.	Army Medical Department.	25th Sept., 1880.	Intestate ...	4,318 1 2	...	18th June, 1881.
Charles John Rumbal Hearsey (*b*).	Lieutenant	9th Lancers	11th Dec., 1879.	Ditto ...	2,004 1 0	...	Ditto.
Strange Gould Butson (*c*) ...	Captain	Ditto ...	13th Dec., 1879.	Will left ...	1,684 4 2	...	...
Robert Duncan Graham (*d*)	Veterinary Surgeon.	British Veterinary Department.	16th Nov., 1880.	No will found.	1,166 0 6	...	18th June, 1881.

(*a*) *Next-of-kin—Brother*—C. W. Lougheed, Surgeon-Major, Army Medical Department (half pay), Gordon Hill, Sligo, Ireland.
(*b*) *Next-of-kin—Brother*—H. Hearsey, Lieutenant, Indian Marine, Marine House, Government Dockyard, Bombay.
(*c*) *Next-of-kin—Father.*—H. Gould Butson, Esqr., of Kilmardinagh, 26, Merrion Square North, Dublin, Ireland.
(*d*) *Next-of-kin—Mother.*—Rose Graham, widow of the late Major James Graham, D Brigade, Royal Horse Artillery, No. 213, Burrage Grove, Lamstead, Kent.

W. M. LEES, *Colonel*,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th April 1881.

No. 141.—The services of Colonel L. Russell, R.E., are placed at the disposal of the Military Department, with effect from the date on which he is relieved of the duties of the office of Chief Engineer, Buildings and Roads Branch, and Joint Secretary to the Government of the North-Western Provinces and Oudh in the Public Works Department.

The 21st April 1881.

No. 142.—Mr. H. C. D. La Touche, Superintending Engineer, 3rd Class, temporary rank, is granted furlough out of India for six months from 25th April 1881, or such subsequent date as he may avail himself of it, under Chapter IV, section 21, of the Civil Leave Code, and eleven days' subsidiary leave under Chapter IX, sections 34 and 35, of the same Code.

No. 143.—Lieutenant-Colonel C. M. Moberly, Examiner of Accounts, Rajputana State Railway, is appointed to officiate as Manager, Rajputana State Railway, in addition to his present duties, during the absence on leave of Major W. S. S. Bisset, R.E., or until further orders.

No. 144.—Mr. R. W. L. Toozs, Assistant Engineer, 2nd Grade, Indus Valley State Railway, is transferred, as a temporary arrangement, to the Public Works Accounts Establishment with the rank of Assistant Examiner, 1st Grade, and is posted to the Rajputana State Railway.

The 22nd April 1881.

No. 145.—Lieutenant-Colonel Æ. Perkins, C.B., R.E., Aide-de-Camp to the Queen, Superintending Engineer, 1st Class, is appointed to officiate as Deputy Inspector General of Military Works, during the absence on furlough of Major-General Cadell, R.E., or until further orders.

No. 146.—Mr. J. Douglas, Deputy Examiner of Accounts, Tirhoot State Railway, is transferred to the Rajputana State Railway.

Mr. H. Stuart, Deputy Examiner, 1st Grade, Bengal, is transferred to the charge of the Accounts of the Tirhoot State Railway.

No. 147.—Mr. F. Morrison, Examiner of Public Works Accounts, Hyderabad, is granted furlough out of India for twelve months, with the usual subsidiary leave, under sections 21 and 34 of the Civil Leave Code, with effect from the 1st May 1881, or such subsequent date as he may be relieved of his duties by Mr. J. B. Braddon.

Mr. J. B. Braddon, Deputy Examiner, Rajputana State Railway, is appointed Examiner of Public Works Accounts, Hyderabad, in succession to Mr. F. Morrison, proceeding on furlough.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 18.] SIMLA, SATURDAY, APRIL 30, 1881.

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

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General: *Nothing for publication.*

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—

The Indian Paper Currency Act Amendment Bill, 1881.

The Sindh Incumbered Estates Act Amendment Bill, 1881.

The Broach and Kaira Incumbered Estates Act Amendment Bill, 1881.

The Excise Bill, 1881.

SUPPLEMENT No. 18.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—EXAMINATIONS.

Simla, the 25th April 1881.

No. 25.—With regard to paragraph 1 of Home Department Notification No. 1, dated the 2nd January 1880, publishing amended rules for the encouragement of the study of Oriental languages among the junior members of the Bengal Civil Service, it is hereby notified for general information that the Selections from the *Alif Laila* for the High Proficiency Examination in Arabic having been prepared and copies being available at the Library of the Board of Examiners, Calcutta, these Selections will be adopted as one of the text books from the 1st April 1882.

JUDICIAL.

The 29th April 1881.

No. 579.—The services of Lieutenant-Colonel W. Phaire, Cantonment Magistrate, Fyzabad, are replaced at the disposal of the Military Department.

ECCLESIASTICAL.

The 27th April 1881.

No. 65.—Her Majesty's Secretary of State for India has appointed the Reverend Vivian William Kinsman to be a Junior Chaplain on the Bengal Ecclesiastical Establishment to fill an existing vacancy.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—MILITARY.

Simla, the 27th April 1881.

No. 46*G.-M.*—The following Brigade Order issued by the Commandant, Central India Horse, dated the 1st April 1881, consequent on the departure of Lieutenant N. F. F. Chamberlain on furlough, is confirmed:—

2nd Regiment.

Lieutenant G. E. Money, Officiating 3rd Squadron Commander, to officiate as Adjutant *vice* Lieutenant A. Masters, officiating as 2nd Squadron Commander.

Lieutenant C. J. B. H. Dressner, Officiating Squadron Officer, to officiate as 3rd Squadron Commander, *vice* Lieutenant G. E. Money.

JUDICIAL.

The 27th April 1881.

No. 99*J.-J.*—In continuation of Notification No. 911.-J., dated the 24th June 1880, the

Governor General in Council is pleased to invest the Agent Governor General in Rajputana with the powers of a Local Government for the purposes of Act X of 1872 (The Code of Criminal Procedure) within the limits of the land occupied by the Railways running through the territories of the Native States of Rajputana.

The 28th April 1881.

No. 102*I.-J.*—The Governor General in Council is pleased, under the provisions of section 37 of the Code of Criminal Procedure, to invest Khan Bahadur Eduljee Pestonjee, Honorary Magistrate at Mhow, with the powers of a Magistrate of the 2nd Class, to be exercised within the limits of the Mhow Cantonment.

No. 8*G.-J.*—With respect to paragraph 1 of Foreign Department Notification No. 12 G.-P., dated 28th April 1881, the Governor General in Council is pleased to declare that the Municipal Regulations published in Notification No. 51J., dated 31st March 1871, shall be in force in the Civil and Military Station of Bangalore, with the following modifications:—

(1) For the words "Chief Commissioner," "Chief Commissioner of Mysore," and "Chief Commissioner for Mysore" wherever they occur, the words "Resident at Mysore" shall be substituted.

(2) For the words "cantonment" and "town" wherever they occur, the words "military station" and "civil station" shall be respectively substituted.

(3) For the words "Mysore Gazette" wherever they occur, the words "Coorg and Bangalore Gazette" shall be substituted.

(4) In sections 12 and 13 the last sentence shall be omitted.

(5) In section 78, for the first sentence, the following sentence shall be substituted:—

"78. Appeals against any rate, toll or tax, assessed or demanded by the Commissioners under the previous provisions of these Regulations shall be heard and determined by the Magistrate of the Civil and Military Station of Bangalore, unless such Magistrate is the President of the Municipal Commissions, in which case such appeals shall be heard and determined by the Civil Judge of Bangalore. The decisions of the said Magistrate or Judge, as the case may be, in such appeals shall be final." For the last sentence of the first paragraph, for the words "Cantonment Magistrate and Deputy Superintendent," the words "said Magistrate and Judge" shall be substituted; and in the last paragraph after the word "Magistrate," the words "or Judge, as the case may be" shall be inserted.

(6) In section 92 for the words "into the Chief Commissioner's Treasury on behalf of the Government of Mysore," the words "into the Public Treasury" shall be substituted.

(7) Section 93 shall be omitted.

(8) In section 117 for the words "Deputy Superintendent," the words "Civil Judge" shall be substituted.

(9) In section 245 for the words "section 61 of the Code of Criminal Procedure as amended by Act VIII of 1869," the words "section 307 of the Code of Criminal Procedure" shall be substituted.

POLITICAL.

The 27th April 1881.

No. 115*G.-P.*—With reference to Notification No. 215G.-P., dated 30th July 1880, Mr. H. Reinhold, Consul for the Austro-Hungarian Empire at Calcutta, resumed charge of his office on the 11th April 1881.

No. 117*G.-P.*—With reference to Notification No. 246G.-P., dated 3rd September 1880, the recognition by the Government of India of the appointment of Mr. Walter W. G. Beatson as Consular Agent for the United States of America at Bassein, *vice* Mr. Grieve, resigned, has been confirmed by Her Majesty's Government.

No. 120*G.-P.*—With reference to Notification No. 249G.-P., dated 3rd September 1880, the recognition by the Government of India of the appointment of Mr. J. E. Orr as Consular Agent for the United States of America at Akyab, *vice* Mr. Halliday, resigned, has been confirmed by Her Majesty's Government.

No. 123*G.-P.*—With reference to Notification No. 286G.-P., dated 8th October 1880, the recognition by the Government of India of the appointment of Mr. W. F. Halliday as Consular Agent for the United States of America at Chittagong has been confirmed by Her Majesty's Government.

The 28th April 1881.

No. 126*G.-P.*—Whereas His Highness the Maharaja of Mysore, by an instrument dated the 25th day of March 1881, assigned, free of charges, to the exclusive management of the British Government, for the purpose of a cantonment, certain lands situated within the limits specified and described in a schedule and map annexed to the said instrument, and forming the civil and military station of Bangalore; and whereas by the said instrument His Highness the Maharaja of Mysore renounced all jurisdiction in the lands so assigned: In exercise of the powers conferred by sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification:—

(1) All laws, regulations and rules in force in the aforesaid lands on the twenty-fifth day of March 1881, except the rules published under the Foreign Department Notifications mentioned in the margin, shall be deemed to be now in force therein. All powers conferred by any such law, regulation or rule on the Local Government or the Chief Commissioner of Mysore shall be exercised in respect of the aforesaid lands by the Resident for the time being at the Court of Mysore.

Foreign Department Notifications Nos. 235 and 236J.-J., dated 27th August 1879; Nos. 281 and 282I.-J., dated 10th October 1879; and No. 31I.-J., dated 28th January 1880.

(2) For the purpose of the exercise of civil jurisdiction within the aforesaid lands, there shall be a Court of the Civil Judge, which shall be a District Court within the meaning of the Code of Civil Procedure, for hearing original suits, whatever be the amount or value of the subject matter, and the Judge whereof shall also exercise the jurisdiction of a Court of Small Causes under Act XI of 1865.

Appeals from the decrees and orders of the Civil Judge shall, when such appeals are allowed by law, lie to the Court of the Chief Judge of Mysore, whose Court shall be deemed to be the High Court for the aforesaid lands.

(3) For the purpose of the exercise of criminal jurisdiction over the aforesaid lands, there shall be the following Courts, *viz.*,—

(*a*) the Court of the Second Magistrate, who shall exercise the powers of a Magistrate of the first class as described in Act X of 1872 (The Code of Criminal Procedure);

(*b*) the Court of the Magistrate, who shall exercise the powers of a Magistrate of the District as described in the said Code;

(*c*) the Court of Session, which shall be a Court of Session within the meaning of the said Code.

The Chief Judge of Mysore shall, save in so far as proceedings against European British subjects or persons charged jointly with European British subjects are concerned, exercise the powers of a High Court under the said Code over the aforesaid lands.

The 29th April 1881.

No. 127*G.-P.*—With reference to Notification No. 69G.-P., dated 30th March 1881, the recognition by the Government of India of the appointment of Mr. Hermann Berger as Acting Consul for Germany at Calcutta has been confirmed by Her Majesty's Government.

GENERAL.

The 27th April 1881.

No. 828*G.-G.*—Mr. G. A. Patten, Assistant District Superintendent of Police, is appointed Assistant Political Officer in the Naga Hills, with effect from the 19th December 1880, *vice* Mr. Goad.

No. 830*G.-G.*—Under section 8, Supplement F, of the Civil Leave Code, Mr. P. J. C. Robertson, Political Assistant, 1st Class, sub. *pro tem.*, and Assistant Political Agent, Busreh, is granted one year's furlough, with thirty days' subsidiary leave, from the 7th June 1881.

The 28th April 1881.

No. 834*G.-G.*—The following appointments are made, with effect from the 25th March 1881:—

Lieutenant-Colonel W. Hill, Madras Staff Corps, is appointed Civil and Sessions Judge in the Civil and Military Station of Bangalore.

Lieutenant-Colonel R. A. Cole, Madras Staff Corps, is appointed to officiate as Civil and Sessions Judge of the Civil and Military Station of Bangalore during the absence on other duty of Lieutenant-Colonel Hill, or until further orders.

Major E. P. Maltby is appointed Magistrate and President of the Municipal Commission of the Civil and Military Station of Bangalore.

The 29th April 1881.

No. 841*G.-G.*—The services of Lieutenant-Colonel J. W. M. Anderson of the Mysore Revenue Survey are placed at the disposal of the Government of Bombay, with effect from the date on which he may be relieved of his present duties.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 30th April 1881.

No. 245.—Mr. R. E. Hamilton having been appointed to officiate as Comptroller, Central Provinces, and Deputy Commissioner of the Department of Issue of State Paper Currency at Nagpur, during the absence on privilege leave of Mr. H. G. Cowie, or until further orders, received charge of those offices after noon on the 12th April 1881.

No. 249.—Mr. E. F. T. Atkinson, B.C.S., having been appointed to officiate as Accountant General and Commissioner of the Department of Issue of State Paper Currency at Bombay, during the absence on furlough of Mr. E. Gay, or until further orders, received charge of the said offices before noon on the 18th April 1881.

No. 303.—Mr. A. U. Fanshawe having been appointed to officiate as Post Master General, Bombay, received charge of the office after noon on the 13th April 1881.

No. 315.—Mr. E. J. Sinkinson, B.C.S., having been appointed to officiate as Accountant General, North-Western Provinces and Oudh, and Deputy Commissioner of the Department of Issue of State Paper Currency at Allahabad, received charge of the said offices after noon on the 6th April 1881.

No. 333.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st March 1881, published as required by Section 23 of the Indian Paper Currency Act, 1871.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	6,56,54,080	1,56,70,942	5,91,939	1,62,62,881
Madras	1,19,55,295	68,13,950	11,00,000	79,13,950
Bombay	3,13,50,105	1,06,36,999	85,086	1,07,22,085
Allahabad ...	66,76,275	96,60,930	...	96,60,930
Lahore	86,51,960	1,92,41,410	...	1,92,41,410
Calicut	17,78,150	10,34,615	...	10,34,615
Coconada ...	13,83,575	17,78,290	1,65,000	19,43,290
Nagpur	14,25,980	11,48,875	...	11,48,875
Kurrachee ...	34,34,805	39,37,445	68,200	40,05,645
Akola	17,06,840	21,59,500	...	21,59,500
TOTAL ...	13,40,17,365	7,20,82,956	20,10,225	7,40,93,181
Invested in Government Securities under Section 17 of the Act				5,99,24,184
GRAND TOTAL ...				13,40,17,365

No. 334.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council has exempted from stamp duty all pattas granted by Government officer or by any assignee of Government revenue in the Madras Presidency to holders of land under ryotwar settlement.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 29th April, 1881.

APPOINTMENTS.

No. 231.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant George Ward Cole Bruce, 2nd Battalion, 2nd Foot, Officiating Wing Officer, 4th Punjab Infantry, Punjab Frontier Force,—17th June, 1879.

FURLOUGH AND LEAVE.

No. 232.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) T. G. Ross, s.c., Commandant, 14th Bengal Lancers, (m. c.) for one year and 182 days, under rules IX and XV of the regulations of 1868, with effect from the 17th March, 1881.

Lieutenant-Colonel (Brevet Colonel) R. Barter, C.B., s.c., Commandant, 15th (The Loodiana) Regiment of Native Infantry, (m. c.) for two years,—one year and 180 days under rules IX and XV, and the remaining period under rule XIV, clause (2), of the regulations of 1868.

Major G. Logan, s.c., Wing Commander and 2nd-in-Command, 7th Regiment of Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875,—embarking on or after the 16th May, 1881.

Lieutenant E. C. Wace, R.A., 1st Subaltern, No. 4 (Hazara) Mountain Battery, Punjab Frontier Force, (m. c.) for two years, under rules IX and XV of the regulations of 1868.

Conductor J. McDermott, Barrack-Master, 2nd class, Central Provinces, Public Works Department, (p. a.) for one year and 182 days, under G. G. O. No. 1559 of 1857.

No. 233.—Lieutenant W. F. Montrésor, s.c., Squadron Officer, 16th Bengal Cavalry, is granted an extension of furlough to the 7th December, 1880, the date of his arrival at Bombay, with reference to G. G. O. No. 546 of 1879.

No. 234.—Conductor E. Browne, Commissariat Department, is allowed furlough in India, (m. c.) for one year, under the regulations of 1868, with effect from the 28th January, 1881.

No. 235.—Sub-Conductor J. Townsend, Commissariat Department, is allowed leave in India, (m. c.) for 182 days, under rule XXV of the regulations of 1868.

No. 236.—The furlough on urgent private affairs granted to 2nd class Assistant Apothecary J. E. Cooney in G. G. O. No. 160 of 1881 is cancelled.

No. 237.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major G. D'A. Jackson, Cavalry, (m. c.) for six months.

Captain F. A. Remmington, s.c., (m. c.) for six months.

Sub-Conductor W. J. McDermott, Ordnance Department, (m. c.) for six months.

LONDON GAZETTE.

No. 233.—The following extract is published for general information:—

"London Gazette," dated the 22nd March, 1881, page 1508.

BREVET.

Lieutenant-Colonel John Hudson, C.B., Bengal Staff Corps, to be Colonel. Dated 1st October, 1877.

The honorary rank conferred on Captain George Edward Willis, Deputy Commissary, Madras Establishment, is dated 24th July, 1880, instead of 22nd July, 1880, as stated in the Gazette of 9th November, 1880.

PROMOTIONS.

No. 239.—The following promotions are made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Captain.

Lieutenant William Bernard Wilson,—24th April, 1881.

BENGAL ARMY.

To be Lieutenant-Colonel.

Major (Brevet Lieutenant-Colonel) Alfred Robert Davidson Mackenzie, Bengal Cavalry, from the 1st April, 1881, in succession to Lieutenant-Colonel A. K. J. C. Mackenzie, retired.

The name of Captain A. G. Webster (19th Hussars), late 1st European Light Cavalry, is placed on the list of Majors, consequent on the above promotion.

MEDICAL DEPARTMENT.

To be Surgeons-Major.

Surgeon Christopher William Calthrop.
Surgeon Richard Careless Sanders, M.B.
Surgeon Edwin Sanders.
Surgeon Benjamin Franklin.
Surgeon Frederick Pooly Edis, M.B.
Surgeon Robert Temple Wright, M.D.
Surgeon George McBride Davis, M.D.
Surgeon Kali Pada Gupta, M.B.
Surgeon Henry James Linton.

} 1st April 1881.

No. 240.—MEDICAL DEPARTMENT—

Surgeon-Major W. Watson, M.B., Deputy Sanitary Commissioner in the North-Western Provinces and Oudh, to have the temporary rank of Deputy Surgeon-General whilst officiating as Sanitary Commissioner in those Provinces.

No. 241.—PUBLIC WORKS DEPARTMENT—

In G. G. O. No. 149 of 1881, for "Barrack-Sergeant John Hobhouse," read *Barrack-Sergeant John Hobhouse.*

No. 242.—NATIVE ARMY—

11th Regiment of Native Infantry.

Subadar Durson Sing, to be Subadar-Major, *vice* Sewbuccus Doobey, "Sirdar Bahadur," invalided; Jemadar Dhunnoo Sing, to be Subadar, *vice* Sewbuccus Doobey, "Sirdar Bahadur," invalided; Havildar Sunath Sing, to be Jemadar, *vice* Dhunnoo Sing, promoted,—1st April, 1881.

24th (Punjab) Regiment of Native Infantry.

Jemadar Yusseen Khan, to be Subadar, *vice* Jowahur Khan, deceased; Havildar Ummon Khan, to be Jemadar, *vice* Yusseen Khan, promoted,—6th October, 1880.

43rd (Assam) Regiment of Native (Light) Infantry.

Jemadar Byjooram, to be Subadar, *vice* Khodabux, invalided; Jemadar Ghumbir, to be Subadar, *vice* Buttola, invalided; Havildar Mahadeo Sing, to be Jemadar, *vice* Byjooram, promoted; Havildar Jeetman, to be Jemadar, *vice* Ghumbir, promoted,—1st December, 1880.

3rd Goorkha (The Kemaoon) Regiment.

Jemadar Taijee Rawut, to be Subadar, *vice* Chamoo Khuttree, invalided,—8th March, 1881.

RETIREMENTS.

No. 243.—In continuation of G. G. O. No. 192 of 1881, the undermentioned officer is permitted to retire from the service under the provisions of G. G. O. No. 1 of 1881, with effect from the date specified, subject to Her Majesty's approval:—

Lieutenant-Colonel (Brevet Colonel) James Thomas Harris, Bengal S. C.,—7th April, 1881.

O. R. NEWMARCH, *Lieut.-Col.,*
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

NOTIFICATION.

CALCUTTA, THE 25TH APRIL, 1881.

Statement of Deposits on account of Estates from the 19th to the 25th April, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Indian Military Service.					Rs. A. P.		
C. A. Daubeny ...	Surgeon ...	Indian Medical Department.	25th August, 1880.	Intestate	3 7 6		
H. E. Ravenshaw (a) ...	Lieutenant ...	Bengal Staff Corps.	13th October 1880.	Ditto	891 5 1		

(a) *Next-of-kin—Father.*—T. E. Ravenshaw, Bengal Civil Service, care of Messrs. Grindlay & Co., 55, Parliament Street, London.

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 26th April 1881.

No. 148.—Captain A. J. C. Cunningham, R.E., 1st Assistant Principal of the Thomason College, is appointed to the Public Works Department as an Executive Engineer, 2nd Grade, and posted to the North-Western Provinces and Oudh.

No. 149.—Mr. F. P. Quinlan, Deputy Examiner of Accounts, 1st Grade, Northern Bengal State Railway, is promoted to Examiner, 4th Class, 3rd Grade, temporary rank, with effect from 1st April 1881.

No. 150.—Public Works Department Notification No. 104, dated 11th March 1881, transferring Major C. F. Call, R.E., to the Accounts Branch, is cancelled. This also cancels Public Works Department Notification No. 131, dated 8th April 1881, so far as it relates to that officer.

No. 151.—Mr. J. Douglas, Deputy Examiner of Accounts, Tirhoot State Railway, is posted to the charge of the Guaranteed Railway Accounts, Lahore. This cancels that portion of Public Works Department Notification No. 146, dated 22nd April 1881, which relates to Mr. Douglas.

No. 152.—Mr. A. C. Newcombe, Deputy Examiner, 2nd Grade, is, on return from special leave, posted to the Rajputana State Railway.

The 27th April 1881.

No. 153.—Mr. H. Stuart, Deputy Examiner of Accounts, 1st Grade, Bengal, is promoted to Examiner, 4th Class, 3rd Grade, temporary rank, with effect from the date of his taking over charge of the accounts of the Tirhoot State Railway.

No. 154.—Major H. R. LeM. Carey, Deputy Examiner of Public Works Accounts, 1st Grade, Central India, is promoted to Examiner, 4th Class, 3rd Grade, temporary rank, with effect from the 1st April 1881.

No. 155.—The Governor General in Council is pleased to confirm the orders* of the Government of Bengal, promoting Mr. T. H. Wickes, Executive Engineer, 1st Grade, to Superintending Engineer, Class III, temporary rank, during the absence on deputation of Mr. Martin, or until further orders.

* Notification No. 31, dated 14th April 1881.

No. 156.—The Governor General in Council having ordered a survey to be made of part of the country between the rivers Gogra and Gunduck, with a view to the possible construction of a Railway from Patna towards Baraitch, the Director General of Railways is hereby instructed to carry out the same.

Mr. F. B. Walker, Executive Engineer, 1st Grade, is appointed Engineer-in-Chief of the Patna-Baraitch Railway Survey.

No. 157.—Major W. S. S. Bisset, R.E., in Class I, Grade 3, of the Superior Revenue Establishment of State Railways, is granted privilege leave for three months, under section 44, Chapter VII, of the Civil Leave Code, with effect from the 5th May 1881, or such subsequent date as he may avail himself of it.

No. 158.—Mr. J. W. A. McNair, Assistant Examiner, 1st Grade, Bombay, is granted leave on medical certificate out of India for one year, with the usual subsidiary leave, under Supplement F, section 4, of the Civil Leave Code, with effect from 19th March 1881.

No. 159.—Mr. W. A. Crisp, Accountant, 1st Grade, is appointed Assistant Examiner, 1st Grade, temporary rank, and posted to the Office of Examiner of Public Works Accounts, Bombay, with effect from the 19th March.

The 28th April 1881.

No. 160.—The services of Mr. C. E. Housden, Assistant Engineer, 2nd Grade, Rajputana, are placed at the disposal of the Foreign Department.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 19. SIMLA, SATURDAY, MAY 7, 1881.

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

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SUPPLEMENT No. 19.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 6th May 1881.

His Excellency the Viceroy and Governor General will hold a Levée at Peterhoff at 12 noon, on Tuesday, the 24th May 1881, being Her Majesty's Birthday.

All Civil and Military Officers are invited to attend.

Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court are requested to send their names and address to the Aide-de-Camp in waiting not later than Wednesday, the 18th May 1881, and in doing so to add the names of the Gentlemen who will present them and who must themselves attend the Levée. Presentation cards will then be forwarded to them.

All Officers and Gentlemen attending the Levée are requested to bring with them two cards with their names *legibly* written thereon,—one card to be delivered on entering Peterhoff, and the other to the Aide-de-Camp in waiting at the time of presentation.

The Levée will be closed by the Native Officers of the Detachment of the 2nd Goorkhas being presented by their Commanding Officer to His Excellency the Viceroy.

Gentlemen wearing Uniform will appear in Full dress.

Gentlemen not wearing Uniform will appear in Evening dress.

By Command,

GEO. S. WHITE, *Lieut.-Colonel,*
Military Secretary to the Viceroy.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 5th May 1881.

No. 631.—Notice is hereby given that the Birthday of Her Majesty the Queen, Empress of India, will be kept on Tuesday, the 24th May 1881.

ESTABLISHMENTS.

The 30th April 1881.

No. 170.—The following temporary promotions are made in the Subordinate Executive and Judicial Service in British Burma, consequent on the absence on furlough of Mr. P. H. Martyr and Mr. A. L. Hough, Extra Assistant Commissioners, 1st Class :—

Moung Po, Extra Assistant Commissioner, 2nd Class, to officiate as Extra Assistant Commissioner, 1st Class, with effect from 4th February 1881, *vice* Mr. Martyr.

Moung Hla Toon Oung, Extra Assistant Commissioner, 3rd Class, to officiate as Extra Assistant Commissioner, 2nd Class, with effect from 4th February 1881, *vice* Moung Po.

Mr. S. H. T. de la Courneuve, Extra Assistant Commissioner, 2nd Class, to officiate as Extra Assistant Commissioner, 1st Class, with effect from the 26th March 1881, *vice* Mr. Hough.

Moung Shway Zin, Extra Assistant Commissioner, 3rd Class, to officiate as Extra Assistant Commissioner, 2nd Class, with effect from the 26th March 1881, *vice* Mr. de la Courneuve.

The 2nd May 1881.

No. 172.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor General of India by the appointment of General the Honourable Sir Donald Martin Stewart, Bart., G.C.B., to be Commander-in-Chief of Her Majesty's Forces in India, Her Majesty the Queen, Empress of India, has been graciously pleased to appoint Major-General Thomas Fourness Wilson, C.B., to be an Ordinary Member of the said Council.

2. Major-General Wilson has this day forenoon, under the usual salute, taken his seat as an Ordinary Member of the Governor General's Council.

The 6th May 1881.

No. 174.—Babu Jeelon Roy is appointed an Extra Assistant Commissioner of the 6th Grade in Assam, but will hold the temporary appointment in the 5th Grade, sanctioned under the arrangements made in consequence of the departure on furlough of Dr. T. D'O. Partridge, Inspector of Immigrants in Upper Assam.

Babu Mádhab Chundra Bardalai is appointed to be an Extra Assistant Commissioner of the 6th Grade in Assam substantive *pro tempore*, *vice* Babu Jeelon Roy.

MEDICAL.

The 4th May 1881.

No. 252.—The services of the undermentioned Medical Officers are placed at the disposal of the Government of the North-Western Provinces and Oudh :—

Surgeon T. H. Sweeney, 8th Regiment, N. I.
" J. L. Corbett, M.D., 11th Regiment, N. I.

JUDICIAL.

The 6th May 1881.

No. 626.—In exercise of the power conferred by Act VIII of 1874, Section 2, and Act XII of 1874, Section 2, the Governor General in Council is pleased to delegate to the Chief Commissioner of Assam, for the purpose of being exercised within the territories forming that Chief Commissionership, the powers over the said territories which at the time of the formation of the said Chief Commissionership were vested in the Lieutenant-Governor of Bengal by Section 10 of Act I (B. C.) of 1869 (An Act for the prevention of Cruelty to Animals), and Section 3 of Act III (B. C.) of 1869 (An Act to enable Police Officers to arrest without warrant persons guilty of cruelty to animals).

EDUCATION.

The 30th April 1881.

No. 129.—Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorise the affiliation of the Albert College, Calcutta, to the Calcutta University up to the First Arts standard, with effect from the 1st January 1881.

PATENTS.

The 2nd May 1881.

No. 335.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department at the Presidency, to public inspection upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 106 of 1880.—Anna Aratoon, of No. 12, Fordyce's Lane, in the town of Calcutta, for the cure of consumption, asthma, bronchitis, whooping cough, coughs of years' standing, difficulty in breathing, tightness of the chest, hoarseness, throwing or spitting of blood, simple and dry coughs, colds, &c.

No. 1 of 1881.—Edward Davis, of Llandinam, in the county of Montgomery, in the United Kingdom of Great Britain and Ireland, for improvements in apparatus for feeding locomotive and other steam boilers or generators, applicable also for raising and forcing liquids for other purposes.

No. 6 of 1881.—Frederick Siemens, of Dresden, in the German Empire, for improvements in lamps.

No. 23 of 1881.—Cecil Ritter Von Schrrarz, Civil Engineer at Morar, and Henry Fornaro, Engineer and Contractor at Calcutta, for an arrangement for the utilisation of rice-husks and saw-dusts as fuel for heating steam boilers and other apparatus, and especially to enable saw-mills and rice-mills to use their own refuse as fuel for their steam boilers.

No. 24 of 1881.—William Duff Bruce, Civil Engineer and Vice-Chairman of the Commissioners for making Improvements in the Port of Calcutta, and now residing at the Office of the Port Commissioners in the Town of Calcutta, for an improved hoist for working excavators or other appliances for raising and lowering materials.

No. 25 of 1881.—William Duff Bruce, Civil Engineer and Vice-Chairman of the Commissioners for making Improvements in the Port of Calcutta, and now residing at the Office of the Port Commissioners in the Town of Calcutta, for an improved excavator for dredging.

No. 27 of 1881.—Joseph Apsey, of West Ham, in the county of Essex, England, for improved means and apparatus for driving bogie axles of locomotive vehicles.

No. 31 of 1881.—Charles Cheswright, of 1, Wharf Road, City Road, in the county of Middlesex and Kingdom of England, for improvements in boxes or receptacles for tea or other articles or substances.

No. 35 of 1881.—Paul Gustave Louis Gabriel Designolle, of Paris, in the Republic of France, for improvements in the treatment of ores or compounds containing copper, and the separation of copper from precious metals, and in apparatus connected therewith.

No. 36 of 1881.—Thomas Frederick Henley, of Walbrook, in the city of London, England, for improved means of, and apparatus for, treating and utilising date fruit and seed for the production of beverages of the nature of coffee or cocoa.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—MILITARY.

Simla, the 5th May 1881.

No. 49*G.-M.*—The following promotions are made in the Meywar Bheel Corps, with effect from the 20th September 1880 :—

Jemadar Homa to be Subadar, *vice* Subadar Makhun Singh, deceased.

Havildar Homa to be Jemadar, *vice* Jemadar Homa, promoted.

POLITICAL.

The 5th May 1881.

No. 129*G.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Adolph Philippi as Acting Consul for Germany at Bassein during the absence on leave of Mr. G. Buhmeyer.

No. 132*G.-P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Adolph Philippi as Acting Consul for the Austro-Hungarian Empire at Bassein during the absence on leave of Mr. G. Buhmeyer.

GENERAL.

The 5th May 1881.

No. 873*G.-G.*—Captain R. G. E. Dalrymple, M.S.C., Officiating Assistant Political Agent, Banswara and Partabgarh, has been granted furlough in India from the 11th October to the 30th November 1880, both days inclusive, under Rules IX and XV of the Regulations of 1868.

No. 875*G.-G.*—Lieutenant-Colonel E. S. Reynolds, Officiating Resident, 2nd Class, reverted to his officiating appointment in the grade of Political Agent, 2nd Class, from the date on which he was relieved of his duties as Officiating Agent, Governor General in Biluchistan, by Lieutenant-Colonel St. John.

The 6th May 1881.

No. 880*G.-G.*—Assistant Surgeon Aupoorbo Krishna Das, of the Supernumerary List, is appointed temporarily to the medical charge of the Political Agencies at Kotah and Jhalra Patan in Rajputana, *vice* Surgeon A. Adams, with effect from the date of assuming charge.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

Simla, the 7th May 1881.

No. 427.—Whereas under the terms of Notification in the Department of Finance No. 3646, dated 13th November 1880, the Town Municipality of Ratnagiri has paid into the Ratnagiri Treasury Rs. 150 as composition for the stamp duty chargeable on a sum of Rs. 30,000 which that Municipality was authorised to borrow in 120 debentures of Rs. 250 each, such debentures being numbered consecutively from 1 to 120 and bearing date the first of January 1881;

In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council has exempted the abovementioned debentures from any stamp duty with which they might otherwise be chargeable, whether on issue, renewal or subdivision.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 6th May, 1881.

APPOINTMENTS.

No. 244.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date

specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Joseph Hume Balfour, 2nd Battalion, 8th Foot, Officiating Squadron Officer, 13th Bengal Lancers,—11th March, 1880.

No. 245.—HYDERABAD CONTINGENT—

Colonel *Sir* C. J. S. Gough, K.C.B., V.C., Commandant, 5th Bengal Cavalry, to be Commandant, Hyderabad Contingent, with the rank of Brigadier-General, *vice* Brigadier-General T. Wright, C.B., S.C., whose tour of staff service has expired,—Dated 29th April, 1881.

No. 246.—QUARTERMASTER GENERAL'S DEPARTMENT—

Lieutenant-Colonel W. L. Dalrymple, 88th Foot, to be an Assistant Quartermaster General on the establishment, with effect from the 23rd March, 1881, *vice* Lieutenant-Colonel H. A. Little, promoted.

No. 247.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment (The Hazara Goorkha Battalion).

Lieutenant A. A. Barret, S.C., Officiating Wing Officer, 3rd Sikh Infantry, to be Officiating Wing Officer.

FIELD OPERATIONS.

No. 248.—The following appointments to the command and staff of the Mahsud Waziri Expeditionary Force have been sanctioned by the Right Hon'ble the Governor General in Council, with effect from the dates specified :—

Brigadier-General T. G. Kennedy, C.B., Bengal Staff Corps	Commanding the Force ...	12th March 1881.
Major E. C. Codrington, Bengal Staff Corps ...	Assistant Adjutant General.	12th " "
Major J. Davidson, Bengal Staff Corps ...	Assistant Quarter Master General.	22nd " "

FIRST COLUMN.

Brigadier-General T. G. Kennedy, C.B., Bengal Staff Corps	Commanding ...	12th March 1881.
Lieutenant C. H. M. Smith, Bengal Staff Corps	Deputy Assistant Quarter Master General ...	25th " "
Lieutenant E. Blunt, R.E.	Superintendent of Army Signalling ...	11th April "
Lieutenant-Colonel W. C. Chowne, Bengal Infantry.	Provost Marshal and Baggage Master.	.....

Medical Department.

Surgeon-Major A. P. Holmes, M.D., Bengal Medical Service	Principal Medical Officer	10th April 1881.

Engineer Department.

Major W. H. Pierson, R.E. ...	Commanding Royal Engineer.	18th March 1881.
Lieutenant W. T. Shone, R.E. ...	Assistant Field Engineer	22nd " "
" R. A. Wahab, R.E. ...	Ditto ...	20th " "
" H. Appleton, R.E. ...	Ditto ...	18th " "

Survey Department.

Captain G. W. Martin, Bengal Staff Corps ...	Survey Officer ...	28th March 1881.

Commissariat Department.

Captain C. M. Keighley, Bengal Staff Corps ...	Principal Commissariat Officer.	24th March 1881.
Captain A. C. Le Quesne, Bengal Staff Corps ...	Transport Officer ...	5th April 1881.
Lieutenant J. Willcocks, 100th Foot ...	Ditto ...	19th March "
Veterinary Surgeon R. Pringle	In veterinary charge of Transport.	

Troops.

No. 2 Punjab Mountain Battery.
No. 3 " " "
No. 4 " " "
No. 8 Company, Bengal Sappers and Miners.
1st Punjab Cavalry (detachment).
4th " " (").
32nd Bengal Native Infantry (Pioneers).
1st Sikh Infantry.
4th " "
1st Punjab Infantry.
2nd " "
3rd " "
4th " "
6th " "

&c.

SECOND COLUMN.

Brigadier-General J. J. H. Gordon, C.B., Bengal Staff Corps	Commanding ...	27th March 1881.
Lieutenant J. C. F. Gordon, Bengal Staff Corps...	Depy. Asst. Qr. Mr. Genl.	27th " "
Major H. G. Grant, 78th Foot	Brigade Major ...	27th " "
Captain R. H. W. H. Harris, 70th Foot ...	Supdt. of Army Signalling	9th April "
Lieutenant J. E. Nixon, Bengal Staff Corps ...	Provost Marshal ...	27th March "

Medical Department.

Brigade Surgeon R. Wolseley, M.D., Army Medl. Dept.	Principal Medical Officer	7th April 1881.

Ordnance Department.

Captain G. G. Monck-Mason, R.A.	Commissary of Ordnance	25th March 1881.

Engineer Department.

Captain S. C. Turner, R.E.	Field Engineer ...	12th April 1881.

Survey Department.

Major T. H Holdich, R.E. ...	Survey Officer ...	28th March 1881.
Lieutenant the Hon'ble M. G. Talbot, R.E. ...	Assistant Survey Officer ...	11th April 1881.

Commissariat Department.

Lieutenant E. C. C. Sandys, Bengal Staff Corps ...	Executive Commissariat Officer ...	1st April 1881.
Lieutenant W. R. Yeilding, Bengal Staff Corps...	Commissariat Officer ...	27th April 1881.
Lieutenant R. B. W. Fisher, 10th Hussars ...	Brigade Transport Officer	5th " "
Second-Lieutenant J. C. Pyne, 54th Foot ...	Transport Officer ...	29th " "
Veterinary Surgeon J. B. Savage ...	In veterinary charge of Transport.	.....

Troops.

No. 1 Battery, 8th Brigade, Royal Artillery.
No. 6 Company, Bengal Sappers and Miners.
18th Bengal Cavalry.
4th Battalion Rifle Brigade.
14th Bengal Native Infantry.
20th " "
21st " "
30th " "
5th Punjab Infantry.

FURLOUGH AND LEAVE.

No. 249.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major (Brevet Lieutenant-Colonel) J. W. Ridgeway, General List, Infantry, Assistant Secretary to the Government of India, Foreign Department, (u. p. a.) for 91 days, under rule XI of the regulations of 1868.

Major J. E. Campbell, S.C., Deputy Conservator of Forests, 3rd Grade, North-Western Provinces and Oudh, (p. a.) for one year and 182 days, under rule IX of the regulations of 1868.

Major L. Wavell, S.C., (m. c.) for one year,—244 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868, with effect from the 26th March, 1881, the date of his embarkation.

This cancels the furlough granted to Major Wavell in G. G. O. No. 142 of 1881.

Captain R. F. Moore, R.E., Executive Engineer, 3rd Grade, Military Works Branch, Public Works Department, (p. a.) for one year and 182 days, under rule IX of the regulations of 1868.

Captain A. F. Fletcher, R.A., Commissary of Ordnance, 2nd Class, (m. c.) for 182 days, under G. G. O. No. 813 of 1876.

No. 250.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Major-General F. R. Maunsell, C.B., R.E., (p. a.) for six months.

Major-General A. Cadell, R.E., (p. a.) for two months.

Lieutenant-Colonel R. J. Walker, S.C., (p. a.) for one year.

Major T. L. Lewis, S.C., (p. a.) for eight months.

Major F. J. Home, R.E., (m. c.) for six months.

Captain G. L. Eliot, S.C., (m. c.) for six months.

Lieutenant A. G. F. Browne, S.C., (m. c.) for six months.

Lieutenant H. R. Marrett, S.C., (u. p. a.) for fourteen days.

Surgeon-Major E. Sclous, (m. c.) for six months.

Surgeon-Major T. G. Skardon, (m. c.) for six months.

Surgeon-Major P. F. Bellew, (p. a.) for one year.

Surgeon A. J. Wall, M.D., (m. c.) for six months.

No. 251.—Surgeon C. B. Hunter has been granted by the Secretary of State for India furlough (m. c.) for 182 days, under the note to rule VI of the regulations of 1875, with effect from the 20th November, 1880, with reference to G. G. O. No. 641 of 1880.

No. 252.—Major-General *Sir* H. T. Macpherson, K.C.B., V.C., S.C., Commanding Allahabad Division, is allowed leave to the 8th February, 1881, the date of his arrival at Bombay, in extension of the leave granted to him in G. G. O. No. 634 of 1880.

LONDON GAZETTE.

No. 253.—The following extracts are published for general information :—

"London Gazette" (Supplement), dated the 1st March, 1881, pages 975 to 977.

THE Queen has been graciously pleased to give orders for the following promotions in, and appointments to, the Most Honourable Order of the Bath.

To be Ordinary Members of the Military Division of the Second Class, or Knights Commanders of the said Most Honourable Order, viz. :—

* * * *

Major-General Robert Phayre, C.B., Bombay Staff Corps.
Colonel (having local rank of Major-General) Herbert Taylor Macpherson, C.B., V.C., Bengal Staff Corps.
Colonel Charles Henry Palliser, C.B., Bengal Staff Corps.
Colonel Charles John Stanley Gough, C.B., V.C., Bengal Cavalry.

* * * *

Colonel Charles Metcalfe MacGregor, C.B., C.S.I., C.I.E., Bengal Staff Corps.
Colonel Hugh Henry Gough, C.B., V.C., Bengal Staff Corps.

To be Ordinary Members of the Military Division of the Third Class, or Companions of the said Most Honourable Order, viz. :—

Colonel John Louis Nation, Bengal Staff Corps.
Colonel William Anthony Gib, Madras Staff Corps.
Colonel Francis Dawson, Madras Staff Corps.
Colonel Stanley de Burgh Edwardes, Bombay Infantry.
Colonel Thomas Edward Gordon, C.S.I., Bengal Staff Corps.
Colonel Richard Barter, Bengal Staff Corps.
Colonel Theodore Walter Ross Boisragon, Bengal Staff Corps.

* * * *

Colonel Robert John Hughes, half-pay, late 63rd Regiment.
Colonel Charles Thomas Heathcote, Bombay Staff Corps.
Colonel Harry Hammon Lyster, V.C., Bengal Staff Corps.
Colonel Francis Booth Norman, Bengal Staff Corps.
Colonel Oriel Vivcash Tanner, Bombay Staff Corps.

* * * *

Colonel Henry Manley Wemyss, Bengal Staff Corps.

* * * *

Lieutenant-Colonel John Hudson, Bengal Staff Corps.
Lieutenant-Colonel Henry St. George Tucker, Bengal Infantry.

* * * *

Lieutenant-Colonel Mark Henry Heathcote, Bengal Staff Corps.

* * * *

Lieutenant-Colonel Cunliffe Martin, Bengal Cavalry.

* * * *

Lieutenant-Colonel Robert Cunliffe Low, Bengal Cavalry.

* * * *

Lieutenant-Colonel John James Boswell, Bengal Staff Corps.

* * * *

Lieutenant-Colonel Gerard Noel Money, Bengal Staff Corps.
Lieutenant-Colonel William Stephen Alexander Lockhart, Bengal Infantry.
Lieutenant-Colonel Charles Smith Maclean, Bengal Staff Corps.
Lieutenant-Colonel Henry Collett, Bengal Staff Corps.
Lieutenant-Colonel Alfred FitzHugh, Bengal Staff Corps.

* * * *

Lieutenant-Colonel Arthur Battye, Bengal Staff Corps.

* * * *

Major Alexander Robert Badcock, Bengal Staff Corps.
Deputy Surgeon-General Annesley Charles Castriot De Renzy, Bengal Army.
Deputy Surgeon-General Stephen Chapman Townsend, Bengal Army.

* * * *

To be an Ordinary Member of the Civil Division of the Third Class, or Companion of the said Most Honourable Order, viz. :—

Major Edward George Godolphin Hastings, Bengal Cavalry, late Political Officer at Kabul, and Chief Political Officer with Sir Frederick Roberts' Field Force on march from Kabul to Kandahar.

THE Queen has been graciously pleased to nominate and appoint—

Lieutenant-Colonel James Johnstone, Bengal Infantry, Deputy Commissioner, Assam, and Political Agent, Munipur.
Major Montague Protheroe, Madras Staff Corps, late Political Officer in Afghanistan.
Captain Henry Wylie, Bengal Infantry, Assistant Political Agent, Biluchistan.
Lieutenant-Colonel William Tweedie, Bengal Staff Corps, late Political Officer in Afghanistan.

* * * *

to be Companions of the Most Exalted Order of the Star of India.

BREVET.

THE Queen has been graciously pleased to approve of the following promotions being conferred upon the undermentioned Officers in recognition of their services during the late Afghan Campaigns, and also in the operations against the Naga Hill Tribes (1879-80). Dated 2nd March, 1881.

To be Lieutenant-Colonels.

* * * *

Major Francis William Boileau, Bengal Staff Corps.

* * * *

Major Alexander Graham Owen, Bengal Staff Corps.

* * * *

Major Sir Robert Groves Sandeman, K.C.S.I., Bengal Staff Corps.
Major Frederick Lance, Bengal Staff Corps.
Major Clement James Griffiths, Bengal Staff Corps.
Major Charles Hayter, Madras Staff Corps.
Major Frederick Hammond, Bengal Staff Corps.
Major George Corrie Bird, Madras Staff Corps.

* * * *

Captain and Brevet Major Henry Montagu Buller, Bengal Cavalry.
Major Robert Cecil Richard Clifford, Bengal Staff Corps.
Major Henry Marsh Pratt, Bengal Staff Corps.
Major James Calder Stewart, Bengal Staff Corps.

* * * *

Major Edward George Godolphin Hastings, Bengal Cavalry.

Major Charles Richard Pennington, Bengal Staff Corps.

* * * *

Major Walter Coningham, Madras Staff Corps.
Major Horace Moule Evans, Bengal Staff Corps.
Major Howard James Barton, Bengal Staff Corps.
Major Francis William Collis, Bengal Staff Corps.
Major George Buckley Stevens, Bengal Staff Corps.
Major John Munro Sym, Bengal Staff Corps.
Major Arthur Gore Handcock, Bengal Staff Corps.

* * * *

Major Arthur Chichester William Crookshank, Bengal Staff Corps.

* * * *

Major Charles Bean Smith, C.S.I., Madras Infantry.
Major John Hugh Green, Bengal Staff Corps.
Major John Edmund Waller, Bengal Infantry.

* * * *

Major Francis Tweddell, Bengal Infantry.
Major Edward Swatman Reynolds, Bombay Staff Corps.
Major Dawsonne Melancthon Strong, Bengal Infantry.
Captain and Brevet Major John Richard Breeks Atkinson, Bengal Infantry.

* * * *

Captain and Brevet Major Alexander Robert Badcock, Bengal Staff Corps.
Captain and Brevet Major Richard George Kennedy, Bengal Staff Corps.

* * * *

Captain and Brevet Major Montagu Gilbert Gerard, Bengal Staff Corps.

* * * *

Major Malcolm Hassells Nicolson, Bombay Infantry.
Major Francis Corbet Singleton, Bombay Staff Corps.
Major Francis Eddowes Hastings, Bengal Infantry.
Major William Walters Biscoe, Bengal Cavalry.
Major Revell Eardley-Wilmot, Bengal Infantry.
Major Edmund Scopoli Walcott, Bombay Infantry.

* * * *

Major Arthur Conolly, Bengal Staff Corps.
Major Sullivan Edward Becher, Bengal Infantry.
Major John Howard Broome, Bengal Infantry.
Major Robert Francis Christopher Alexander Tytler, Bengal Infantry.
Major Joseph West Ridgeway, Bengal Infantry.

To be Majors.

* * * *

Captain Walter John Boyes, half-pay, late 12th Foot.

* * * *

Captain William Alexander Lawrence, Bengal Staff Corps.

* * * *

Captain Edward Molloy, Bengal Staff Corps.
Captain Herbert Hale Forbes Gifford, half-pay, late 13th Hussars.

* * * *

Captain Andrew Harry Spencer Neill, Bengal Staff Corps.

* * * *

Captain Robert Warburton, Bengal Staff Corps.

* * * *

Captain Seymour Duncan Barrow, Bengal Staff Corps.

* * * *

Captain William Verner Ellis, Bengal Staff Corps.

* * * *

Captain Edward Barry Bishop, Bengal Staff Corps.
Captain Alfred Gaselee, Bengal Staff Corps.

* * * *

Captain George Masson Abbott, Bengal Staff Corps.
Captain Henry Vere Hunt, Bengal Staff Corps.

* * * *

Captain Stannus Verner Gordon, Bengal Staff Corps.

* * * *

Captain Francis Charles Burton, Bengal Staff Corps.

* * * *

Captain David Stanley Cuninghame, Bengal Staff Corps.
Captain William Hill, Bengal Staff Corps.
Captain Leslie Trevor Bishop, Bengal Staff Corps.

* * * *

Captain George Lloyd Reilly Richardson, Bengal Staff Corps.

* * * *

Captain Alexander Thomas Seton Abercromby Rind, Bengal Staff Corps.

* * * *

Captain Josiah Philip Crampton Neville, Bengal Staff Corps.
Captain Thomas Lloyd Lewis, Bengal Staff Corps.
Captain Alexander John Forsyth Reid, Bengal Staff Corps.

* * * *

Captain Norman Robert Stewart, Bengal Staff Corps.

* * * *

Captain Charles Reginald Macgregor, Bengal Staff Corps.

* * * *

Captain Edward Bruce, Bengal Staff Corps.

* * * *

"London Gazette," dated the 5th April, 1881, pages 1624 and 1625.

THE following promotions among the Officers of the Staff Corps and Indian Military Forces, made by the Governments in India, have been approved by Her Majesty :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Newton Robert Burlton. Dated 30th December, 1880.
Major and Brevet Lieutenant-Colonel George Ward Chicheley Plowden. Dated 31st December, 1880.
Major Richard Fisher Angelo. Dated 4th January, 1881.

Major and Brevet Lieutenant-Colonel Charles Vanrenen Conway-Gordon. Dated 12th January, 1881.
Major Swinton John Browne. Dated 20th January, 1881.
Major Otway Mayne Graham. Dated 20th January, 1881.
Major Anthony Stewart. Dated 4th February, 1881.
Major Percy William Powlett. Dated 4th February, 1881.
Major Montague Poyntz Ricketts. Dated 4th February, 1881.

To be Majors.

Captain John Edward Paget Mosley. Dated 29th December, 1880.
Captain Horace Richard Le Marchant Carey. Dated 15th January, 1881.
Captain William Alexander Lawrence. Dated 4th February, 1881.
Captain and Brevet Major Herbert William Shoubridge. Dated 12th February, 1881.
Captain Frederick Henry Maitland. Dated 22nd February, 1881.

To be Captains.

Lieutenant James Ramsay Hobday. Dated 13th January, 1881.
Lieutenant Edward James Gardner Lewis. Dated 13th January, 1881.
Lieutenant George Williams Deane. Dated 13th January, 1881.
Lieutenant Alexander Melvin. Dated 3rd February, 1881.
Lieutenant John Fraser Dingwall Fordyce. Dated 4th February, 1881.
Lieutenant Charles Edgeworth Gubbins. Dated 4th February, 1881.
Lieutenant John Edward Barr. Dated 4th February, 1881.
Lieutenant Henry St. Patrick Maxwell. Dated 6th February, 1881.

BENGAL ARMY.

INFANTRY.

To be Majors.

Captain William Pringle Harrison. Dated 4th January, 1881.
Captain Walter Charles Farwell. Dated 20th January, 1881.
Captain and Brevet Lieutenant-Colonel David Robertson. Dated 20th January, 1881.

BENGAL MEDICAL ESTABLISHMENT.

To be Surgeon-Major.

[illegible] Robert Reid. Dated 16th November,

BREVET.

Colonel.

Lieutenant-[illegible] Vanour, Bengal Infantry. Dat[illegible] 1880.

To be Lieu[illegible]

Major Thomas Francis Cosby Rochfort, Bengal Cavalry, in succession to Lieutenant-General C. A. Barwell, C.B., Bengal Staff Corps, retired on a pension. Dated 21st December, 1880.

To be Majors.

Captain (now Major and Brevet Lieutenant-Colonel) Robert Francis Christopher Alexander Tytler, Bengal Infantry, in succession to Lieutenant-General Hampton. Dated 21st September, 1880.

Captain (now Major) Divie Henry Robertson, Bengal Infantry, in succession to Colonel (borne as Major General on the Indian List) Sir W. L. Merewether, K.C.S.I., C.B. Dated 5th October, 1880.

Captain (now Major) Louis Henry Emile Tucker, Bengal Infantry, in succession to Lieutenant-General Hamilton, C.B. Dated 18th December, 1880.

Captain (now Major) William Pringle Harrison, Bengal Infantry, in succession to Lieutenant-General Barwell, C.B. Dated 21st December, 1880.

PROMOTIONS.

No. 254.—The following promotions are made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Captain.

Lieutenant Henry Campbell Lamb,—5th May 1881.

BENGAL ARMY.

To be Colonel.

Lieutenant-Colonel (Brevet Colonel) James Cadogan Parkison Baillie,—6th May 1881.

No. 255.—PUNJAB FRONTIER FORCE—

4th Punjab Infantry.

Jemadar Isa Khan, to be Subadar, *vice* Gulzaman, invalided; Jemadar Mehr Khan, to be Subadar, *vice* Kairdin, invalided; Havildar Zaman Khan, to be Jemadar, *vice* Mehr Khan, promoted; Havildar Umur, to be Jemadar, *vice* Isa Khan, promoted,—1st May, 1881.

RETIREMENTS.

No. 256.—In continuation of G. G. O. No. 193 of 1881, the undermentioned officer is permitted to retire from the service, with effect from the date specified, under the provisions of G. G. O. No. 686 of 1880, subject to Her Majesty's approval:—

Lieutenant-Colonel (Brevet-Colonel) John Boyd Saunders, Bengal Cavalry, 17th January, 1881.

No. 257.—Surgeon-Major Robert Bird, M.D., is permitted to retire from the service, with effect from the 12th May, 1881, subject to Her Majesty's approval.

G. CHESNEY, *Colonel,*
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 2nd May, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned and warrant officers, on the date specified, were received in the Military Department from the 10th April to the 2nd May, 1881.

Corps.	Rank and Name.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Army Medical Department	Brigade-Surgeon Edward Louis Lundy.	19th April, 1881.	Allahabad	...	...

Statement of Deposits on account of Estates from the 24th April to the 2nd May, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Edward Straton (a) ...	Captain	2nd Battalion, 22nd Foot.	1st Sept., 1880.	Intestate	1,496 14 1	...	...

(a) *Next-of-kin—Brother.*—Balfour Straton, 4, Park Side, Beckenham, Kent.

W. M. LEES, *Colonel,*
Offg. Secy. to the Govt. of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 6th May, 1881.

APPOINTMENTS.

No. 8.—Mr. W. W. Newman, to be an Assistant Engineer, 2nd Class, in Her Majesty's Indian Marine, with effect from the 29th April, 1881.

FURLOUGH AND LEAVE.

No. 9.—Mr. B. Read, Engineer in Charge I. G. Turret ships *Abyssinia* and *Magdala*, is granted twelve months' furlough to Europe, under Section 8, Supplement F, of the Civil Leave Code.

PROMOTIONS.

No. 10.—Mr. H. J. Pryce, 1st Grade Officer, to be Commander of the I. G. S. *Irrawaddy*, with seniority from 20th April, 1881.

G. CHESNEY, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 3rd May 1881.

No. 161.—*Erratum.*—In that part of Public Works Department Notification No. 94, dated 10th March 1881, regarding the abolition of the appointment of Director of State Railways, North-Eastern System, for the words—

the post of Director of State Railways, North-Eastern System, is abolished,

read—

the post of Director of State Railways, North-Eastern System, is combined with that of the Chief Engineer of the Government of Bengal who may be selected by His Honor the Lieutenant-Governor to perform the duties.

The 4th May 1881.

No. 162.—Lieutenant J. A. Tanner, R.E., is appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, and posted to the Military Works Branch.

The 5th May 1881.

No. 165.—Mr. J. R. Bell, Executive Engineer, 2nd Grade, is transferred from the Establishment of the Director General of Railways to that of the North-Western Provinces and Oudh, for employment in the Railway Branch.

No. 166.—Captain W. A. J. Wallace, R.E., Manager, Northern Bengal State Railway, in Class I, Grade 3, of the Superior Revenue Establishment, is granted privilege leave for three months, under Chapter VII of the Civil Leave Code, with effect from the 5th instant, or such subsequent date as he may avail himself of it.

No. 167.—With reference to Public Works Department Notification No. 166 of this day's date, Mr. F. P. Quinlan, Examiner of Accounts, Northern Bengal State Railway, Deputy

Examiner, 1st Grade, will officiate as Manager, Northern Bengal State Railway, in addition to his own duties, during the absence of Captain W. A. J. Wallace, R.E., or until further orders.

No. 168.—Sub-Conductor J. Inglis, Assistant Barrack Master, Military Works Branch, is appointed to officiate as a Barrack Master, 2nd Class, during the absence of Honorary Captain Modget, Barrack Master, 1st Class, on leave, or until further orders.

No. 169.—Mr. G. Innes, Assistant Examiner, 2nd Grade, Holkar and Sindia-Neemuch State Railway, is granted leave on medical certificate out of India for nine months, with the usual subsidiary leave, under Supplement F, Section 4, of the Civil Leave Code, with effect from the 25th April 1881.

No. 170.—Mr. A. J. Oldham, Executive Engineer, 4th Grade, temporary rank, Bengal, is transferred, as a temporary arrangement, to the Superior Account Establishment of the Public Works Department, and is posted to the Office of Examiner of Public Works Accounts, North-Western Provinces and Oudh, with the rank of Deputy Examiner, 1st Grade.

The 6th May 1881.

No. 171.—Mr. G. L. Molesworth, Consulting Engineer to the Government of India for State Railways, is granted privilege leave for two months, with effect from the 5th May 1881.

TELEGRAPH.

The 5th May 1881.

No. 163.—The following officiating appointments are made with effect from the 7th April 1881, and until further orders:—

Mr. F. A. Patten, Assistant Superintendent, Persian Gulf Telegraph, to act as Superintendent, *vice* Mr. Gabler, appointed to officiate as Deputy Director, Persian Gulf Telegraph; *vide* Public Works Department Notification No. 127 Telegraph of the 7th April 1881.

Mr. H. B. Harrison, 1st Grade Clerk, to act as Assistant Superintendent, *vice* Mr. Patten.

No. 164.—The following officiating appointments are made during the absence on privilege leave of Mr. C. B. P. Gordon, Superintendent, 1st Grade, or until further orders, with effect from the 27th March 1881:—

From 2nd Grade to 1st Grade Superintendent—

Mr. H. I. Walton.

From 3rd Grade to 2nd Grade Superintendent—

Mr. W. McGregor.

From Assistant Superintendent to Superintendent, 3rd Grade—

Mr. F. W. F. Wiese.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

No. 180.—Mr. F. L. Brown, Deputy Examiner, 1st Grade, Central Provinces Railways, is promoted to the temporary rank of Examiner, 4th Class, 3rd Grade, with effect from the 1st April 1881.

No. 181.—Mr. J. B. Braddon, Deputy Examiner of Public Works Accounts, 1st Grade, Hyderabad, is promoted to Examiner, 4th Class, 3rd Grade, temporary rank, with effect from the 2nd May 1881.

No. 182.—Mr. J. S. Partridge, Accountant, 1st Grade, is appointed Assistant Examiner, 1st Grade, temporary rank, and posted to the Office of Examiner of Guaranteed Railway Accounts, Bombay, with effect from the 2nd May 1881.

No. 183.—Referring to Government of India, Public Works Department, Notification No. 31, dated 21st January 1881, and Notification No. 1 of 1881, by the Agent to the Governor General for Central India, *for* "3rd December 1880" in the latter Notification *read* "1st March 1878."

No. 184.—Mr. T. Knight, Executive Engineer, 2nd Grade, is transferred from the Railway Branch to Central India.

No. 185.—The following officers are transferred from the Railway Branch to Bengal:—

Executive Engineer, 1st Grade.

Mr. D. F. Hogarth.

Executive Engineers, 2nd Grade.

Captain F. W. Joseph, B.S.C.
Mr. H. N. C. Cloëte.

Executive Engineers, 3rd Grade.

Mr. J. J. Jones.
Mr. J. Barron.
Mr. G. E. Moore.

Executive Engineer, 4th Grade.

Mr. E. J. Keelan.

Assistant Engineer, 1st Grade.

Mr. R. M. Marsh.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 21. } SIMLA, SATURDAY, MAY 21, 1881.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—

Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 21.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL, DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 20th May 1881.

No. 696.—In exercise of the power conferred by Section 3 of the Scheduled Districts Act, 1874, the Chief Commissioner of Coorg is pleased, with the sanction of the Governor General in Council, to declare that Act XXX of 1852 (An Act for the naturalisation of aliens) is in force in the Chief Commissionership of Coorg.

No. 698.—His Excellency the Governor General is pleased to confer upon the undermentioned gentleman the privilege of private entrée to Government House:—

The General Superintendent of Operations for the Suppression of Thuggee and Dacoity.

ESTABLISHMENTS.

The 19th May 1881.

No. 192.—The following temporary promotions are made in the British Burma Commission, with effect from the 3rd March 1881, the date on which Colonel H. A. Browne, who has been granted furlough to Europe on private affairs, made over charge of the office of Commissioner of Pegu to Mr. G. J. S. Hodgkinson, C.S., Deputy Commissioner, 1st Grade, and until further orders:—

Major G. A. Strover, Deputy Commissioner, 2nd Grade, to officiate as Deputy Commissioner, 1st Grade.

Colonel W. Munro, Deputy Commissioner, 3rd Grade, to officiate as Deputy Commissioner, 2nd Grade.

Mr. A. Hough, Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Mr. W. C. Midwinter, Settlement Officer, 1st Grade, to officiate as Deputy Commissioner, 4th Grade.

No. 193.—The following temporary promotions are made in the British Burma Commission, with effect from the 18th March 1881, the date on which Mr. W. deCourcy Ireland, Deputy Commissioner, 1st Grade, received charge of the office of Inspector General of Police, British Burma:—

Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner, 2nd Grade, to officiate as Deputy Commissioner, 1st Grade.

Major W. G. Hughes, Deputy Commissioner, 3rd Grade, to officiate as Deputy Commissioner, 2nd Grade.

Major C. H. A. Gower, Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Mr. H. G. Batten, Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 3rd Grade.

No. 194.—The following temporary promotions are made in the British Burma Commission, with effect from the 26th March 1881, the date on which Captain C. A. Cresswell, received charge of the Sandoway District:—

Captain C. A. Cresswell, Assistant Commissioner, 2nd (Officiating 1st) Grade, to officiate as Deputy Commissioner, 4th Grade.

Mr. F. W. Fox, C.S., Assistant Commissioner, 3rd (Officiating 2nd) Grade, to officiate as Assistant Commissioner, 1st Grade.

Mr. P. C. H. Snow, C.S., Assistant Commissioner, 4th (Officiating 3rd) Grade, to officiate as Assistant Commissioner, 2nd Grade.,

No. 195.—The following temporary promotions are made in the British Burma Commission, with effect from the 21st March 1881, the date on which Mr. A. Hough, Deputy Commissioner, 4th (Officiating 3rd) Grade, received charge of the office of Secretary to the Chief Commissioner in the Revenue Settlement Department:—

Major M. Furlong, Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Mr. T. C. Mitchell, C.S., Assistant Commissioner, 4th (Officiating 3rd) Grade, to officiate as Assistant Commissioner, 2nd Grade.

Mr. W. T. Hall, C.S., Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 3rd Grade.

The 20th May 1881.

No. 198.—Mr. J. A. Stowell, Registrar, Home, Revenue and Agricultural Department, is allowed privilege leave of absence for fourteen days, with effect from the 13th instant.

MEDICAL.

The 20th May 1881.

No. 293.—The services of Surgeon G. S. Griffiths are placed at the disposal of the Government of the North-Western Provinces and Oudh.

SANITARY.

The 20th May 1881.

No. 105.—The following rules have been sanctioned by the Governor General in Council under the provisions of Act I of 1870, as a temporary measure, to provide for quarantine against plague in the Port of Aden:—

I.—The commander of every vessel, including buggalows or other native craft, arriving from the Persian Gulf, shall, before entering the harbour, indicate by signal the port from which such vessel has come.

II.—Such commander shall not, except as hereinafter provided, allow any communication either with the pilot boat, except orally, or with the shore, or with any other vessel or boat in the harbour.

III.—Immediately on any such arrival being signalled, the Health Officer of the Port shall go alongside the vessel and ascertain, by enquiry from the commander, whether any person on board is suffering, or has during the voyage suffered, from plague; and if the Health Officer is satisfied by such enquiry that no person on board is suffering, or during the voyage has suffered, from plague, he shall direct the commander to take the vessel to the quarantine anchorage, duly appointed and notified in that behalf by the Resident, there to remain for a period of seven days from the date of arrival in the harbour. The Health Officer shall also direct the commander to prohibit, during the period for which the vessel remains at the quarantine anchorage as aforesaid, all communication, except such as is hereinafter provided for, between such vessel and the shore, or other vessels and boats in the harbour.

IV.—If the Health Officer shall have reason to believe, at the time when the vessel arrives in the harbour, that any person on board is suffering, or during the voyage has suffered, from plague, he shall direct the commander to take the vessel to the quarantine anchorage as aforesaid, and there to remain for a period of fifteen days from the day of arrival in the harbour, and shall further direct that, during such fifteen days, intercourse between the said vessel and the shore, or other vessels and boats in the harbour, shall be prohibited as provided in Rule III.

V.—If during the period a vessel is at the quarantine anchorage aforesaid any case or cases of plague should occur on board, the said vessel shall remain in quarantine for a period of fifteen days from the date of the last case occurring, and be subject to all the prohibitions provided for in Rules III and IV.

VI.—When any vessel has been placed in quarantine as aforesaid, the Health Officer may direct the removal of so many of the passengers and crew as may not be suffering from illness, and whose services may not be required on board the vessel, to such particular spots as may from time to time be selected by the Resident as places of quarantine, there to remain for a period of seven days, or, if the vessel has been placed in quarantine for fifteen days, for a period of fifteen days. If a case of plague occurs among such passengers and crew during any such period, they shall remain in a place of quarantine for a period of fifteen days from the date of the occurrence of the last case of such illness.

VII.—Any mails or cargo which may be brought by any vessel so arriving shall be landed under such precautions as the Health Officer may deem necessary to prevent the spread of the disease.

VIII.—It will be the duty of the Port Officer to facilitate the conveyance to all vessels in quarantine of such supplies of provisions, stores and other articles as may be required by those on board. Such supplies will be placed on the boats of the vessels in quarantine, to be subsequently removed by members of their crews.

IX.—All vessels arriving at Aden, which may have communicated with vessels coming from the Persian Gulf, shall be subjected to the same quarantine as vessels arriving at Aden from the Persian Gulf.

EMIGRATION.

The 20th May 1881.

No. 85.—In exercise of the powers conferred by Section 56 of the Indian Emigration Act (VII of 1871), the Governor General in Council is pleased to direct that Schedule A, appended to the Rules relating to emigration from the Port of Calcutta, promulgated by Notification No. 30, dated the 19th February 1873, shall be modified as follows:—

After the words "and in good order," substitute for the words "crew, &c.," to the end of the Schedule—

"Crew, &c.

"Scale, according to tonnage, of the number of hands to be carried by an emigrant vessel:—

For the first 1,000 tons and under—not less than 30 hands, all told.

From 1,000 to 1,500 tons—2 additional hands to every additional 100 tons.

From 1,500 tons upwards—1 additional hand to every additional 100 tons.

"The total number of hands shall include the master and three officers; and two-thirds of the ship's company, exclusive of the master and the three officers, shall be made up of (A. Bs.) able seamen.

"2. The master and the first and second officers shall be possessed of certificates of competency, and shall be Europeans. The third officer may be either a European or an East Indian, and shall be nominated subject to the approval of the Protector of Emigrants."

3. The Governor General in Council is also pleased to direct that the following addition shall be made to Rule 50, clause (*g*), of the above-mentioned Rules:—

"This certificate shall expressly state that the crew comprises the prescribed proportion of able seamen, competent to perform an able seaman's duty."

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Simla, the 18th May 1881.

No. 108*I.-J.*—The following Notification is issued, in supersession of the Notification by the Government of India, Foreign Department, No. 105I.-J., dated Simla, the 3rd July 1880:—

Whereas His Highness the Gaekwar of Baroda, the Nawab of Junagarh, the Administrators of the States of Gondal and Wadwan, the Thakur Sahibs of Bhaunagar, Limri and Chura, the Thakurs of Vala and Lathi, the Talukdars of Peparia, and the Chiefs of Bantwa and Jetpur, have granted to the British Government all the criminal jurisdiction they possess within those portions of land forming the Kathiawar State Railway, including the lands occupied as stations and out-buildings, and for other purposes connected with the Railway, which lie within their respective territories; In exercise of such jurisdiction, and of the powers conferred by Sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification:—

I.—The Indian Penal Code (Act XLV of 1860), the Whipping Act (Act VI of 1864), and the Code of Criminal Procedure (Act X of 1872), are hereby extended to the aforesaid lands, subject, in the case of the Code of Criminal Procedure, to the following modifications:—

(*a*) Trials before the Court of Sessions or an Additional Sessions Judge may, in the discretion of the Sessions Judge, be conducted without the aid either of a Jury or Assessors.

(*b*) Sentences of transportation or imprisonment for more than seven years passed by the Court of Sessions or an Additional Sessions Judge shall be subject to confirmation by the High Court.

(*c*) All orders or sentences passed by an Additional Sessions Judge shall be subject to confirmation by the Sessions Judge.

II.—(*a*) The Railway Magistrate for the time being of the Kathiawar State Railway shall exercise the powers of a Magistrate of the district, as described in Act X of 1872 (The Criminal Procedure Code), within the aforesaid lands.

(*b*) The Assistant to the Political Agent, Kathiawar, the Political Agent, Kathiawar, and the Governor of Bombay in Council, shall respectively exercise the powers of an Additional Sessions Judge and a Court of Sessions and a High Court, as described in Act X of 1872, in respect of all offences over which jurisdiction is exercised by the said Railway Magistrate within the aforesaid lands.

III.—Nothing herein contained shall apply to proceedings against European British subjects or persons jointly charged with European British subjects.

POLITICAL.

The 18th May 1881.

No. 142*G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Sahebzadah Mahomed Furrookshah, a member of the Mysore Family, the title of "Shahzadah" as a personal distinction.

The 20th May 1881.

No. 144*G.-P.*—In supersession of Notification No. 335G.-P., dated 30th December 1880, His Excellency the Viceroy and Governor General is now pleased to permit Abdul Ali to retain the title of Khan Bahadur as a personal distinction.

GENERAL.

The 20th May 1881.

No. 962*G.-G.*—The following appointment is made in consequence of the departure on furlough, of Major (Brevet Lieutenant-Colonel) J. W. Ridgeway:—

Captain T. Hope, Political Assistant, 1st Class, *sub. pro. tem.*, and Officiating Political Agent, 3rd Class, to officiate as Assistant Secretary to the Government of India in the Foreign Department, with effect from the forenoon of the 17th May 1881.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 20th May 1881.

No. 751.

Read the following:—

FINANCIAL, INDIA OFFICE,
No. 125. *London, 7th April 1881.*

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,

PARA. 1. In my Despatch of the 23rd of September 1880, No. 317, I informed Your Excellency that Her Majesty's Government had determined that a substantial contribution to the expenses incurred in the Afghan war should be made by the Imperial Treasury.

2. I have now to inform your Government that, on the 16th of March, the Chancellor of the Exchequer announced to the House of Commons that it had been determined to remit the repayment by the Indian Government of the loan of 2,000,000*l.* advanced in 1879, and to make a further grant of 3,000,000*l.*, in six annual instalments, the first being made in the current year, 1880-81.

3. The Bill necessary to legalise the remission of the Advance Loan was not passed by the 31st of March; but I have not thought it necessary, in the revision of the Estimates of the Home Treasury, to include in the expenditure of 1880-81 the repayment of the sum of 290,000*l.*, which was due this year.

4. The proposals of Her Majesty's Government have been accepted by the House of Commons, after it had been explained that the whole of the five millions sterling will be devoted to the repayment of debt in England. Of this amount, two millions will be absorbed in cancelling the Advance Loan, and the instalment or instalments received by the 1st of November next will be used to repay the bonds falling due on that date.

5. Inasmuch as the whole of the charges of the war have been, or will be, brought to account as Expenditure, it is necessary to bring to account as revenue the amount of the contribution by Her Majesty's Government. Strictly, it appears to me that the several sums should be credited as revenue from time to time when received; but, considering the intention of Her Majesty's Government, in making the grant, to relieve the finances of India of the heavy burden now falling on them, it appears to me that the spirit of the proposal will be more fully met if the whole sum is now brought to account as revenue, and the portion unpaid is entered under Debt as an amount recoverable from Her Majesty's Government in future years, in aid of the expense of the Afghan war. The subsequent receipts will then be credited under the head of Debt, without interfering with the surplus or deficit of the year.

6. Although it is impossible at present to foresee the exact amount of war expenditure which will be incurred in the year 1881-82, yet it appears to me that, for the purpose of the Estimates, the best plan will be to bring to account as revenue in 1881-82 a sum equal to the estimated expenditure on war in that year, namely, 2,000,000*l.*, as stated in your telegram of the 8th of March. In that case, by crediting as revenue in the estimates of 1880-81 a sum of 3,000,000*l.*, the whole grant from Her Majesty's Government will have been set off against the expenditure of the operations now about to be brought to a close, in the manner best calculated to eliminate from the Accounts of 1881-82 and subsequent years all disturbance arising from that expenditure.

7.* With this view, I addressed to Your Excellency on the 16th of March the following telegram:—"Parliament accepts proposed war contribution, namely, remitting Advance Loan, and payment of 3,000,000*l.* in six annual instalments, all devoted to reduction of debt in England. You may credit Revenue with 5,000,000*l.* in 1880-81 and 1881-82 in proportions most convenient. To avoid complicating future accounts with war transactions, I suggest in 1881-82 amount equal to estimated war expenditure of that year, say two millions, and the difference, say three millions, in 1880-81. After 1881-82 all receipts will be under Debt."

* NOTE.—The manner in which it was ultimately decided to distribute the sum of 5,000,000*l.* between the years 1880-81 and 1881-82 is explained in paragraphs 19 and 70-71 of the Financial Statement for the current year.

I have, &c.,
(Sd.) HARTINGTON.

ORDERED, that this Resolution be published in the *Gazette of India* for general information.

The 21st May 1881.

No. 628.—In exercise of the power conferred by Section 48 of the Native Passenger Ships Act, 1876, and in modification of Notification No. 160, dated the 17th January 1880, the Governor General in Council is pleased to declare that the voyages specified below between the ports of Madras and Negapatam, calling at certain ports north of Madras, and the ports on the east coast of the Bay of Bengal, as far south as and including Rangoon, shall, when such voyages are performed by steamers, be deemed to be short voyages for the purposes of the said Act:—

Voyages aforesaid.

From Negapatam to Rangoon or ports north of Rangoon on the eastern coast of the Bay of Bengal, calling at all or not less than two of the following ports, *viz.*,—
Madras, Masulipatam, Coconada, Vizagapatam, Bimlipatam, Calingapatam, Barwah, and Gopalpore.

From Madras to Rangoon or ports north of Rangoon on the eastern coast of the Bay of Bengal, calling at all or not less than two of any of the following ports, *viz.*,—
Masulipatam, Coconada, Vizagapatam, Bimlipatam, Calingapatam, Barwah, and Gopalpore.

From Rangoon or ports north of Rangoon on the eastern coast of the Bay of Bengal to Madras, calling at all or not less than two of any of the following ports, *viz.*,—
Gopalpore, Barwah, Calingapatam, Bimlipatam, Vizagapatam, Coconada, and Masulipatam.

From Rangoon or ports north of Rangoon on the eastern coast of the Bay of Bengal to Negapatam, calling at all or not less than two of the following ports, *viz.*,—
Gopalpore, Barwah, Calingapatam, Bimlipatam, Vizagapatam, Coconada, Masulipatam, and Madras.

No. 669.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor General in Council is pleased to remit the fees payable under Schedule II, Article 1 (*c*), of the abovementioned Act on an application or petition presented to a Chief Commissioner, when such application or petition is accompanied by a petition to the Government of India, and contains merely a request that such petition may be forwarded to the Government of India.

No. 674.

Read again—

Financial Resolution No. 128, dated the 10th January 1880, promulgating rules for State Railway Provident Institutions.

RESOLUTION.—The Governor General in Council directs that the words "the Local Governments concerned or" be inserted before the words "the Director General of Railways" in Rule XIV of those Rules.

ORDERED, that this Resolution be published in the *Gazette of India* for general information, and communicated to the Public Works Department for information and further orders.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 20th May, 1881.

APPOINTMENTS.

No. 271.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Laurence Julius Elliott Bradshaw, 1st Battalion, 25th Foot, Officiating Wing Officer, 24th (Punjab) Regiment of Native Infantry,—2nd July, 1879.

No. 272.—PERSONAL STAFF—

With reference to paragraph 5 of despatch from the Secretary of State, published in G. G. O. No. 304 of 1869, the undermentioned officer comes on the establishment of paid Aides-de-Camp to Her Majesty, with effect from the date specified:—

Colonel *Sir* P. S. Lumsden, K.C.B., C.S.I., Bengal S. C., from the 21st December, 1880, *vice* Colonel T. F. Wilson, C.B., promoted to Major-General.

No. 273.—Lieutenant E. L. S. Brett, 2nd Battalion, Scots Guards, to be Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General, *vice* Lieutenant A. W. Perry, who becomes Extra Aide-de-Camp. Dated 3rd May, 1881.

No. 274.—MILITARY ACCOUNTS DEPARTMENT—

The undermentioned officers to be Assistant Military Accountants, on probation, with effect from the dates specified:—

Lieutenant H. Melvill, Bombay S. C., Wing Officer, 25th Regiment of Bombay Native Infantry,—28th April, 1881.

Lieutenant J. G. Downing, Madras S. C., Wing Officer, 11th Regiment of Madras Native Infantry,—6th May, 1881.

No. 275.—ORDNANCE DEPARTMENT—

With reference to G. G. O. No. 851 of 1878, Major-General N. G. Campbell, R.A., Deputy Inspector General of Ordnance, Madras, is confirmed in the appointment of Inspector General of Ordnance, Bengal, with effect from the 18th September, 1878.

No. 276.—ORDNANCE MANUFACTURING ESTABLISHMENTS—

Captain W. L. C. Gordon, R.A., to officiate as an Assistant Superintendent of Factories, *vice* Captain J. G. Stone, officiating as Superintendent of Factories, or until further orders.

FURLOUGH AND LEAVE.

No. 277.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Brigadier-General C. R. O. Evans, R.A., Commanding Agra Brigade, (m. c.) for 182 days, under G. G. O. No. 952 of 1861.

Captain E. N. D. LaTouche, General List, Infantry, Assistant Commissioner, 1st Grade, Assam, (m. c.) for one year and 182 days, one year and 4 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

LONDON GAZETTE.

No. 278.—The following extracts are published for general information:—

"London Gazette," dated the 8th April, 1881, page 1735.

THE following Admissions to the Indian Medical Service have been approved by Her Majesty:—

To be Surgeons. Dated 2nd October, 1880:—

BENGAL.

George Michael James Giles.
Arthur Robert Wyatt Sedgefield.
Edwin Francis Horatio Dobson.
Johnston Shearer.
Syed Hassan.
Robert James Polden.
Hem Chandra Banerji.
Sambhu Chandra Nandi.
Alfred Henry Pierson.
Francis Samuel Peck.
William Deane.
Philip de Conceiçao.

* * * * *

The following Admissions to the Staff Corps made by the Governments in India, and transfer to the Half-Pay List of the Staff Corps, have been approved by Her Majesty:—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Percy George Kerans, from the 2nd West India Regiment. Dated 15th September, 1879, but to rank from 9th August, 1873.

Lieutenant Warren Hastings, from the 2nd West India Regiment. Dated 29th September, 1879, but to rank from 28th February, 1874.

Sub-Lieutenant Alan Coddington Batten, from the 34th Foot. Dated 5th November, 1879, but to rank from 10th September, 1875.

Lieutenant Randolph Seton Burn, from the 19th Foot. Dated 6th June, 1879, but to rank from 11th September, 1876.

Lieutenant James Henry Parsons, from the 63rd Foot. Dated 8th August, 1879, but to rank from 11th September, 1876.

* * * * *

"London Gazette," dated the 12th April, 1881, pages 1794 and 1795.

BREVET.

* * * * *

The undermentioned Lieutenant-Colonels to be Colonels:—

Thomas Ernest Britten, Bombay Staff Corps. Dated 26th December, 1880.

Henry Doveton Battye, Bengal Staff Corps. Dated 7th January, 1881.

Otway Francies Smithers, Madras Staff Corps. Dated 20th January, 1881.

John William Orr, Madras Staff Corps. Dated 20th January, 1881.

Alexander Charles Hay, Madras Staff Corps. Dated 20th January, 1881.

Melmoth Alaster Douglas Orchard, Bengal Staff Corps. Dated 21st January, 1881.

Frederick Gadsden, Madras Staff Corps. Dated 21st January, 1881.

Patrick Alexander Carnegy, Madras Staff Corps. Dated 16th February, 1881.

Francis Edward Archibald Chamier, Bengal Staff Corps. Dated 20th February, 1881.

Charles Frederick Keays, Bombay Staff Corps. Dated 20th February, 1881.

Charles William Robert Chester, Bengal Staff Corps. Dated 20th February, 1881.

The names of the Warrant Officers of the Bengal Establishment promoted to the honorary rank of Captain and Lieutenant, respectively, in the London Gazette of 7th December, 1880, are William Wilson and Michael Moloney, and not as therein stated.

MEDICAL DEPARTMENT.

No. 279.—His Excellency the Viceroy and Governor General in Council is pleased to direct the publication of the following despatch from the Right Hon'ble the Secretary of State for India:—

MILITARY, INDIA OFFICE,
No. 112. *London, 14th April 1881.*

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,

PARA. 1. I have given very careful consideration to the proposals for a revised scale of pensions for the Indian Medical Service contained in your Financial letter of the 12th October 1880, No. 335, and, on a full review of all the circumstances, I have determined to sanction, with some slight exceptions, the proposals you have made.

2. I am unable, however, to allow longer periods of leave of absence to count as service for pension than those at present admitted; and I do not consider it would be expedient to give higher rates of pensions to medical officers of 20 and 26 years' service who retire on account of wounds or ill health contracted in the Service, than are granted to officers who, after a similar period of service, retire in ordinary course.

3. It has not been usual in any branch of the Service to give higher pensions to officers entitled to pension merely because they retired on account of wounds or ill health, and I see objections to altering the system in the manner proposed. Officers who break down in the Service before they are entitled to pension receive the half pay of their relative rank, and officers so severely wounded as to entail the loss of a limb receive the wound pension of their relative rank in addition to pay or pension, and this appears to me to be sufficient.

4. I also consider that the third scale of pension may properly be given after 25 years' service instead of after 26 years.

5. In accordance with these views, therefore, the following will be the scale of pensions for the Indian Medical Service, with effect from the 1st January 1881:—

After 17 years' service, including 1½ years' leave and furlough, 292*l.*

After 20 years' service, including two years' leave and furlough, 365*l.*

After 25 years' service, including three years' leave and furlough, 500*l.*

After 30 years' service, including four years' leave and furlough, 700*l.*

6. Those officers who serve five years as Surgeon-General or Deputy Surgeon-General will receive on retirement extra pensions of 350*l.* and 250*l.* a year respectively, six months' leave on medical certificate, or four months on private affairs, being allowed to count as part of this service of five years. A good service pension granted to a medical officer will lapse on his obtaining the additional pension allowed to a Deputy Surgeon-General or Surgeon-General.

7. Medical officers not entitled to pension, but who, at the expiration of two years' leave of absence on medical certificate, are unfit to return to duty, will be placed on temporary or permanent half pay, after examination by the Medical Board at the India Office. The half pay granted in such a case will be the British rate of half pay of the relative rank held by the officer. The period passed on half pay will in no case be reckoned as service in calculating claims for promotion or to pension on retirement.

8. With the liberal rates of pension now introduced, I do not consider that it will be necessary to give any higher rate than that to which they may be entitled, to medical officers below the rank of Deputy Surgeon-General who may be retired on attaining the age of 55 years, under the provisions of Article 8 of the Royal Warrant of the 16th November 1880. An officer now in the Service, who is so retired, may, if he pleases, elect to receive pension under the previous Regulations.

9. You will have the goodness to publish this despatch in the General Orders of your Government.

I have, &c.,

(Sd.) KIMBERLEY.

PENSIONS.

No. 280.—Sub-Conductor William Henry Russell, Commissariat Department, is transferred to the pension establishment.

PROMOTIONS.

No. 281.—SUBORDINATE MEDICAL DEPARTMENT—

Rank and Names.	To what rank promoted.	From what date.	In succession to
		1880.	
1st Class Apothecary Edward Tanney ...	Senior Apothecary ...	2nd December	Senior Apothecary James Judd, deceased.
1st Class Assistant Apothecary James Andrew Antonio.	2nd Class Apothecary	Ditto	Apothecary Tanney, promoted.
Passed Hospital Apprentice Denis Jones ...	2nd Class Assistant Apothecary.	Ditto	Assistant Apothecary Antonio, promoted.
Passed Hospital Apprentice James Johnstone	Ditto	27th November	2nd Class Assistant Apothecary Richard Lewis, deceased.
Passed Hospital Apprentice Robert Gregory Annosette.	Ditto	26th "	2nd Class Assistant Apothecary Francis McCarron, resigned.
		1881.	
1st Class Assistant Apothecary William Hyde	2nd Class Apothecary	7th January ...	1st Class Apothecary Thomas Joseph Lisbey, pensioned.
Passed Hospital Apprentice Valentine Marsden Carleton.	2nd Class Assistant Apothecary.	Ditto ...	Assistant Apothecary Hyde, promoted.
1st Class Assistant Apothecary Isaac Burns ...	2nd Class Apothecary	15th January	2nd Class Apothecary Samuel Pollock, dismissed.
Passed Hospital Apprentice John Robinson ...	2nd Class Assistant Apothecary.	Ditto	Assistant Apothecary Burns, promoted.
Passed Hospital Apprentice Oliver William Howard Smith.	Ditto	11th February	1st Class Assistant Apothecary James Johnson, removed.

No. 282.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Lance Corporal William Collingwood, to be 2nd-Lieutenant, to fill an existing vacancy.

No. 283.—WARRANT OFFICERS—

The following promotions of warrant and non-commissioned officers of the Commissariat Department are sanctioned, in recognition of the services rendered by them during the second phase of the Afghan war:—

Rank and names.	To what rank promoted.
Commissariat Department.	
Conductor William Adolphus Armstrong.	Deputy Assistant Commissary.
Conductor William Durham ...	
Sergeant (Offg. Sub-Conductor) Charles Lightening.	
Sergeant (Offg. Sub-Conductor) Michael Durr.	Sub-Conductor.
Sergeant Bernard Smith Crummy	
" Patrick Lyons ...	

These promotions are to be regarded as supernumerary, until the warrant officers are absorbed by the vacancies which would have promoted them in ordinary course.

RETIREMENTS.

No. 284.—In continuation of G. G. O. No. 243 of 1881, the undermentioned officer is permitted to retire from the service, under the provisions of G. G. O. No. 1 of 1881, with effect from the date specified, subject to Her Majesty's approval:—

Lieutenant-Colonel (Brevet Colonel) Robert Havard Price, Bengal S. C.,—7th May, 1881.

REWARDS.

No. 285.—GOOD SERVICE PENSIONS—

It is hereby announced that, on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified:—

Colonel JOHN ALEXANDER MATHEW MACDONALD,
Bombay Staff Corps.

Dates of Commissions.

Ensign	...	21st February 1843.
Lieutenant	...	21st January 1846.
Brevet Captain	...	21st February 1858.
Captain	...	3rd October 1860.
Brevet Major	...	3rd October 1860.
Major	...	21st February 1863.
Brevet Lieutenant-Col.	...	24th December 1868.
Lieutenant-Colonel	...	21st February 1869.
Brevet Colonel	...	24th December 1873.

Appointments.

Line Adjutant, Ahmednagar,—11th December, 1846.

Acting Adjutant, Left Wing, 15th Native Infantry,—1st November, 1847.

Acting Adjutant, Marine Battalion,—1st November, 1848.

Adjutant, 15th Native Infantry,—22nd February, 1849.

Adjutant, Native Volunteer Veteran Battalion,—5th January, 1853.

Adjutant, 3rd European Regiment,—4th October, 1855.

Acting Deputy Assistant Quartermaster General, P. D. A.,—18th December, 1856.

Assistant Quartermaster-General, P. D. A.,—23rd December, 1859.

Deputy Quartermaster-General of the Army,—31st October, 1864.

From the 10th June, 1860, in room of Brigadier-General C. T. Aitchison, C.B., succeeded to the Colonel's allowance.

Deputy Secretary to the Government of Bombay, Military Department,—20th July, 1865.
Acting Secretary to Government,—29th March, 1866.
Confirmed in the appointment,—17th August, 1870.
Employed in the Military Department,—26th December, 1871.
Secretary to Government,—10th April, 1872.

War Services.

Colonel J. A. M. Macdonald served as Deputy Assistant Quartermaster-General attached to Head-Quarters, Persian Expeditionary Force, in 1857 (medal with clasp). Served on the staff of the Malwa Field Force as Deputy Assistant Quartermaster-General in 1857, and was present at the capture of Dhar and Mundesore and action at Surraria. Appointed Assistant Quartermaster-General to Sir Hugh Rose, and served in that capacity throughout the Central India campaign, and was present at the siege and capture of Rhatghur, action of Barodisa, relief of Saugor, capture of Gorrakotta, action at the pass of Muddenpore, battle of the Betwa (horse killed), siege and storm of Jhansi, actions of Koonch and Muttra, battle of Gollowlee, and capture of Calpee—(Brevet of Major, medal with clasp). Served as Assistant Quartermaster-General with the field columns, under Sir Hugh Rose, south of the Nerbudda in 1859.

From the 10th June, 1880, in room of Brigadier-General C. T. Aitchison, C.B., succeeded to the Colonel's allowance.

SPECIAL.

No. 286.—Captain F. F. F. Roupell, 70th Foot, to be Assistant Adjutant General to No. 1 Column of the Waziri Expeditionary Force, with effect from the 19th April, 1881, *vice* Major E. C. Codrington, who has returned to India, sick.

No. 287.—Captain L. B. Irwin, Wing Officer, 20th (Punjab) Regiment of Native Infantry, to be Provost Marshal to No. 2 Column, Mahsúd Waziri Expeditionary Force, in addition to his other duties, with effect from the 26th April, 1881, *vice* Lieutenant J. E. Nixon, 18th Bengal Cavalry, who has rejoined his regiment.

No. 288.—Captain J. N. Walker, Bombay S. C., to be Brigade Major, Kandahar Line of communications, with effect from the 29th November, 1880.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 20th May, 1881.

APPOINTMENTS.

No. 11.—Mr. Chas. F. Wight to be a 4th grade officer in Her Majesty's Indian Marine, with effect from date of joining.

DISMISSALS.

No. 12.—The services of Mr. W. R. B. Mellor, 3rd grade officer, are dispensed with.

TRANSFERS.

No. 13.—The services of Mr. A. W. Seabrook, Engineer, Her Majesty's Indian Marine, are transferred for employment under the Government of Bombay.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 14th May 1881.

No. 186.—Mr. G. S. T. Harris, Assistant Engineer, 1st Grade, British Burmah, is promoted to Executive Engineer, 4th Grade, temporary rank, with effect from the date on which he assumes charge of the Special Buildings Division, Rangoon.

No. 187.—Lala Sohan Lál, Assistant Engineer, 3rd Grade, Central Provinces, is transferred to the North-Western Provinces and Oudh.

The 16th May 1881.

No. 188.—*Erratum.*—In Public Works Department Notification No. 175, dated the 13th May 1881, placing the services of certain officers employed in Mysore at the disposal of the Foreign Department, for "*Captain C. H. M. Kensington, R.E., Executive Engineer, 4th Grade,*" read "*Captain C. H. M. Kensington, R.E., Executive Engineer, 3rd Grade.*"

No. 189.—Mr. D. F. Martin, Executive Engineer, 3rd Grade, is transferred from the Punjab to Bengal.

The 17th May 1881.

No. 190.—Babu Gopal Chunder Chattopadhya, B.A., Apprentice Engineer, Central Provinces, is promoted to Assistant Engineer, 3rd Grade.

No. 191.—*Erratum.*—In Public Works Department Notification No. 177, dated 13th May 1881, in the column "Present grade," against the name of Major G. Swinton, R.E., for "*Officiating Superintending Engineer, Class III,*" read "*Temporary Superintending Engineer, Class III.*"

No. 192.—*Erratum.*—In Public Works Department Notification No. 147, dated 22nd April 1881, for "*section 21*" of the Civil Leave Code, under which Mr. Morrison, Examiner of Public Works Accounts, Hyderabad, is granted furlough, read "*section 23.*"

The 18th May 1881.

No. 193.—Referring to Public Works Department Notification No. 142, dated 21st April 1881, the post of Engineer-in-Chief of the Sindia State Railway is abolished, with effect from the afternoon of the 5th May 1881, the date Mr. LaTouche reported his departure on furlough.

From this date the Sindia Railway is constituted a divisional charge, under the orders of the Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta.

The 19th May 1881.

No. 194.—Mr. E. H. Johns, Assistant Engineer, 2nd Grade, Delhi-Ferozepore Railway Survey, is transferred temporarily to the Public Works Accounts Establishment with the rank of Assistant Examiner, 1st Grade, and is posted to the Indus Valley State Railway.

No. 195.—The following temporary promotions in the Superior Accounts Establishment are ordered:—

Names.	From	To	*Vice*	Date.
Mr. D. C. Gordon ...	Examiner, 4th Class, 1st Grade.	Examiner, 3rd Class	Major Trail, R.E., on furlough ...	1st April 1881.
Mr. R. G. Macdonald ...	Ditto	Ditto	Mr. Moss, on furlough ...	2nd April 1881.

The 20th May 1881.

No. 196.—Babu Russick Lall Roy, Assistant Engineer, 1st Grade, and Mr. A. Bewley, Assistant Engineer, 2nd Grade, Railway Branch, are transferred from the Establishment under the Director General of Railways to that under the Government of Bengal, Railway Branch.

ALEX. FRASER, *Major-Genl., R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 22.] SIMLA, SATURDAY, MAY 28, 1881.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—

The Portuguese Convention Act, 1881.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—

Nothing for publication.

SUPPLEMENT No. 22.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 27th May 1881.

No. 19.—His Excellency the Viceroy and Governor General has been pleased to accept the resignation by the Hon'ble B. W. Colvin of his office of Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 25th May 1881.

No. 711.—Telegraphic intimation having been received from Ootacamund of the death on the 24th instant of His Excellency the Right Hon'ble William Patrick Adam, Governor of Madras, the Governor General in Council directs, as a mark of respect for the memory of that most distinguished and lamented public servant, that seventeen minute guns be fired from the ramparts of Fort William at noon on 26th instant, and that the flag of Fort William be lowered to half-mast high.

ESTABLISHMENTS.

The 23rd May 1881.

No. 202.—In modification of Notification No. 59, dated the 17th February 1881, appointing Captain E. N. D. La Touche, Assistant Commissioner, 1st Grade, in Assam, to officiate as Deputy Commissioner, 4th Grade, *vice* Major Peet, Captain H. St. P. Maxwell, Assistant Commissioner, 2nd Grade, is appointed to officiate as Deputy Commissioner, 4th Grade.

MEDICAL.

The 27th May 1881.

No. 304.—The services of Surgeon F. W. Wright, M.B., are placed at the disposal of the Government of the North-Western Provinces and Oudh.

No. 307.—The services of Surgeon J. O'Brien, M.D., are placed at the disposal of the Government of Bengal.

JUDICIAL.

The 25th May 1881.

No. 696.—The following errata in the Notifications of the Government of India, Home, Revenue and Agricultural Department, Nos. 308 and 309, dated the 3rd March 1881, published in the *Gazette of India* of the 5th idem, Part I, are published for general information:—

For the word *Juldhoka* in the beginning of Schedule II of the Notification No. 308, substitute the word *Sunkos*.

For the word *Juldhoka* in the concluding part of the Notification No. 309, substitute the word *Saukos*.

POLICE.

The 27th May 1881.

No. 140.—The following promotions are made in the British Burma Police, with effect from the 1st September 1880 :—

Mr. W. J. Porter, District Superintendent of Police, 5th (Officiating 4th) Grade, to be District Superintendent of Police, 4th Grade.

Mr. R. C. Stevenson, District Superintendent of Police, 5th Grade, to officiate as District Superintendent of Police, 4th Grade, *vice* Mr. W. J. Porter.

Mr. J. K. Hume, Assistant District Superintendent of Police, to be District Superintendent of Police, 5th Grade.

PORT BLAIR.

The 25th May 1881.

No. 129.—In exercise of the power conferred by Section 2 of Act V of 1881 (The Probate and Administration Act, 1881), the Chief Commissioner of the Andaman and Nicobar Islands is pleased, with the previous sanction of the Governor General in Council, to authorise the following Courts to receive applications for Probate or Letters of Administration within the [illegible] Islands :—

(1) The Court of Deputy Superintendent.

(2) The Court of the Chief Commissioner.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Simla, the 27th May 1881.

No. 9*G.-J.*—Major J. H. C. G. Lassalle, Officiating Resident, 2nd Class, and Officiating Commissioner, Ajmere, is invested temporarily with the powers of a Sessions Judge, as described in the Code of Criminal Procedure, with effect from the date of assuming charge of the office of Commissioner of Ajmere.

POLITICAL.

The 25th May 1881.

No. 146*G.-P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. R. A. Lowndes as Acting Consular Agent for the United States of America at Bassein, during the absence on leave of Mr. W. W. G. Beatson.

GENERAL.

The 25th May 1881.

No. 1003*G.-G.*—Dr. H. Moreton is appointed to officiate as Medical Officer of the Political Agencies at Kotah and Jhalrapatan, *vice* Surgeon A. Adams, with effect from the date of assuming charge.

The 27th May 1881.

No. 1028*G.-G.*—Captain A. C. Talbot, Additional Political Agent, 2nd Class, and Additional Political Agent in the Eastern States of Rajputana, is appointed to hold charge of the current duties of the office of Political Agent, Ulwur, in addition to his own, with effect from the date of assuming charge, *vice* Major V. E. Law, on special duty.

No. 1031*G.-G.*—Major J. H. C. G. Lassalle, Officiating Political Agent, 3rd Class, and Assistant Commissioner, Ajmere, is appointed to officiate as Resident, 2nd Class, and as Commissioner of Ajmere, with effect from the date of assuming charge, *vice* Mr. L. S. Saunders, on privilege leave.

Major A. W. Roberts, Political Assistant, 1st Class, and Officiating Assistant Commissioner, Merwara, is appointed to officiate as Political Agent, 3rd Class, and as Assistant Commissioner, Ajmere, *vice* Major Lassalle.

Pundit Bhag Ram, Officiating Judicial Assistant, Ajmere, is appointed to officiate as Political Assistant, 1st Class, and as Assistant Commissioner, Merwara, *vice* Major Roberts.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 25th May 1881.

No. 791.—His Excellency the Governor General in Council is pleased to republish for general information the following extract article six of a Convention, dated 12th April 1880, between their Excellencies the Governors General of British India and Portuguese India, which has acquired the force of law within British India by Act XVII of 1881 :—

"All silver and copper Portuguese coins coined under the provisions of this Convention shall, while this Convention remains in force, be legal tender in payment or on account throughout British India to the same extent, and subject to the same exceptions in the case of coin which has been called in, or is under weight, or has been clipped, filed or defaced, as in the case of the corresponding silver and copper coins issued by the authority of the Government of British India for the time being in British India.

"All silver and copper coin which has been issued by the authority of the Government of British India shall, to the said same extent and subject to the same exceptions, be a legal tender in payment or on account throughout Portuguese India."

All Treasury and other Officers of Government are directed to treat the new Portuguese coins as legal tender accordingly.

The 28th May 1881.

No. 803.—In exercise of the powers conferred by Section 10 of the Inland Customs Act (VIII of 1878), the Governor General in Council prohibits the manufacture of earth salt in the Rajanpur sub-division of the Dera Ghazi Khan district and in all other parts of the Punjab trans-Indus.

No. 822.—In exercise of the powers conferred by Section 23 of the Sea Customs Act (VIII of 1878), the Governor General in Council has exempted materials used in the construction of tramways from the customs duties to which they are liable under the Indian Tariff Act, 1875.

No. 825.—The following Addenda and Corrigenda to the Codes of the Financial Department are published for general information :—

CIVIL PENSION CODE.

PAGES 22 AND 23.

Section 45.

Insert the following Note under this section :—

[NOTE.—"Retired" and "Retirement" in this section mean retired or retirement on pension.]

PAGE 24.

Section 50.

Add—

"Resignation or" before "dismissal" in this section.

PAGES 51 AND 52.

Section 104.

Insert the following Rule under this section :—

If any doubt arises regarding the validity of a certificate by the Medical Board attached to the India Office, the Accountant General must not of his own motion reject the certificate as invalid, but submit the matter for the decision of the Local Government.

PAGE 84.

Section 153.

In the last line in Rule 1 (*b*) *under this section, insert* "not" *after* "if."

CIVIL LEAVE CODE.

PAGE 143.

Section 14.

Substitute the following for this section :—

14. So much of a local allowance as is not paid to a substitute may be drawn by an officer absent from his office through deputation on special duty for a period not exceeding one month.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 27th May, 1881.

APPOINTMENTS.

No. 289.—PERSONAL STAFF—

The following appointments have been made on the personal staff of His Excellency the Commander-in-Chief in India, with effect from the 7th April, 1881 :—

Colonel H. Moore, C.B., C.I.E., Bombay S. C., to be Persian Interpreter.

Captain F. J. W. Eustace, R.A., Lieutenant G. Haines, 1-9th Foot, } to be Aides-de-Camp.

Surgeon-Major R. W. Davies, Army Medical Department, to be Surgeon.

No. 290.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Frederick Power Lawrence White, 72nd Foot, Officiating Squadron Officer, 15th Bengal (Cureton's Mooltanee) Cavalry,—2nd May, 1879.

Lieutenant Vesey Mangles Stockley, 40th Foot, Officiating Squadron Officer, 15th Bengal (Cureton's Mooltanee) Cavalry,—28th August, 1879.

FURLOUGH AND LEAVE.

No. 291.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major (Brevet Lieutenant-Colonel) R. C. R. Clifford, S.C., Squadron Commander, 2nd Punjab Cavalry, Punjab Frontier Force, (u. p. a.) for one year, under rule IX of the regulations of 1868.

Captain (Brevet Major) the Hon'ble G. C. Napier, C.I.E., General List, Infantry, Assistant Commissioner, 3rd class, Punjab, on special duty under the Foreign Department, (u. p. a.) for 91 days, under rule XI of the regulations of 1868.

Captain W. J. Williamson, C.I.E., S.C., Deputy Commissioner, 3rd grade, Inspector General of Police, Jails and Registration, Commissioner of Excise, and Superintendent of Stamps, Assam, (p. a.) for 243 days, under rule IX of the regulations of 1868.

The furlough granted to Captain Williamson in G. G. O. No. 6 of 1881 lapsed on the 6th April 1881.

Surgeon-Major J. MacGregor, (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

No. 292.—Surgeon-Major J. E. T. Aitchison, M.D., 29th (Punjab) Regiment of Native Infantry, is allowed furlough out of India, (p. a.) for two years, under rule IX of the regulations of 1868, with effect from the date of the termination of his special duty.

No. 293.—Lieutenant J. B. de LaP. Beresford, Madras S. C., Squadron Officer, 3rd Punjab Cavalry, Punjab Frontier Force, is permitted to proceed out of India on medical certificate, in anticipation of the grant of furlough by the Government of his own Presidency.

LONDON GAZETTE.

No. 294.—The following extracts are published for general information :—

"London Gazette," dated the 26th April, 1881, pages 2002 and 2003.

BREVET.

His Highness Nawab Mahomed Ismail Khan Bahadoor Feroze Jung, of Jaora, to have the honorary rank of Major. Dated 27th April, 1881.

* * * *

THE Queen has approved of the retirement from the Service of the undermentioned Officers of Her Majesty's Indian Military Forces:—

Lieutenant-Colonel and Brevet Colonel Philip Sydney Yorke, of the Bengal Army. Dated 26th April, 1881.

Lieutenant-Colonel and Brevet Colonel Charles Armstrong, of the Bengal Staff Corps. Dated 26th February, 1881.

Lieutenant-Colonel and Brevet Colonel Gordon Sutherland Morris, of the Bombay Army. Dated 2nd February, 1881.

Lieutenant-Colonel and Brevet Colonel Malcolm Robert Haig, of the Bombay Staff Corps. Dated 10th February, 1881.

Lieutenant-Colonel Charles William Fletcher, of the Bengal Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel Spencer Alfred Taylor Judge, of the Bengal Staff Corps. Dated 1st March, 1881.

Lieutenant-Colonel John Henry Castell, of the Bombay Staff Corps. Dated 15th February, 1881.

Lieutenant-Colonel Spencer Rimington, of the Bombay Staff Corps. Dated 26th April, 1881.

Deputy Surgeon-General John Wilson, of the Madras Army. Dated 28th March, 1881.

Surgeon-Major Charles Grant Hope Ross, of the Bombay Army. Dated 28th March, 1881.

Surgeon Robert Morton Wall, of the Bombay Army. Dated 4th March, 1881.

BREVET.

The undermentioned Officers are granted a step of honorary rank on retirement:—

To be Major-Generals.

Lieutenant-Colonel and Brevet Colonel Charles Armstrong, of the Bengal Staff Corps. Dated 26th February, 1881.

Lieutenant-Colonel and Brevet Colonel Gordon Sutherland Morris, of the Bombay Army. Dated 2nd February, 1881.

Lieutenant-Colonel and Brevet Colonel Malcolm Robert Haig, of the Bombay Staff Corps. Dated 10th February, 1881.

To be Colonels.

Lieutenant-Colonel Charles William Fletcher, of the Bengal Staff Corps. Dated 31st December, 1880.

Lieutenant-Colonel Spencer Alfred Taylor Judge, of the Bengal Staff Corps. Dated 1st March, 1881.

Lieutenant-Colonel John Henry Castell, of the Bombay Staff Corps. Dated 15th February, 1881.

Surgeon-Major James Atkinson West Spence, of the Madras Army, whose retirement from the Service was notified in the *London Gazette* of the 15th March, 1881, was therein erroneously described as Surgeon.

PROMOTIONS.

No. 295.—The following promotion is made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Major.

Captain Augustus Henry Turner,—24th May, 1881.

No. 296.—NATIVE ARMY.

18th (The Alipore) Regiment of Native Infantry.

Havildar Rampertab Singh to be Jemadar, *vice* Ramadheen Singh, deceased,—5th March, 1881.

30th (Punjab) Regiment of Native Infantry.

Havildar Ram Sing to be Jemadar, *vice* Jey Sing, invalided,—1st May 1881.

4th Goorkha Regiment.

Jemadar Nathoo Thappa, to be Subadar, *vice* Roop Sing Lama, invalided; Havildar Singbeer Sahie, to be Jemadar, *vice* Jeet Sing Goorung, invalided; Havildar Sunto Goorung, to be Jemadar, *vice* Nathoo Thappa, promoted,—21st February, 1881.

No. 297.—VOLUNTEER CORPS.

Northern Bengal State Railway Volunteer Rifle Corps.

Mr. Angus Roderick Macdonald to be Lieutenant, *vice* Lieutenant G. S. Leonard, resigned.

SPECIAL.

No. 298.—Captain G. F. Young, s.c., Wing Officer, 30th (Punjab) Regiment of Native Infantry, to be Additional Deputy Assistant Quartermaster General to No. 2 Column, Mahsúd Waziri Expeditionary Force, with effect from the 21st April, 1881.

E. H. H. COLLEN, *Captain*,
for *Secretary to the Government of India.*

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 23rd May, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department from the 10th to the 23rd May, 1881:—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
18th Foot ...	2nd-Lieutenant H. E. Richardson...	11th May, 1881	Chunglagully.		
72nd Foot ...	Lieutenant L. Sunderland ...	17th "	Lucknow.		

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 23. } SIMLA, SATURDAY, JUNE 4, 1881.

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

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SUPPLEMENT No. 23.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—EXAMINATIONS.

Simla, the 1st June 1881.

No. 30.—Major H. S. Jarrett, Secretary to the Board of Examiners, has obtained three months' privilege leave to England, with effect from the 5th July 1881, or from the subsequent date on which he may avail himself of it.

No. 31.—Major A. C. Toker, Bengal Staff Corps, is appointed to officiate as Secretary to the Board of Examiners during the absence on leave of Major Jarrett, or until further orders.

MEDICAL.

The 2nd June 1881.

No. 315.—The services of Surgeon N. J. Halpin are placed at the disposal of the Government of Bengal.

No. 317.—The services of Surgeon F. A. Smyth are placed at the disposal of the Government of the North-Western Provinces and Oudh.

POLICE.

The 28th May 1881.

No. 145.—Major H. A. Hammond, District Superintendent of Police, 4th (Officiating 2nd) Class, in the Central Provinces, to officiate as District Superintendent of Police, 1st Class, during the absence on furlough of Mr. J. J. Higgins, or until further orders.

Mr. J. C. Duff, District Superintendent, 3rd Class, to officiate as District Superintendent, 2nd Class, *vice* Major Hammond.

Mr. A. Marriott, District Superintendent, 4th Class, to officiate as District Superintendent, 3rd Class, *vice* Mr. Duff.

Mr. F. E. Coles, District Superintendent, 5th Class, to officiate as District Superintendent, 4th Class, *vice* Mr. Marriott.

The 3rd June 1881.

No. 153.—The services of Mr. C. P. Crouch, District Superintendent of Police in Bengal, are placed at the disposal of the Chief Commissioner of Assam.

PORT BLAIR.

The 31st May 1881.

No. 132.—In exercise of the power conferred by Section 30 of the Andaman and Nicobar Islands Regulation, 1876, the Governor General in Council is pleased to declare the Island of Nancowry, together with all others commonly known as the Nicobar Islands, (that is to say) the Island of Car Nicobar and Great Nicobar, with those lying between them, including Tillanchong, to be a settlement for the purposes of the above Regulation.

PATENTS.

The 23rd May 1881.

No. 381.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the office of the Secretary to the Government of India in the Home, Revenue and Agricultural Department at the Presidency to public inspection upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 94 of 1880.—Leonard Stowe, of Wellington, New Zealand, Clerk to the Legislative Council, and also of 32, Essex Street, Strand, London, England, for a machine for performing sums in addition.

No. 95 of 1880.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in dynamo or magneto electric machines and electric motors.

No. 108 of 1880.—Quentin Leon Brin, of Shepherds Bush, in the County of Middlesex, England, for improvements in the production of light and heat, and in apparatus for same.

No. 3 of 1881.—Natham Thompson, of Brooklyn, New York, in the United States of America, but at present of 23, Southampton Buildings, London, England, for improvements in substitutes for screw bolts and nuts, and in the method of manufacturing the same.

No. 13 of 1881.—William Augustus Gorman, Engineer, of Mason Street, Lambeth, in the County of Surrey, Kingdom of Great Britain and Ireland, for improvements in the method or means and apparatus for making ice and other refrigerating purposes.

No. 40 of 1881.—William Charles Young, of Poplar, in the County of Middlesex and Kingdom of England, for improvements in the manufacture of sulphate of ammonia.

No. 41 of 1881.—Joseph Julius Sachs, of Manchester, in the County of Lancaster and Kingdom of England, for improvements in the production of materials for castings, cements, lead pencils, and other purposes.

No. 42 of 1881.—Auguste J. Rossi and Leonard F. Beckwith, of the City, County and State of New York, United States of America, for improvements in the production of cold for making ice and for other purposes, and in the apparatus employed therein.

No. 43 of 1881.—Quentin Leon Brin and Arthur Brin, both of Paris, France, for improvements in the production of oxygen gas and nitrogen gas.

No. 46 of 1881.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in magneto or dynamo electric machines applicable to both generators and engines.

No. 49 of 1881.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in the construction of machinery and appliances for electro-magnetic railroads, and in the generation, distribution, and translation of electricity for working the same.

No. 51 of 1881.—Frederick Noel Mackay, of Liverpool, in the County of Lancaster, England, Engineer, for improvements in the manufacture of snow, and in apparatus to be employed therefor.

SURVEYS.

The 31st May 1881.

No. 212.—The services of Captain G. W. Martin, Officiating Assistant Superintendent, 2nd Grade, Survey of India, are placed at the disposal of the Department of Finance and Commerce.

No. 215.—Mr. V. Ball, Assistant, 2nd Grade, in the Geological Survey of India, is appointed to officiate in the 1st Grade and as Deputy Superintendent, *vice* Mr. W. King, with effect from the 10th May 1881, on which date the latter availed himself of the furlough granted to him.

FORESTS.

The 31st May 1881.

No. 514*F.*—The undermentioned officers are confirmed in their appointments, with effect from the dates specified opposite their names:—

Mr. W. F. Hobson, Sub-Assistant Conservator of Forests on probation in Bengal, from the 16th December 1880.

Mr. R. L. Heinig, Officiating Sub-Assistant Conservator of Forests in Bengal, from the 1st April 1881.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—MILITARY.

Simla, the 2nd June 1881.

No. 61*G.-M.*—The following promotions are made in the Central India Horse:—

1st Regiment.

Duffadar Khet Sing to be Jemadar, *vice* Jemadar Nutha Singh, transferred to the 5th Punjab Cavalry, with effect from the 1st December 1880.

2nd Regiment.

Jemadar Garbha Singh to be Ressaidar, with effect from the 1st May 1881, *vice* Ressaidar Mirza Hatim Beg, invalided.

Kote-Duffadar Lhena Singh to be Jemadar, *vice* Jemadar Garbha Singh, promoted.

The 3rd June 1881.

No. 64*G.-M.*—The following promotion is made in the 2nd Regiment, Central India Horse, with effect from the 1st May 1881:—

Kote-Duffadar Khushial Singh to be Jemadar, *vice* Jemadar Jai Singh, who has resigned the service.

JUDICIAL.

The 1st June 1881.

No. 119*I.-J.*—Under the provisions of Section 3 of Act II of 1869, the Governor General in Council is pleased to appoint Captain A. C. Talbot, B.S.C., to be a Justice of the Peace for the whole of British India.

No. 121*I.-J.*—Under the provisions of Section 8 of the Indian Christian Marriage Act, 1872, the Governor General in Council is hereby pleased to appoint the Revd. D. H. Lee, Pastor of the Methodist Episcopal Church, to be a Marriage Registrar in respect of the Bangalore District of the State of Mysore.

The 2nd June 1881.

No. 125*I.-J.*—Under the provisions of Section 3 of Act II of 1869, the Governor General in Council is pleased to appoint Captain D. Robertson, 1st Assistant to the Governor General's Agent in Central India, to be a Justice of the Peace for the whole of British India.

POLITICAL.

The 1st June 1881.

No. 153*G.-P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. Sander Gutmann as Acting Consul for the Netherlands at Aden during the absence of Mr. E. O. Ooms.

GENERAL.

The 3rd June 1881.

No. 1068*G.-G.*—The services of Assistant Surgeon Behari Lal Bosu, in temporary medical charge of the Nipal Residency, are replaced at the disposal of the Government of Bengal, with effect from the forenoon of the 13th April 1881.

A. C. LYALL,
Secy. to the Govt. of India.

INDIAN EMPIRE.

NOTIFICATIONS.

Simla, the 24th May 1881.

No. 10I.-E.

In accordance with Her Majesty's Warrant for the institution of the Order of the Indian Empire, the undermentioned Gentlemen are declared to be, *ex officio* and for life, Companions and Members of the aforesaid Order:—

His Excellency the Right Hon'ble William Patrick Adam, Governor of Madras.

His Excellency General Sir Donald Martin Stewart, Bart., G.C.B., Commander-in-Chief in India.

The Hon'ble Major Evelyn Baring, R.A., C.S.I., Member of the Council of the Governor General.

The Hon'ble Major-General Thomas Fourness Wilson, C.B., Member of the Council of the Governor General.

No. 11I.-E.

Her Majesty the Queen and Empress of India has been pleased to appoint the undermentioned Gentlemen, who by their services have merited the Royal favor, to be Companions of the Order of the Indian Empire:—

Sir Steuart Colvin Bayley, K.C.S.I., Resident at Hyderabad.

James Fergusson, Esq., D.C.L., F.R.S., M.R.A.S., F.R.I.B.A.

Surgeon-Major Charles Morehead, M.D., late of the Bombay Medical Establishment.

Pundit Mohesh Chunder Nyaratna, Officiating Principal, Sanskrit College, Calcutta.

Deputy Surgeon-General Norman Chevers, M.D., formerly Principal, Medical College, Calcutta.

Captain William Hutt Curzon Wyllie, B.S.C., Military Secretary to the Governor of Madras.

Mirza Gholam Ahmed, Extra Assistant Commissioner, Peshawar.
Surgeon-Major Edward John Waring, late of the Madras Medical Establishment.
Major Trevor John Chichele Plowden, Deputy Commissioner, Kohat.
Surgeon-Major Oliver Barnett.
Sirdar Sultan Jan, Saddozai, Extra Assistant Commissioner, Kohat.
Surgeon-Major John Anderson, Surgeon to His Excellency the Viceroy.
Sorabjee Shapurjee Bengali, Sheriff for the Town of Bombay.
Surgeon Charles William Owen.

By Order of the Grand Master,

A. C. LYALL,

Secretary to the Order of the Indian Empire.

No. 990G.-P.

His Excellency the Viceroy and Governor General is pleased to confer on His Highness the Raja of Jhind, G.C.S.I., the title of "Raja-i-Rajagan."

A. C. LYALL,

Secretary to the Government of India.

No. 991G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon Arbab Sarfaraz Khan, Mohmand, Peshawar, the title of "Nawab," as a personal distinction.

No. 992G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon the undermentioned Native Gentlemen the title of "Khan Bahadur," as a personal distinction:—

Saiad Badshah Mian, of Kohat.
Mahomed Akbar Khan, Orakzai, Officiating Assistant District Superintendent of Police, Punjab.
Mahomed Zaffar Khan, Khattak, of Kohat.
Mahomed Afzal Khan, of Gundapur, Dera Ismail Khan.
Raja Jehandad Khan, Extra Assistant Commissioner, Peshawar.
Ghulam Mohi-ud-din Khan, Officiating Extra Assistant Commissioner, Punjab.

No. 993G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon the undermentioned Native Gentlemen the title of "Rai Bahadur," as a personal distinction:—

Lala Thakur Dass, Assistant Surgeon, Peshawar.
Babu Modhusudan Ghose, Commissariat Department.

No. 994G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon Shah Pasand Khan of Gulbela, Peshawar, the title of "Arbab," as a personal distinction.

A. C. LYALL,

Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 4th June 1881.

No. 783.

Read again—

Financial Resolution No. 948, dated 5th June 1880, prescribing that a ministerial officer whose salary is not less than Rs. 400 a month may, at his option, in lieu of any daily or monthly travelling allowance to which he may be otherwise entitled, draw first class fare when travelling on duty by railway upon his furnishing one of the certificates prescribed in Financial Notification No. 1497, dated 28th March 1879.

RESOLUTION.—The Resolution read in the preamble is cancelled.

ORDERED, that this Resolution be published in the *Gazette of India* and distributed for information and guidance as follows:—

(1) To the several Departments of the Government of India.

(2) To the several Local Governments and Administrations.

(3) To the Comptroller General and to the several Accountants General and Comptrollers.

(4) To the several Heads of Departments administered by the Government of India in the Financial Department.

No. 935.—Mr. A. P. MacDonnell, of the Bengal Civil Service, having been appointed to officiate as Accountant General, Bengal, received charge of the office before noon on the 21st May 1881.

Moung Hla Oung having been appointed to officiate as Assistant Accountant General, Madras, received charge of the office before noon on the 23rd May 1881.

Mr. H. G. H. Keene having been appointed to officiate as Assistant Comptroller, British Burma, assumed charge of the office before noon on the 23rd May 1881.

No. 943.—Under the provisions of Clause 8 of Section 3 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to appoint the Cantonment Magistrate of Morar for the time being to be Collector of Stamps for the Cantonment of Morar.

No. 947.—Mr. R. Logan, B.C.S., officiated as Accountant General from the 4th to the 20th May 1881, both days inclusive. This Notification supersedes Notification No. 547, dated 14th May 1881, appointing Mr. Logan to be in charge of the said office.

No. 966.—In exercise of the powers conferred by Sections 9 and 56 of the Indian Stamp Act, 1879, the Governor General in Council directs that the following shall be substituted for Rules 8 (*a*), 8 (*b*), and 10 (*b*) of the Rules promulgated by Notification in this Department No. 875, dated 26th February 1881:—

"8 (*a*) Every such officer shall, upon any instrument mentioned in Rule 6 being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

"(*b*) When the stamp duty amounts to twenty rupees or upwards, such officer shall further write on the face of the label or labels his initials, and attach his usual signature to the instrument, immediately under the labels."

"10 (*b*) When any such instrument is taken to the Collector under Section 17 of the said Act, the Collector, unless he be Collector of Calcutta or Karachi, shall send the instrument to one of the officers mentioned in Rule 7, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by Rules 8 (*a*) and (*b*), and return the same to the Collector for delivery to the person by whom it was produced."

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 3rd June, 1881.

APPOINTMENTS.

No. 299.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant John Mark Anthony Retallick, 1st Battalion, 25th Foot, Wing Officer, 45th (Rattray's Sikhs) Regiment of Native Infantry,—4th November, 1879.

FURLOUGH AND LEAVE.

No. 300.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) T. Wright, C.B., S.C., (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant D. A. A. Macpherson, S.C., Military Accountant, 3rd class, (p. a.) for two years, under rule IX of the regulations of 1868.

No. 301.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major C. E. D. Branson, General List, Infantry, (m. c.) for six months.

Major C. O. W. Apperley, General List, Infantry, (m. c.) for five months.

Honorary Lieutenant W. Willson, Adjutant-General's Department, (m. c.) for six months.

First-class Assistant-Apothecary J. Shore, (m. c.) for six months.

PROMOTIONS.

No. 302.—NATIVE ARMY—

17th (The Loyal Poorbeah) Regiment of Native Infantry.

Havildar Sultan Khan, to be Jemadar, *vice* Mahomed Gul Khan, invalided,—1st May, 1881.

RETIREMENTS.

No. 303.—Lieutenant-Colonel (Brevet Colonel) P. S. Yorke, Infantry, is permitted to retire from the service, with effect from the 26th April, 1881.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 3rd June, 1881.

APPOINTMENTS.

No. 14.—Mr. W. Sutherland to be an Assistant Engineer, 2nd class, in Her Majesty's Indian Marine, with effect from the 23rd May, 1881.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd June 1881.

No. 206.—The promotion of Mr. W. A. R. Swinnerton to Assistant Engineer, 2nd Grade, from 9th April 1880 (Public Works Department Notification No. 162, dated 24th May 1880) is antedated to 1st June 1879.

No. 207.—The undermentioned passed students of the Thomason Civil Engineering College, Roorkee, are appointed to the Public Works Department as Engineer Apprentices, and posted as noted below:—

North-Western Provinces and Oudh.

Mr. W. P. Housden.
„ J. Toozs.

Punjab.

Mr. F. E. Gwyther.
„ R. E. Purves.
Babu Kali Krishna Mukhopadhyay.

British Burma.

Mr. H. G. Billings.
„ H. W. James.

Assam.

Babu Brij Mohan Lal.

The 3rd June 1881.

No. 208.—Mr. W. H. Parker, Superintending Engineer, Class II, is on return from furlough posted to the Establishment under the Government of Bengal in the Railway Branch.

No. 209.—Mr. R. N. Burn, Deputy Examiner of Accounts, Oudh and Rohilkhand Railway, is granted privilege leave of absence for twenty-eight days, with effect from the 2nd July 1881, or such subsequent date as he may be permitted to avail himself of it.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 24. } SIMLA, SATURDAY, JUNE 11, 1881.

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

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SUPPLEMENT No. 24.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 8th June 1881.

No. 20.—Mr. H. G. Wedderburn, Barrister-at Law, has been appointed Reporter for the Indian Law Reports in the High Court, Madras, *vice* Mr. J. M. C. Mills, resigned.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Simla, the 7th June 1881.

No. 755.—Under the provisions of Section 5 of Act XVII of 1877 (The Punjab Courts Act, 1877), the Governor General in Council is pleased to appoint Mr. G. R. Elsmie, C.S., Barrister-at-Law, to officiate as a Judge of the Chief Court of the Punjab during the absence on leave of Mr. A. Brandreth, C.S., or until further orders.

ECCLESIASTICAL.

The 10th June 1881.

No. 87.—The Revd. V. W. Kinsman, a Junior Chaplain on the Bengal Establishment, reported his arrival in Calcutta on the afternoon of the 2nd instant.

Mr. Kinsman's services are placed at the disposal of the Government of Bengal.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 8th June 1881.

No. 158*G.-P.*—With reference to Notification No. 26G.-P., dated the 11th February 1881, the recognition by the Government of India of the appointment of Mr. Hermann Chiaves as Acting Vice-Consul for Italy at Rangoon, during the absence of Mr. C. Albertone, has been confirmed by Her Majesty's Government.

The 9th June 1881.

No. 161*G.-P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Monsieur le Fancheur as Consular Agent for France at Coconada.

No. 164*G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Rao Saheb Subanrao Salvee, Inspector of Police in the Kanara District, the title of "Rao Bahadur," as a personal distinction.

No. 165*G.-P.*—With reference to Notification No. 282G.-P., dated the 4th October 1880, Mr. G. B. Rolph, Consul for Italy at Aden, resumed charge of his office on the 5th May 1881.

GENERAL.

The 8th June 1881.

No. 1100*G.-G.*—With reference to Notification No. 1003G.-G., dated 25th May 1881, the services of Assistant Surgeon Aupoorbo Krishna Das, in temporary medical charge of the Political Agencies at Kotah and Jhalra Patan, are placed at the disposal of the Home, Revenue and Agricultural Department, with effect from the date on which he may be relieved by Dr. Moreton.

The 9th June 1881.

No. 1107*G.-G.*—The following appointments are made, consequent on the retirement of Surgeon-Major S. J. Wyndowe, M.D., Residency Surgeon, Hyderabad, with effect from the date of assumption by the officers concerned of their respective charges:—

Surgeon-Major T. Beaumont, M.D., Residency Surgeon, Indore, to be Residency Surgeon, Hyderabad.

Surgeon-Major D. F. Keegan, in medical charge of the 2nd Regiment, Central India Horse, and of the Political Agency, Western Malwa, to be Residency Surgeon, Indore, *vice* Surgeon-Major Beaumont.

Surgeon R. Caldecott, in medical charge of the 1st Regiment, Central India Horse, to be in medical charge of the 2nd Regiment, Central India Horse, and of the Political Agency, Western Malwa, *vice* Surgeon-Major Keegan.

Surgeon P. M. Grant, officiating in medical charge of the Bhopawar Political Agency and Malwa Bheel Corps, to be in medical charge of the 1st Regiment, Central India Horse, *vice* Surgeon Caldecott.

Surgeon G. H. D. Gimlette, Indian Medical Service, to officiate as medical officer of the Bhopawar Political Agency and Malwa Bheel Corps, *vice* Surgeon Grant.

The 10th June 1881.

No. 1121*G.-G.*—The services of Lieutenant-Colonel H. G. Thomson, (late) Mysore Commission, are replaced at the disposal of the Military Department, with effect from the 29th March 1881.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 10th June 1881.

No. 953.

Read again—

Resolution in the Department of Finance and Commerce, No. 3574, dated the 3rd November 1880, regarding the procedure to be employed in obtaining for the public service supplies of stores of other than Indian origin or manufacture.

RESOLUTION.—The Governor General in Council finds from proposals that have been recently made in two or three instances that considerable misapprehension exists as to the extent of the discretion left to local authorities by paragraphs 4 and 5 of the Resolution cited above in the matter of the local purchase of stores of the kind referred to. As this misapprehension seems to be mainly due to the wording of these paragraphs, His Excellency in Council considers it advisable to explain more clearly the intention of the orders.

2. Every effort should be made to supply the wants of Government by the purchase in the local market of articles of *bonâ fide* local manufacture. The special attention of Local Governments is directed to this point.

3. In the event of articles being required which cannot be manufactured in India, they are, as an almost invariable rule, to be obtained by indenting on the Secretary of State. The Store Department at the India Office constitutes a special agency which is maintained for the express purpose of purchasing stores in England on account of the Government of India. That Department should be able to supply stores of as good quality and at as cheap a price as they can be obtained through private agency, the employment of which must necessarily involve the payment of a commission.

4. The special cases in which, with the previous sanction of the Government of India or of the Local Government, stores of European manufacture may be obtained in the local market are—

1st.—When for any special reason it may be more economical to do so.

2nd.—When stores indented for from England have not arrived, and inconvenience to the public service is anticipated from delay in the supply.

3rd.—When articles are perishable.

Books and newspapers are, under the terms of paragraph 3 of the Resolution No. 3574 of November 3rd, 1880, exempted from the general rule which obliges all European articles to be obtained as a general rule by indenting on the Secretary of State.

5. It has in some cases been alleged that articles of European manufacture can be obtained through the agency of local firms more cheaply than by indenting on the Secretary of State. If Local Governments have reason to believe that in respect to any particular article this statement is correct, the facts of the case should be communicated to the Government of India for such action as circumstances may upon consideration appear to demand. But until further orders the principles laid down in this Resolution are to regulate the purchase of stores.

ORDERED, that the foregoing Resolution be communicated for information and guidance to—

all Departments of the Government of India,
all Local Governments and Administrations,
all Accountants General and Comptrollers,
the Mint Masters, Calcutta and Bombay,
the Director General of the Post Office of India,
the Commissioner of Inland Customs,
the Comptroller General,

and published in the Government of India and Local Gazettes.

No. 1029.—The Governor General in Council, having had under consideration the subject of allowances to public officers travelling on duty by steam tramways, has decided that the rules regarding the allowances to such officers for journeys by railway shall apply to journeys by steam tramways, save that officers who, under such rules, are entitled to travelling allowance at mileage rates shall be permitted to draw in lieu thereof the allowances shown below:—

In lieu of mileage of three annas—	double first class fare.
In lieu of mileage of one-and-a-half annas—	double second class fare.

No. 1116.—The following Corrigendum to the Codes of the Financial Department is published for general information:—

P. & A. A. C.

PAGES 272 AND 273.

Section 33.

In note (2) under the Proviso to this Section, for "the deputation of an officer to other public duty, and not of," *substitute* "a vacancy caused otherwise than by."

No. 1117.—In exercise of the powers conferred by Section 49, Clause (*a*), of the Sea Customs Act, 1878, the Governor General in Council is pleased to declare that gum arabic, gum benjamin, and gum olibanum or frankincense shall not, for the purpose of Chapter VI of the said Act, be deemed to be capable of being easily identified.

No. 1131.—The following Addendum to the Codes of the Financial Department is published for general information:—

C. L. C.

PAGES 142 AND 143.

Section 13, Rule 1.

Add to the Rule after "But" *in the third sentence the words*—

"Subject to the provisions of Section 54."

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 10th June, 1881.

APPOINTMENTS.

No. 304.—STAFF CORPS—

With reference to G. G. O. No. 258 of 1881, 2nd-Lieutenant G. B. Crawley, S.C., will rank as Lieutenant from the 29th February, 1880, subject to Her Majesty's approval.

No. 305.—The admission of Lieutenant C. J. B. H. Dressner to the Bengal Staff Corps dates from the 20th May, 1879, and not from the 12th March, 1879, as stated in G. G. O. No. 210 of 1881.

No. 306.—MILITARY ACCOUNTS DEPARTMENT—

Lieutenant H. M. Prior, a probationer for the Military Accounts Department, is confirmed in his appointment as Assistant Military Accountant, with effect from the 12th May, 1880.

No. 307.—PUNJAB FRONTIER FORCE—

4th Sikh Infantry.

Lieutenant C. V. W. Williamson, S.C., Officiating Wing Officer, 35th (The Mynpoorie) Regiment of Native Infantry, to be Officiating Wing Officer.

No. 308.—HYDERABAD CONTINGENT—

No. 3 Field Battery.

Lieutenant A. B. Shute, R.A., to officiate as Subaltern, *vice* Lieutenant A. H. P. Turner, R.A., appointed to officiate as Commandant, No. 4 Field Battery, or until further orders.

FURLOUGH AND LEAVE.

No. 309.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Surgeon D. N. Martin, M.D., 30th (Punjab) Regiment of Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

The furlough granted to Surgeon Martin, in G. G. O. No. 108 of 1881, lapsed on the 25th May, 1881.

LONDON GAZETTE.

No. 310.—The following extracts are published for general information:—

"*London Gazette,*" *dated the 3rd May, 1881, page 2117.*

In consequence of the death of Major-General A. K. Gore, Madras Staff Corps, having taken place on the 12th January, 1881, and not on the 7th of that month, as stated in the Gazette of 11th February, 1881, the promotions in his succession are post-dated, as follows:—

Lieutenant-Colonel and Brevet Colonel Henry Hastings Affleck Wood, C.B., Bombay Staff Corps, to be Major-General. Dated 13th January, 1881.

* * * * *

The promotion of Major-General William Vine, Madras Cavalry, to Lieutenant-General is dated 13th January, 1881, instead of the 8th idem, as announced in the Gazette of 11th February, 1881.

HER Majesty has approved of the transfer of the undermentioned Officer to the Half Pay List of the Staff Corps:—

Bengal Staff Corps.

Major Charles John Farquharson. Dated 3rd May, 1881.

Her Majesty has also approved of the transfer of the undermentioned Officer of the Indian Medical Service to temporary half-pay:—

Bengal Medical Establishment.

Surgeon Ernest Lawrie Robinson. Dated 19th January, 1881.

"*London Gazette,*" *dated the 6th May, 1881, pages 2342 and 2343.*

HER Majesty has been pleased to approve of the following promotions among the Officers of the Staff Corps and Indian Military Services, made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Alexander John Colvin Birch. Dated 2nd March, 1881.

Major George Augustus Way. Dated 4th March, 1881.

Major Osmond Barnes. Dated 4th March, 1881.

Major and Brevet Lieutenant-Colonel Henry Alexander Little. Dated 16th March, 1881.

Major Charles Augustus Munro. Dated 17th March, 1881.

Major Robert Francis Firth. Dated 17th March, 1881.

Major Francis James Napier Mackenzie. Dated 17th March, 1881.

Major Oliver Richardson Newmarch. Dated 17th March, 1881.

Major and Brevet Lieutenant-Colonel Francis William Boileau. Dated 20th March, 1881.

Major Marmaduke Ramsay. Dated 20th March, 1881.

Major Robert Cotton Money. Dated 20th March, 1881.

Major Charles Richard Matthews. Dated 20th March, 1881.

To be Major.

Captain John Tulloch Whish. Dated 12th March, 1881.

To be Captains.

Lieutenant James Andrew Colvile Wedderburn. Dated 17th March, 1881.

Lieutenant Michael Ramsay Spence. Dated 24th March, 1881.

BENGAL ARMY.

INFANTRY.

To be Major.

Captain William Franco Dodsworth. Dated 4th March, 1881.

Errata.

The names of the undermentioned Officers, whose promotions were notified in the *London Gazettes* named, should be as follows, and not as therein stated:—

Gazette, 25th May, 1880.—Surgeon-Major George Gilbert MacLaren, Bengal Medical Establishment.

* * * * *

PROMOTIONS.

No. 311.—The following promotions are made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Lieutenant-Colonels.

Major Alfred Frederick Pollock Harcourt,—8th June, 1881.

Major (Brevet Lieutenant-Colonel) Henry Collett, C.B.,—8th June, 1881.

Major James Miller,—8th June, 1881.

Major Edward Lacon Ommanney,—9th June, 1881.

To be Majors.

Captain Arthur George Hammond,—7th June, 1881.

Captain John Edward Sandeman,—7th June, 1881.

Captain (Brevet Major) Edward Molloy,—7th June, 1881.

Captain William John Williamson, C.I.E.,—7th June, 1881.

Captain (Brevet Major) James Cook,—8th June, 1881.

Captain Celadon Charles Brownlow,—8th June, 1881.

Captain Frederick William Nicolay,—8th June, 1881.

To be Captain.

Lieutenant Vernon Ansdell Schalch,—29th May, 1881.

BENGAL ARMY.

To be Majors.

Captain Ralph Anstruther Price, General List, Infantry,—7th June, 1881.

Captain Edward Evans Grigg, General List, Infantry,—7th June, 1881.

Captain James Murphy Tulloch, General List, Infantry,—7th June, 1881.

Captain Charles Ransford, General List, Infantry,—7th June, 1881.

Captain George MacCall, General List, Infantry,—7th June, 1881.

Captain (Brevet Lieutenant-Colonel) John Richard Brooks Atkinson, General List, Infantry,—7th June, 1881.

Captain James Fraser, General List, Infantry,—7th June, 1881.

Captain Etwall Walter Smyth, General List, Infantry,—7th June, 1881.

Captain Edward Harvey Webb, General List, Infantry,—7th June, 1881.

Captain Hugh Stark Anderson, General List, Infantry,—7th June, 1881.

Captain William Walter Hopton Scott, General List, Infantry,—7th June, 1881.

Captain Percy Wyndham Smith, General List, Infantry,—8th June, 1881.

Captain James Agnew McNeale, General List, Infantry,—8th June, 1881.

Captain Charles Frederick Thomas, General List, Infantry,—8th June, 1881.

Captain Arthur Oldham, General List, Infantry,—8th June, 1881.

Captain Walter Edward Gowan, General List, Infantry,—8th June, 1881.

Captain Allan Harden, General List, Infantry,—8th June, 1881.

Captain William Charles Ramsden, General List, Infantry,—8th June, 1881.

Captain Thomas Nicholls, General List, Infantry,—8th June, 1881.

No. 312.—The following promotions and alteration of rank are made, subject to Her Majesty's approval :—

BENGAL ARMY.

To be Lieutenant-Colonels.

Major (Lieutenant-General) *Sir* Dighton Macnaghten Probyn, K.C.S.I., C.B., V.C., (*Supernumerary*), Bengal Cavalry.

Major (Brevet Lieutenant-Colonel) John Lowis Loch, Bengal Cavalry.

} From the 1st April, 1881, in succession to Lieutenant-Colonel A. K. J. C. Mackenzie, Bengal Cavalry, retired.

To be Major.

Captain (Brevet Major) John Shakespear Irvine, late 2nd European Light Cavalry.

Alteration of rank.

Lieutenant-Colonel Alfred Robert Davidson Mackenzie, Bengal Cavalry, from the 17th January, 1881, in succession to Lieutenant-Colonel (Brevet Colonel) J. B. Saunders, Bengal Cavalry, retired.

The name of Captain A. G. Webster, (19th Hussars), late 1st European Light Cavalry, is placed on the list of Majors, from the 17th January, 1881, consequent on the above alteration of rank.

No. 313.—COLONEL'S ALLOWANCE—

The undermentioned officers of the Bengal Staff Corps, having completed 12 years' service in the rank of Lieutenant-Colonel, are admitted to the Colonel's allowance, with effect from the date specified :—

Lieutenant-Colonel (Brevet Colonel) George William Fraser,—9th June, 1881.

Lieutenant-Colonel (Brevet Colonel) Hungerford Meyer Boddam,—9th June, 1881.

No. 314.—NATIVE ARMY—

3rd Bengal Cavalry.

Woordie-Major Wajud Ally, to be Ressaldar, *vice* Ausuf Ally, "Sirdar Bahadur," deceased; Ressaidar Mullock Singh, to be Woordie-Major, *vice* Wajud Ally, promoted; Jemadar Mahomed Ukrum, to be Ressaidar, *vice* Mullock Singh, promoted; Duffadar Maharam Singh, to be Jemadar, *vice* Mahomed Ukrum, promoted,—17th December, 1880.

12th Bengal Cavalry.

Duffadar Surda Singh, to be Jemadar, *vice* Ram Singh, promoted,—1st May, 1880.

Duffadar Rahimdad Khan, to be Jemadar, *vice* Mahtab Ali Khan, invalided,—1st May, 1881.

8th Regiment of Native Infantry.

Havildar Permessurdutt Missir, to be Jemadar, *vice* Jankee Misser, deceased,—6th December, 1880.

15th (The Loodianah) Regiment of Native Infantry.

Jemadar Boota Singh, to be Subadar, *vice* Anoke Singh, deceased; Havildar Kaun Singh, to be Jemadar, *vice* Boota Singh, promoted,—8th March, 1881.

SPECIAL.

No. 315.—The Most Honorable the Viceroy and Governor General in Council is pleased to direct the publication, for general information, of the following Despatch from the Secretary of State for India, and Minute by His Excellency :—

MILITARY,
No. 136.

INDIA OFFICE,
London, 5th May, 1881.

To His Excellency the Most Honorable the Governor General of India in Council.

PARA. 1. I have received and considered in Council your Military letter, No. 29 of 1881, forwarding, for the consideration of Her Majesty's Government, a Minute recorded by Your Lordship upon the service of various officers employed directly under the Civil Governments, and who have in their several departments rendered valuable aid towards the effectual prosecution of the military operations during the late war.

2. I desire to assure Your Lordship that the services thus brought to the notice of Her Majesty's Government are highly appreciated, and the commendation bestowed on the several officers who rendered them is fully concurred in.

3. Your Lordship has recounted those services so fully, that it is unnecessary for me to refer to them here individually. I have had, however, great satisfaction in bringing them under the most gracious consideration of Her Majesty the Queen-Empress, and I request that Your Lordship will convey to those named the cordial thanks of Her Majesty's Government for the excellent services they have rendered to the Crown.

I have, &c.,
(Sd.) HARTINGTON.

Minute by His Excellency the Viceroy and Governor General.

The Governor General in Council has lately submitted to Her Majesty's Government a long and honorable list, received from the Commander-in Chief in India, of those officers under His Excellency's immediate command who have rendered distinguished service during the war of 1878-80 in Afghanistan, now happily brought to a close. It now becomes my pleasing duty to bring also under the notice of the Secretary of State for India the names of those officers, Civil and Military, under the Government of India who have, in their several departments, rendered valuable aid towards the effectual prosecution of the military operations.

The nature of the services rendered from first to last by the Government of Bombay, under the administration of Sir Richard Temple and Sir James Fergusson, is so well known to Her Majesty's Government, that I need do no more here than give expression to the high appreciation in which those services are held by myself and this Government. The indefatigable energy displayed by Sir Richard Temple in his visit to Kandahar and the line of communication in the winter of 1879-80 was productive of very great benefit in establishing the line of communications, and merits the particular recognition of the Governor General in Council.

To Sir Robert Egerton, who has administered the Government of the Punjab throughout the war, the Government of India is greatly indebted. His mature experience and sound judgment have been at the entire disposal of the Government, and the unfailing and valuable aid rendered by himself and his officers to the military authorities in the field and within our border merits the high approbation of Her Majesty's Government.

It is with much pleasure that I record my strong sense of the important services rendered to the Government and to the Army by the political officers, who, under circumstances of difficulty, responsibility, and occasional hazard, have generally acquitted themselves with credit and honor.

The Government of India have particular reason to be satisfied with the judgment and ability shown by the officers who have during the past two years been employed on political duty in Afghanistan and in Biluchistan.

Several of these officers have served in Afghanistan since the beginning of military operations in 1878, receiving suitable recognition of their services at the close of the first campaign.

The chief political authority at Kabul was held during times of great difficulty, first by Sir Frederick Roberts, and then by Sir Donald Stewart, and the important

civil services which they rendered must not be overshadowed by their brilliant military achievements.

The negotiations with Sirdar Abdur Rahman Khan, commenced by Sir Frederick Roberts, and afterwards under the supreme control of Sir Donald Stewart, carried on with admirable judgment and discretion, were brought to the successful issue which enabled the Government of India to withdraw Her Majesty's troops from Northern Afghanistan.

Sir Robert Sandeman, who has throughout held the chief political authority in Biluchistan, has been indefatigable in his exertions to assist the passage of our troops through that country by maintaining communications, procuring supplies, and preserving control over the Pathan border tribes. His remarkable personal influence has been highly successful. Captain Henry Wylie and Captain Curzon Wyllie, Sir Robert Sandeman's assistants, have been very useful.

Lieutenant-Colonel St. John has now held for two years a very responsible and important position at Kandahar; and he has latterly had in his hands the chief management of our political affairs in South Afghanistan. His ability, zeal, and energy have been conspicuous throughout, and deserve recognition.

Mr. Lepel Griffin was specially selected for important political duties at Kabul, and took, with a marked ability and skill, of which I desire to record my high appreciation, a leading part in the direction of political affairs during the six months which preceded the withdrawal of our troops from North Afghanistan. He was assisted by a very capable staff of European and Native officers, Colonel Tytler, Captain Warburton, Major Protheroe, Captain Burton, Captain Tucker, and Mr. Merk, C.S., merit the commendation of the Government for excellent work upon the line of communication with Kabul. Nawab Sir Gholam Hosein, K.C.S.I., has earned marked distinctions for zealous and valuable services both at Kandahar and at Kabul. Mohamed Afzul Khan of Gundapur, Ressaidar Afzul Khan, and Ibrahim Khan have acted in various capacities with courage and intelligence.

In North Afghanistan, Major E. G. G. Hastings and Mr. H. M. Durand, C.S., who accompanied Sir Frederick Roberts' advance upon Kabul in September and October 1879, did excellent service at Kabul with the army during the winter. Major Hastings was afterwards nominated Chief Political Officer with Sir Frederick Roberts when he marched to Kandahar, and was accompanied in that march by Major M. Protheroe, Captain J. Ridgeway, and Major C. B. Euan Smith.

Colonel W. G. Waterfield accompanied Sir Frederick Roberts when he first occupied Kuram, and for some time held political charge in that district. Major A. Conolly, Mr. A. Christie, C.S., and Shahzada Sultan Jan administered Kuram until it was evacuated.

Major-General J. Watson, C.B., V.C., was for a lengthened period the principal political officer in the Kuram Valley, and it was under his direction that the final settlement of that district was satisfactorily concluded.

I now desire to place on record my strong sense of the good work which has been performed throughout the war by the several departments of the Government of India, whose duties connect them with such operations.

In time of war the heaviest burden will necessarily fall on the military branch of the administration: but in such a war as that which has just closed, a weight of responsibility rests also on the Political Department which cannot easily be overestimated.

In Mr. A. C. Lyall the Government of India is fortunate in possessing a Foreign Secretary whose varied talents, long experience, and unfailing industry are such as to ensure the complete efficiency of the department under his charge. Throughout the difficult and delicate negotiations relating to the settlement of affairs in Northern Afghanistan which have been carried on since I assumed the office of Governor General, I have received from him a constant and ready assistance of which it is impossible to overestimate the value, and which, while offering him personally my warm thanks, I desire to bring under the special notice of Her Majesty's Government.

During the regretted absence of General Sir Edwin Johnson, the Military Department was, for the earlier part of the war, in the charge successively of Sir Samuel Browne, Sir Neville Chamberlain, and Lieutenant-General R. Strachey. Of the merits of these officers I need hardly speak. During the whole of this time Colonel H. K. Burne performed the laborious and responsible duties of Secretary in the Department.

For their departmental services during the earlier phase of the war the names of—

Captain E. H. H. Collen,
Major A. C. W. Crookshank, and
Captain T. Deane,

Assistant Secretaries in the Military Department, have been already brought to the favorable notice of the Secretary of State.

During the second phase of the war, Sir Edwin Johnson, having resumed his seat in Council with the charge of the Military Department, rendered valuable and zealous assistance to the Government. Colonel Allen Johnson succeeded Colonel Burne as Secretary in October, 1879, and it is a great pleasure to me to have this opportunity of bearing cordial testimony to the marked ability and judgment with which the business of the department has been conducted by him.

Both Sir Edwin Johnson and Colonel Johnson speak in high terms of the services of Captain T. Deane, who also received the distinction of favorable mention in Sir Frederick Roberts' despatches for his purely military services at Sherpur, whither he had accompanied Lieutenant-General Sir Michael Kennedy, who also bears testimony to his services on that occasion.

I have much pleasure in recording also the following names of officers considered by the Government of Bombay to have rendered exceptionally good departmental services in connection with the operations in Southern Afghanistan:—

Colonel J. A. M. Macdonald, Secretary in the Military Department.
Surgeon-General J. M. S. Fogo, A.M.D.

As regards the different executive departments, I do not propose in this Minute to dwell in any detail on the special services of the officers concerned: the reports which will be called for from the several departments will fulfil this purpose. My object is only to place on record the names of those whose services, though not actually performed in the field, deserve to be brought to the favorable notice of Her Majesty's Government as having materially tended to the successful issue of the war.

Excellent work was performed throughout the war by the officers of the Ordnance Department serving in British territory, under the able administration of Major-General Napier Campbell, R.A., the Inspector-General of Ordnance, Bengal, who brings forward the name of Major R. F. Lowis as specially deserving of notice for his departmental services.

The Government of Bombay also brings to notice the good services rendered by Lieutenant-General W. S. Hatch, Inspector-General of Ordnance in that Presidency, and—

Major F. W. M. Spring,
„ T. Walker,

of the same Department.

The experience gained in the earlier phase of the war led the Earl of Lytton, when hostilities were renewed in September, 1879, to form the important business of transport and supply into a separate department. In placing at its head an officer of such proved administrative ability as Lieutenant-General Sir Michael Kennedy, he went far towards assuring success.

My predecessor in the office of Viceroy, in his Minute of the 4th June, has placed on record his high appreciation of the services rendered by Sir Michael Kennedy, and the department of which he was the head, from the recommencement of hostilities in September, 1879 down to the month of June last, and it remains therefore only for me, after having received Sir Michael Kennedy's report upon the subject, to supplement what Lord Lytton has said by expressing my own opinion of the very able and successful manner in which the officers of the Transport and Supply Department have performed their duties during the time that I have been Governor General.

The march of Sir Frederick Roberts' division from Kabul to Kandahar, and the withdrawal of Sir Donald Stewart's forces from Kabul to India, were operations requiring the greatest intelligence and energy on the part of every one connected with the business of transport and supply, and the complete and perfect success which has attended those operations is the best proof of the way in which the duties of the department have been discharged: while the large and sudden demands made upon the department in connection with the despatch of reinforcements from India to Kandahar, after the battle of Maiwand, were met with the utmost rapidity and skill.

Having worked personally with Sir Michael Kennedy during these operations, I can speak from my own knowledge of the fertility of resource with which he overcame every difficulty, and of the calmness which he preserved under circumstances which were at times of a very trying nature, and I beg to tender him my best thanks.

Sir Michael Kennedy brings to special notice the Assistant-Controller-General of Transport and Supply—

Captain E. H. H. Collen,

to whose great merits he bears strong testimony.

He also mentions the valuable assistance he received from Colonel A. G. F. Hogg, Bombay Army, who acted as his Assistant during the earlier portion of the campaign.

Sir Michael Kennedy also brings forward the names of several officers of the Transport Department as deserving of the approbation of the Government. Some of these have been already included in the list of officers recommended by the Commander-in-Chief for service in the field. Of those whose labors, although valuable and important, did not bring them into the sphere of active operations, the following should be here mentioned :—

Major J. F. F. Cologan.
Veterinary Surgeon B. W. Skoulding.

Sir Michael Kennedy also brings forward—

Lieutenant-Colonel M. Lane, Postmaster-General, Punjab,

as deserving of special notice, and commends highly—

Captain J. B. Hutchinson, Deputy Commissioner.

The regularity with which the armies in Afghanistan have been supplied throughout the war testifies to the generally excellent manner in which the business of the Commissariat Department has been conducted. Many of the officers of the Commissariat Departments have received high commendation for their services in the field, and have been included in the list of officers recommended for military honors. I must record my approbation of the services of the Bengal Commissariat Department generally, under the zealous control of Colonel Willes, the Commissary-General. Colonel Montagu, Assistant Commissary-General, and Captain L. W. Christopher, Deputy Assistant Commissary-General, are very favorably mentioned by Sir Michael Kennedy, who also notices the good work of Major Sir B. Bromhead, Captain Wintle, and Captain St. Paul, of the same department. The Government of Bombay brings to notice the following officers of the Commissariat Department of that Presidency in addition to those commended for service in the field :—

Colonel F. P. Mignon.
,, M. W. Willoughby.
Lieutenant-Colonel A. Phelps.
Lieutenant-Colonel H. R. M. Van Heythuysen.

I record also with pleasure the valuable services rendered by Colonel Willoughby while officiating for Colonel Macdonald as Secretary in the Bombay Military Department.

On the Kandahar line of communications much good work has been performed by the transport officers, many of whom receive fitting notice from the Commander-in-Chief in India.

The operations of the war, both at the base and in the field, have been greatly aided by the officers serving in the Railway and Telegraph Departments.

To the services in the field of the executive officers of this latter department, the military despatches bear ample testimony, and they have received the full recognition of His Excellency the Commander-in-Chief. I desire, however, to place prominently on record the high sense entertained by the Government of India of the resource and zeal displayed in the administration of the Telegraph Department by Colonel R. Murray, the Director-General in India.

For services rendered to the several divisions of the army, the following gentlemen deserve special recognition :—

Mr. S. P. Luke, C.I.E.
Mr. R. Boteler.
Mr. H. Kirk.
Mr. G. Towers.

Colonel Murray speaks in very favorable terms of the aid he has derived from the labor and experience of Mr. A. Cappel, the Deputy Director-General, and Mr. S. J. Josephs, his Assistant Superintendent.

During the recent war the military operations have been greatly dependent on the efficient working of the railway system in Upper India. I desire to express in strong terms my sense of the obligation which the Government of India is under to the officers to whose exertions and administrative capacity it is mainly due that the objects of the Government and of the military authorities were unhampered by any failure of supply at the base.

The credit of these results is due to—

Major-General J. S. Trevor, R.E., Director-General of Railways,
Colonel J. G. Medley, R.E., Consulting Engineer to Government, Lahore, and
Mr. Guilford Molesworth, C.I.E., Consulting Engineer to Government for State Railways,

and in no less degree to the unwearying zeal and intelligence of—

Mr. D. Ross, Traffic Manager of the Sind, Punjab and Delhi Railway, and of
Mr. G. F. Mathew, Traffic Manager of the Indus Valley Railway.

Valuable services have also been performed by the undermentioned officers of the Public Works Department:—

Lieutenant-Colonel D. Ward, R.E.,
Captain J. T. Wright, R.E.,
Mr. T. W. Morse,
Lieutenant H. Appleton, R.E.,
Mr. E. Farrant, employed on military works at the base of the operations, and
Major A. J. Filgate, R.E., Officiating Accountant-General.

Those officers of the Public Works Department who were employed on active duties in the field received due mention in the despatches of the General officers under whom they served; but I desire to record my own thanks to Major-General A. Fraser, the Secretary in the Public Works Department, for the willing aid he has rendered to the military authorities throughout the operations.

The Indian Marine performed excellent service in arranging for and carrying out the rapid and efficient transport of large numbers of troops of all arms from Bombay to Karachi.

The Bombay Government selects for special notice in connection with these duties—

Lieutenant G. O'B. Carew, Superintendent of Marine,
Lieutenant J. Brebner,
Mr. W. J. Powell, and
The Master-Builder, Khan Bahadur Jamsetjee Dhunjibhoy Wadia.

The Lieutenant-Governor of the Punjab brings to deserved notice the following officers, as having rendered valuable service during the war:—

Colonel S. Black, Military Secretary to the Punjab Government.
Colonel A. H. Bamfield, Inspector-General of Police.
Major-General C. Pollard, Secretary, Public Works Department.

FORT WILLIAM; *January 15th, 1881.*

(Sd.) RIPON.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 6th June, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department from the 24th May to the 6th June, 1881:—

Corps.	Rank and Name.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Indian Medical Department	Surgeon-Major T. P. Wright ...	28th May, 1881.	Baxa, Bhootan.	...	...

Statement of Deposits on account of Estates from the 24th May to the 6th June, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
British Military Service.							
Charles Valentine Oliver	Major ...	66th Foot ...	10th October, 1880.	No will found.	448 11 0	...	6th August, 1881.
Indian Military Service.							
James Gawler Macleod (*a*)	Major ...	General List, Infantry.	18th November, 1880.	No will found.	534 14 2	...	...

(*a*) *Next-of-kin—Mother.*—Mrs. M. F. T. Macleod, Pau, Basses Pyrenees, France,—Administrator General, Bengal, administering.

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 10th June, 1881.

DISMISSALS.

No. 15.—Mr. W. G. Wrench, Assistant Engineer, 1st class, is struck off the rolls of Her Majesty's Indian Marine.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 6th June 1881.

No. 210.—The Governor General in Council is pleased to make the following promotions, with effect from the dates specified:—

Name.	Present grade.	Grade to which promoted.	With effect from	Nature of promotion.
Walker, F. B. ...	Offg. Supdg. Engr., Class III	Supdg. Engr., Class III	May 6, 1881	Temporary.
Dibblee, F. L. ...	Exe. Engr., 1st Grade ...	„ „ III	„ 6, „	Officiating.
Tucker, Lieut.-Col. W. R., R.E.	Tempy. Supdg. Engr., Class I	„ „ I	„ 13, „	Permanent.
McNeile, Major J. M., R.E. ...	Offg. Supdg. Engr., Class I	„ „ I	„ 13, „	Temporary.
Garbett, H. ...	Supdg. Engr., Class II ...	„ „ I	„ 13, „	Officiating.
Geoghegan, H. T. ...	Tempy. Supdg. Engr., Class II.	„ „ II	„ 13, „	Permanent.
Swinton, Major G., R.E. ...	Offg. Supdg. Engr., Class II	„ „ II	„ 13, „	Temporary.
Harrison, Major C. W. I., R.E.	Tempy. Supdg. Engr., Class III.	„ „ II	„ 13, „	Officiating.

The 7th June 1881.

No. 211.—Mr. H. M. Mathews, Manager and Engineer-in-Chief, Rangoon and Irrawaddy Valley State Railway, in Class I, Grade 3, of the Superior Revenue Establishment of State Railways, is promoted to Class I, Grade 2.

No. 212.—Major W. G. Cumming, R.E., Executive Engineer, 1st Grade, British Burma, is appointed to officiate as Assistant Secretary to the Government of India during the absence of Captain W. P. Tomkins, R.E., on furlough, or until further orders.

The 9th June 1881.

No. 213.—Mr. J. C. Wyatt, Assistant Engineer, 2nd Grade, British Burma (on furlough), is permanently promoted to Assistant Engineer, 1st Grade, with effect from the 15th March 1881.

No. 214.—Mr. C. A. R. Crommelin, Traffic Department, Rajputana State Railway, is promoted from the Candidate Class to Class IV of the State Railway Revenue Establishment, with effect from the 1st February 1881.

No. 215.—Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade, Railway Branch, is transferred to the Military Works Branch of the Public Works Department.

The 10th June 1881.

No. 216.—Lieutenant F. B. G. D'Aguilar, R.E., is reappointed to the Public Works Department as Assistant Engineer, 1st Grade, and posted to the Military Works Branch.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 25. } SIMLA, SATURDAY, JUNE 18, 1881.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

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The Bánki Laws Bill, 1881.

SUPPLEMENT No. 25.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 16th June 1881.

No. 795.—Under the provisions of Section 27 of the Indian Arms Act, XI of 1878, the Governor General in Council is pleased to exempt the retainers of Raja Tillak Singh of Katiari in the Hardoi district, Oudh, from the operation of all prohibitions and directions contained in Sections 13, 14, 15, and 16 of that Act, other than those referring to cannon, articles designed for torpedo service, war-rockets, and machinery for the manufacture of arms and ammunition, subject to such orders as the Local Government may issue regarding the number of retainers to be included within this order of exemption.

JUDICIAL.

The 14th June 1881.

No. 784.—Under the provisions of Section 5 of Act XVII of 1877 (The Punjab Courts Act, 1877), the Governor General in Council is pleased to appoint Mr. W. H. Rattigan, M.A., PH. D., Barrister-at-Law, to officiate as a Judge of the Chief Court of the Punjab, during the absence on leave of Mr. H. M. Plowden, Barrister-at-Law, or until further orders.

The 16th June 1881.

No. 801.—The services of Captain L. J. H. Grey, Bengal Staff Corps, are placed at the disposal of the Government of the Punjab for employment as Officiating Cantonment Magistrate.

No. 806.—The Hon'ble C. Pontifex, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for three months, with effect from the 19th instant.

SURVEYS.

The 17th June 1881.

No. 276.—The services of Captain R. V. Riddell, R.E., Assistant Surveyor General, are placed at the disposal of the Department of Finance and Commerce, with effect from the 5th proximo, or from the subsequent date on which his services may be required.

C. GRANT,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 13th June 1881.

No. 170*G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Shaikh

Elahi Baksh, of Meerut, the title of "Khan Bahadur," as a personal distinction.

The 14th June 1881.

No. 1244*E.-P.*—The following extract from the *London Gazette* of the 10th May 1881 is published for general information:—

Foreign Office, May 9, 1881.

Notice is hereby given that the French Ambassador in London has announced that the *Journal Officiel* of the 8th instant contains the promulgation by the President of the French Republic of the new French General Tariff. Accordingly, under the provisions of the Declaration between the British and French Governments, signed on the 10th October 1879, the duration of the undermentioned Commercial Treaties and Conventions between Great Britain and France will cease and determine six months after the said date of the 8th May 1881, namely—

(1) The Treaty of Commerce of the 23rd January 1860.
(2) Additional Article of the 25th February 1860.
(3) Second Additional Article of the 27th June 1860.
(4) First Supplementary Convention of the 12th October 1860.
(5) Second Supplementary Convention of the 16th November 1860.
(6) Treaty of Commerce and Navigation of the 23rd July 1873.
(7) Supplementary Convention of the 24th January 1874.
(8) Declaration of the 24th January 1874.

The 17th June 1881.

No. 1277*E.-P.*—In exercise of the powers conferred by Sections 4 and 8 of Act XI of 1872 (The Foreign Jurisdiction and Extradition Act, 1872), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to empower Rai Bahadur Hittu Ram, Native Assistant to the Governor General's Agent in Biluchistan, to exercise, until further orders, powers of a Magistrate of the 1st Class, as described in the Code of Criminal Procedure (Acts X of 1872 and XI of 1874).

No. 177*G.-P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Maharaj Koomar Bhikum Narayan Sing of Deo the title of "Raja Bahadur," as a personal distinction.

GENERAL.

The 11th June 1881.

No. 1126*G.-G.*—The following appointments are made, with effect from the date of assuming charge:—

Major G. H. Trevor, Secretary for Berar to the Resident at Hyderabad, is appointed to officiate as 1st Assistant to the Resident at Hyderabad.

Lieutenant H. M. Temple, Officiating Political Assistant, 3rd Class, and Assistant to the General Superintendent of Operations for the Suppression of Thagi and Dakaiti, is appointed to officiate as Judicial Superintendent of Railways in the dominions of His Highness the Nizam, *vice* Major Dobbs, on furlough.

Captain A. M. Muir, Bengal Staff Corps, is appointed to officiate as Political Assistant, 3rd Class, and posted as Assistant to the General Superintendent of Operations for the Suppression of Thagi and Dakaiti in Hyderabad, *vice* Lieutenant Temple.

Mr. J. A. Crawford, Bo. C. S., Officiating Political Assistant, 3rd Class, is posted as 2nd Assistant to the Resident at Hyderabad.

The 17th June 1881.

No. 1148*G.-G.*—Lieutenant-Colonel P. W. Bannerman, Political Agent, 1st Class, and Political Agent at Bhopal, is appointed to officiate as Resident, 2nd Class, and as Resident in the Eastern States of Rajputana, *vice* Colonel W. H. Beynon, on furlough.

Lieutenant-Colonel W. F. Kincaid, Political Agent, Bhopawur, and Commandant Malwa Bheel Corps, is posted temporarily as Political Agent at Bhopal, *vice* Lieutenant-Colonel Bannerman.

No. 1153*G.-G.*—Major (Brevet Lieutenant-Colonel) J. W. Ridgeway, Officiating Political Agent, 2nd Class, and Assistant Secretary to the Government of India in the Foreign Department (on furlough), is appointed to be Junior Under Secretary to the Government of India in the Foreign Department, with effect from this date.

No. 1155*G.-G.*—The following promotion is made in the Berar Commission, consequent on the retirement of Dastur Bahmanji Jamasji, C.I.E.:—

Major R. S. Thomson, Assistant Commissioner, 3rd Class, to be an Assistant Commissioner, 2nd Class.

Yar Mahomed Khan, Attaché to the Governor General's Agent in Rajputana, to be an Assistant Commissioner, 3rd Class, with effect from the date of assuming charge, *vice* Major R. S. Thompson, promoted.

No. 1158*G.-G.*—Lieutenant J. H. Sadler, Assistant to the Governor General's Agent at Baroda, held charge of the current duties of the office of Governor General's Agent at Baroda, in addition to his own, from the 3rd to the 11th April 1881, both days inclusive.

No. 1160*G.-G.*—Assistant Surgeon Buré Khan, in charge of the Kelat Dispensary, has been granted privilege leave for three months, with effect from the 7th April 1881.

No. 1162*G.-G.*—Major F. H. Jackson, Assistant to the Governor General's Agent at Baroda (on furlough), is appointed to be Superintendent of the Gaekwar's Contingent in Kattiawar and Assistant in charge of His Highness' Amreli Mahals, with effect from the 8th May 1881, *vice* Major R. G. Mayne, deceased.

Major A. M. Phillips, 2nd Assistant to the Political Agent in Kattiawar, is appointed to officiate as Superintendent of the Gaekwar's Contingent in Kattiawar and Assistant in charge of His Highness' Amreli Mahals during the absence of Major Jackson, or until further orders.

Lieutenant J. H. Sadler, Officiating Assistant to the Governor General's Agent at Baroda, is confirmed in that appointment, with effect from the 8th May 1881.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 17th June 1881.

No. 1135.—The following Addendum to the Codes of the Financial Department is published for general information:—

DEFINITIONS.

Page VII.

In clause (8) of EMOLUMENTS, *after* "under" *insert* "Section 55 or."

No. 1256.—Mr. C. W. Hutchinson having been appointed to officiate as Post Master General, Madras, in the place of Mr. H. G. Turner, of the Madras Civil Service, whose services have been temporarily taken over by the Government of Madras, assumed charge of that office before noon on the 4th June 1881.

No. 1262.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st May 1881, published as required by Section 23 of the Indian Paper Currency Act, 1871.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	6,00,41,115	1,91,50,267	3,02,070	1,94,52,346
Madras ...	1,22,14,110	36,87,270	10,64,000	47,51,270
Bombay ...	3,37,83,790	93,36,089	1,37,866	94,74,555
Allahabad ...	40,60,575	65,07,435	...	65,07,435
Lahore ...	97,81,405	2,10,07,000	...	2,10,07,000
Calicut ...	15,53,995	17,29,500	...	17,29,500
Coconada ...	16,25,840	23,66,415	1,65,000	25,31,415
Nagpur ...	16,15,885	10,41,050	...	10,41,050
Kurrachee ...	31,73,800	16,86,530	61,800	17,48,330
Akola ...	22,48,375	19,31,505	...	19,31,505
TOTAL ...	13,00,99,190	6,84,44,261	17,30,745	7,01,75,006
Invested in Government Securities under Section 17 of the Act				5,99,24,184
GRAND TOTAL ...				13,00,99,190

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 17th June, 1881.

APPOINTMENTS.

No. 316.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Henry Richard Longcroft Holmes, 2nd Battalion, 2nd Foot, Wing Officer, 45th (Rattray's Sikhs) Regiment of Native Infantry,—5th August, 1878.

Lieutenant Charles Walter Harris, 73rd Foot, Officiating Wing Officer, 17th (The Loyal Poorbeas) Regiment of Native Infantry, now Wing Officer, 4th Regiment of Native Infantry,—19th April, 1879.

No. 317.—PERSONAL STAFF—

With reference to G. G. O. No. 197 of 1881, the appointment of Lieutenant A. G. A. Durand, s.c., as an Extra Aide-de-Camp on the personal staff of His Excellency the Viceroy and Governor General is dated 14th March, 1881, and not as therein stated.

No. 318.—ADJUTANT GENERAL'S DEPARTMENT—

Major W. Hill, s.c., Wing Officer, 2nd Goorkha Regiment, to be a Deputy Assistant Adjutant General for Musketry, to fill an existing vacancy,—Dated 1st January, 1881.

No. 319.—Captain W. F. Nuthall, 63rd Foot, to be a Deputy Assistant Adjutant General for Musketry, *vice* Captain J. T. Turner, whose term of staff service has expired,—Dated 30th May, 1881.

No. 320.—ORDNANCE DEPARTMENT—

Lieutenant J. S. Frith, R.A., to officiate as Commissary of Ordnance, 3rd class, *vice* Lieutenant H. P. Willoughby, R.A., appointed to officiate as Commissary of Ordnance, 2nd class, or until further orders.

No. 321.—PUNJAB FRONTIER FORCE—

No. 4 (Hazara) Mountain Battery.

Captain G. T. Carré, R.A., to be Commandant, *vice* Major A. Broadfoot, appointed to the Royal Horse Artillery.

FURLOUGH AND LEAVE.

No. 322.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) J. J. H. Gordon, C.B., s.c., Commandant, 29th (Punjab) Regiment of Native Infantry, (p. a.) for 255 days, under rule IX of the regulations of 1868.

Lieutenant-Colonel T. Cadell, V.C., s.c., Chief Commissioner of the Andaman and Nicobar Islands and Superintendent of Port Blair and the Nicobars, (p. a.) for one year, 243 days, under rule IX of the regulations of 1868.

Lieutenant H. B. Urmston, s.c., Wing Officer and Adjutant, 6th Punjab Infantry, Punjab Frontier Force, (p. a.) for two years, under rule IX of the regulations of 1868.

No. 323.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel J. Upperton, s.c., (m. c.) for six months.
Captain (Brevet Major) G. Edmonds, Unattached List, (m. c.) for six months.
Captain J. C. Ross, R.E., (m. c.) for three months.
Captain R. J. Waller, s.c., (m. c.) for three and a half months.
Captain H. S. Anderson, General List, Infantry, (m. c.) for six months.
Lieutenant W. H. Chippindall, R.E., (m. c.) for six months.

Surgeon-Major G. W. Jameson, (m. c.) for three months.

Surgeon-Major R. T. Lyons, M.D., (m. c.) for six months.

No. 324.—Conductor T. Donlea, Commissariat Department, is allowed leave in India, (m. c.) for 243 days, under the regulations of 1868, with effect from the 13th May, 1881.

No. 325.—The leave granted to Conductor T. O'Donnell, late of the Commissariat Department, under G. G. O. No. 212 of 1880 is to be considered as from the 17th November, 1879, to the 20th June, 1880, inclusive.

ORGANIZATION.

No. 326.—BRITISH ARMY—

The following Horse Guards General Order is published for information :—

Horse Guards General Order No. 41 of 1881.

(Specially issued on the 11th April 1881.)

ARMY ORGANIZATION.

I. The following changes in the organization, titles and uniform of the regiments of the Infantry of the Line and Militia having been approved, are promulgated for general information. When not otherwise stated, they will come into effect on 1st July, 1881.

II. *Organization.*—The Infantry of the Line and Militia will in future be organized in Territorial Regiments, each of four battalions for England, Scotland and Wales, and of five battalions for Ireland; the 1st and 2nd of these being Line battalions, and the remainder Militia. These regiments will bear a territorial designation corresponding to the localities with which they are connected; and the words "Regimental District" will in future be used in place of "Sub-District," hitherto employed.

III. In those regimental districts where more than the requisite number of Militia battalions at present exist, the supernumerary battalions will either be converted into Artillery or Engineers, or absorbed, according to circumstances. In those where only one exists, another will be formed as soon as practicable.

IV. The following alterations in the localization of Line battalions will take place :—

The 26th	and	90th	will be localized	together	at	... Hamilton.
„ 39th	„	54th	„	„	„	... Dorchester.
„ 42nd	„	73rd	„	„	„	... Perth.
„ 43rd	„	52nd	„	„	„	... Oxford.
„ 45th	„	95th	„	„	„	... Derby.
„ 53rd	„	85th	„	„	„	... Shrewsbury.
„ 71st	„	74th	„	„	„	... Hamilton.
„ 72nd	„	78th	„	„	„	... Fort George.
„ 75th	„	92nd	„	„	„	... Aberdeen.
„ 87th	„	89th	„	„	„	... Armagh.
„ 88th	„	94th	„	„	„	... Galway.
„ 91st	„	93rd	„	„	„	... Stirling.

V. The 79th will be localized at Inverness, round which centre a fresh regimental district will be formed.

VI. Soldiers serving in any of the battalions mentioned in paragraph IV, previous to the 1st July, 1881, will not be liable to serve in the other Line Battalion of their new Territorial Regiment without their own consent.

VII. In addition to the regiments formed out of the existing Rifle battalions of the Line, the Territorial Regiments formed out of the—

26th and 90th with their affiliated Militia battalions,
83rd „ 86th „ „ „

will become Rifles.

VIII. *Honors and Distinctions.*—All distinctions, mottoes, badges or devices, appearing hitherto in the "Army List," or on the colors, as borne by either of the Line battalions of a Territorial Regiment, will in future be borne by both those battalions. Battalions which have not hitherto borne a special device will adopt a national badge, as follows :—

English regiments	...	...	...	...	A Rose.
Scotch „	...	...	...	...	A Thistle.
Irish „	...	...	...	...	A Shamrock.
Welsh „	...	...	...	...	A Dragon.

IX. *Uniform.*—With the exceptions noted in paragraph XIII, the uniform of all the battalions of a Territorial Regiment will be the same. The title of the regiment will be shown on the shoulder strap.

X. The facings and the Officers' lace of Territorial Regiments will be the same for all regiments belonging to the same country (Royal and Rifle regiments excepted), and will be as follows :—

		Facings.	Pattern of lace.*
English (and Welsh) Regiments	...	... White	... Rose.
Scotch regiments	...	... Yellow	... Thistle.
Irish „	...	... Green	... Shamrock.

* Patterns of the three kinds of lace are in the War Office pattern-room.

XI. Royal Regiments will retain blue facings, wearing the national lace. The black line will be maintained in the lace of Territorial Regiments, any of whose battalions are now authorized to wear it.

XII. The following regiments, in addition to those already wearing the kilt, will adopt it, *viz.*, the 72nd, 73rd, 75th and 91st. All other Scotch Regiments will wear trews and the Highland jacket.

XIII. Militia battalions will wear an "M" on the shoulder strap above the title of the Territorial Regiment. Scotch Militia battalions belonging to a regiment whose Line battalions are kilted will, instead of the kilt, wear trews of the same tartan. The Royal Aberdeenshire and the Highland Light Infantry Militia will, however, continue to wear the kilt.

XIV. The accompanying Tables (see Appendix) show the precedence, composition, title and uniform of the new Territorial Regiments.

XV. The changes of uniform for battalions, which become either kilted or rifles, will come into effect both for Officers and men on 1st April 1882, with the exception of the 73rd Regiment, which will adopt its new uniform on 1st July, 1881. Officers joining these battalions will, previous to the change, only be required to appear in undress uniform.

XVI. Changes of facings and alterations in badges (for battalions in which these and the Officers' lace only are changed) will come into effect, both for the Line and the Militia, as regards the men, on 1st July, 1881. Officers newly appointed to these battalions will at once provide themselves with uniform in accordance with these instructions, and other Officers in them as they may require to replace that now in possession.

XVII. Paragraphs XV and XVI will not apply to the Militia Battalions of those regimental districts where their number at present exceeds two in England and three in Ireland. In these cases the Militia Battalions will continue to wear their present uniform, pending further instructions.

APPENDIX No. I.

Territorial Regiments.		Composition.	Head-Quarters of Regimental District.	Uniform.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
1	The Lothian Regiment (Royal Scots).	*1st Bn.* ... 1st Foot ... *2nd* „ ... 1st „ *3rd* „ ... Edinburgh Light Infantry Militia. *4th* „ ... (Not yet formed).	Glencorse	Scarlet	Blue	Thistle.
2	The Royal West Surrey Regiment (The Queen's).	*1st Bn.* ... 2nd Foot ... *2nd* „ ... 2nd „ *3rd* „ ... 2nd Royal Surrey Militia. *4th* „ ... (Not yet formed).	Guildford	Scarlet	Blue	Rose.
3	The Kentish Regiment (The Buffs).	*1st Bn.* ... 3rd Foot ... *2nd* „ ... 3rd „ *3rd* „ ... East Kent Militia. *4th* „ ... East „ „	Canterbury	Scarlet	White	Rose.
4	The Royal Lancaster Regiment (King's Own).	*1st Bn.* ... 4th Foot ... *2nd* „ ... 4th „ *3rd* „ ... 1st Royal Lancashire Militia. *4th* „ ... 1st Royal Lancashire Militia.	Lancaster	Scarlet	Blue	Rose.
5*	The Northumberland Fusiliers.	*1st Bn.* ... 5th Foot ... *2nd* „ ... 5th „ *3rd* „ ... Northumberland Militia. *4th* „ ... (Not yet formed).	Newcastle	Scarlet	White	Rose.
6	The Royal Warwickshire Regiment.	*1st Bn.* ... 6th Foot ... *2nd* „ ... 6th „ *3rd* „ ... 1st Warwick Militia. *4th* „ ... 2nd „ „	Warwick	Scarlet	Blue	Rose.

* Berwick-on-Tweed, temporarily.

Territorial Regiments.		Composition.	Head-Quarters of Regimental District.	Uniform.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
7	The City of London Regiment (Royal Fusiliers).	*1st Bn.* ... 7th Foot ... *2nd* „ ... 7th „ *3rd* „ ... 3rd Middlesex Militia. *4th* „ ... 4th Middlesex Militia.	Hounslow	Scarlet	Blue	Rose.
8	The Liverpool Regiment (The King's).	*1st Bn.* ... 8th Foot ... *2nd* „ ... 8th „ *3rd* „ ... 2nd Royal Lancashire. *4th* „ ... 2nd Royal Lancashire.	Warrington	Scarlet	Blue	Rose.
9	The Norfolk Regiment.	*1st Bn.* ... 9th Foot ... *2nd* „ ... 9th „ *3rd* „ ... 1st Norfolk Militia. *4th* „ ... 2nd „ „	Yarmouth	Scarlet	White	Rose.
10	The Lincolnshire Regiment.	*1st Bn.* ... 10th Foot ... *2nd* „ ... 10th „ *3rd* „ ... Royal North Lincoln Militia. *4th* „ ... Royal South Lincoln Militia.	Lincoln	Scarlet	White	Rose.
11	The Devonshire Regiment.	*1st Bn.* ... 11th Foot ... *2nd* „ ... 11th „ *3rd* „ ... 2nd Devon Militia. *4th* „ ... 1st „ „	Exeter	Scarlet	White	Rose.
12	The Suffolk Regiment.	*1st Bn.* ... 12th Foot ... *2nd* „ ... 12th „ *3rd* „ ... West Suffolk Militia. *4th* „ ... Cambridge Militia.	Bury St. Edmunds.	Scarlet	White	Rose.
13	The Somersetshire Regiment (Prince Albert's Light Infantry).	*1st Bn.* ... 13th Foot ... *2nd* „ ... 13th „ *3rd* „ ... 1st Somerset Militia. *4th* „ ... 2nd „ „	Taunton	Scarlet	Blue	Rose.
14	The West Yorkshire Regiment (Prince of Wales' Own).	*1st Bn.* ... 14th Foot ... *2nd* „ ... 14th „ *3rd* „ ... 4th West York Militia. *4th* „ ... (Not yet formed).	York	Scarlet	White	Rose.
15	The East Yorkshire Regiment.	*1st Bn.* ... 15th Foot ... *2nd* „ ... 15th „ *3rd* „ ... East York Militia. *4th* „ ... (Not yet formed).	Beverley	Scarlet	White	Rose.
16	The Bedfordshire Regiment.	*1st Bn.* ... 16th Foot ... *2nd* „ ... 16th „ *3rd* „ & *4th* „ { Huntingdon Militia.* / Bedford Militia. / Hertford Militia.	Bedford	Scarlet	White	Rose.
17	The Leicestershire Regiment.	*1st Bn.* ... 17th Foot ... *2nd* „ ... 17th „ *3rd* „ ... Leicestershire Militia. *4th* „ ... (Not yet formed).	Leicester	Scarlet	White	Rose.

* A further order will shortly be issued giving definitely the arrangements to be carried out with regard to these Militia battalions.

Territorial Regiments.		Composition.	Head-Quarters of Regimental District.	Uniform.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
18	The Royal Irish Regiment.	*1st Bn.* ... 18th Foot ... *2nd* „ ... 18th „ *3rd* „ ... Wexford Militia. *4th* „ ... North Tipperary Militia. *5th* „ ... Kilkenny Militia.	Clonmel	Scarlet	Blue	Shamrock.
19	The North Yorkshire Regiment (Princess of Wales' Own).	*1st Bn.* ... 19th Foot ... *2nd* „ ... 19th „ *3rd* „ ... North York Militia. *4th* „ ... (Not yet formed).	Richmond	Scarlet	White	Rose.
20	The Lancashire Fusiliers.	*1st Bn.* ... 20th Foot ... *2nd* „ ... 20th „ *3rd* „ ... 7th Royal Lancashire Militia. *4th* „ ... (Not yet formed).	Bury	Scarlet	White	Rose.
21	The Royal Scots Fusiliers.	*1st Bn.* ... 21st Foot ... *2nd* „ ... 21st „ *3rd* „ ... Scottish Borderers Militia. *4th* „ ... Royal Ayr and Wigtown Militia.	Ayr	Scarlet	Blue	Thistle.
22	The Cheshire Regiment.	*1st Bn.* ... 22nd Foot ... *2nd* „ ... 22nd „ *3rd* „ ... 1st Royal Cheshire Militia. *4th* „ ... 2nd Royal Cheshire Militia.	Chester	Scarlet	White	Rose.
23	The Royal Welsh Fusiliers.	*1st Bn.* ... 23rd Foot ... *2nd* „ ... 23rd „ *3rd* „ & *4th* „ { Royal Flint Militia.* / Royal Denbigh and Merioneth Militia. / Royal Carnarvon Militia.	Wrexham	Scarlet	Blue	Rose.
24	The South Wales Borderers.	*1st Bn.* ... 24th Foot ... *2nd* „ ... 24th „ *3rd* „ ... Royal South Wales Borderers Militia. *4th* „ ... Hereford Militia.	Brecon	Scarlet	White	Rose.
25	The York Regiment (King's Own Borderers).	*1st Bn.* ... 25th Foot ... *2nd* „ ... 25th „ *3rd* „ ... 5th West York Militia. *4th* „ ... 2nd West York Militia.	York	Scarlet	Blue	Rose.
26	The Scotch Rifles (Cameronian).	*1st Bn.* ... 26th Foot ... *2nd* „ ... 90th „ *3rd* „ ... 2nd Royal Lanark Militia. *4th* „ ... 2nd Royal Lanark Militia.	Hamilton	Green	Dark Green.	
27	The Royal Inniskilling Fusiliers.	*1st Bn.* ... 27th Foot ... *2nd* „ ... 108th „ *3rd* „ & *4th* „ & *5th* „ { Fermanagh Militia.* / Royal Tyrone Militia. / Londonderry Militia. / Donegal Militia.	Omagh†	Scarlet	Blue	Shamrock.

* A further order will shortly be issued giving definitely the arrangements to be carried out with regard to these Militia battalions.

† Enniskillen, temporarily.

Territorial Regiments.		Composition.	Head-Quarters of Regimental District.	Uniform.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
28	**The Gloucestershire Regiment.**	*1st Bn.* ... 28th Foot ... *2nd* „ ... 61st „ *3rd* „ ... Royal South Gloucester Militia. *4th* „ ... Royal North Gloucester Militia.	Bristol	Scarlet	White	Rose.
29	**The Worcestershire Regiment.**	*1st Bn.* ... 29th Foot ... *2nd* „ ... 36th „ *3rd* „ ... Worcester Militia. *4th* „ ... Worcester „	Worcester	Scarlet	White	Rose.
30	**The West Lancashire Regiment.**	*1st Bn.* ... 30th Foot ... *2nd* „ ... 59th „ *3rd* „ ... 5th Royal Lancashire Militia. *4th* „ ... (Not yet formed).	Burnley	Scarlet	White	Rose.
31	**The East Surrey Regiment.**	*1st Bn.* ... 31st Foot ... *2nd* „ ... 70th „ *3rd* „ ... 1st Royal Surrey Militia. *4th* „ ... 3rd Royal Surrey Militia.	Kingston	Scarlet	White	Rose.
32	**The Duke of Cornwall's Light Infantry.**	*1st Bn.* ... 32nd Foot ... *2nd* „ ... 46th „ *3rd* „ ... Royal Cornwall Rangers Militia. *4th* „ ... (Not yet formed).	Bodmin	Scarlet	White	Rose.
33	**The Halifax Regiment (Duke of Wellington's).**	*1st Bn.* ... 33rd Foot ... *2nd* „ ... 76th „ *3rd* „ ... 6th West York Militia. *4th* „ ... 6th West York Militia.	Halifax	Scarlet	White	Rose.
34	**The Cumberland Regiment.**	*1st Bn.* ... 34th Foot ... *2nd* „ ... 55th „ *3rd* „ ... Royal Cumberland Militia. *4th* „ ... Royal Westmoreland Militia.	Carlisle	Scarlet	White	Rose.
35	**The Royal Sussex Regiment.**	*1st Bn.* ... 35th Foot ... *2nd* „ ... 107th „ *3rd* „ ... Royal Sussex Militia. *4th* „ ... Royal „ „	Chichester	Scarlet	Blue	Rose.
36	**The Hampshire Regiment.**	*1st Bn.* ... 37th Foot ... *2nd* „ ... 67th „ *3rd* „ ... Hampshire Militia. *4th* „ ... (Not yet formed).	Winchester *	Scarlet	White	Rose.
37	**The North Staffordshire Regiment.**	*1st Bn.* ... 38th Foot ... *2nd* „ ... 80th „ *3rd* „ ... 1st Stafford Militia. *4th* „ ... 1st „ „	Lichfield	Scarlet	White	Rose.
38†	**The Dorsetshire Regiment.**	*1st Bn.* ... 39th Foot ... *2nd* „ ... 54th „ *3rd* „ ... Dorset Militia. *4th* „ ... (Not yet formed).	Dorchester	Scarlet	White	Rose.

* Fort Elson, temporarily. † Weymouth, temporarily.

Territorial Regiments.		Composition.	Head-Quarters of Regimental District.	Uniform.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
39	**The South Lancashire Regiment (Prince of Wales' Volunteers).**	*1st Bn.* ... 40th Foot ... *2nd* „ ... 82nd „ *3rd* „ ... 4th Royal Lancashire Militia. *4th* „ ... (Not yet formed).	Warrington	Scarlet	White	Rose.
40	**The Welsh Regiment.**	*1st Bn.* ... 41st Foot ... *2nd* „ ... 69th „ *3rd* „ ... Royal Glamorgan Militia. *4th* „ ... (Not yet formed).	Cardiff	Scarlet	White	Rose.
41	**The Royal Highlanders (Black Watch).**	*1st Bn.* ... 42nd Foot ... *2nd* „ ... 73rd „ *3rd* „ ... Royal Perth Militia. *4th* „ ... Highland Borderers Militia.	Perth	Scarlet	Blue	Thistle.
42	**The Oxfordshire Light Infantry.**	*1st Bn.* ... 43rd Foot ... *2nd* „ ... 52nd „ *3rd* „ ... Bucks Militia. *4th* „ ... Oxford Militia.	Oxford	Scarlet	White	Rose.
43	**The Essex Regiment.**	*1st Bn.* ... 44th Foot ... *2nd* „ ... 5th „ *3rd* „ ... Essex (Rifles) Militia. *4th* „ ... West Essex Militia.	Warley	Scarlet	White	Rose.
44	**The Derbyshire Regiment (Sherwood Foresters).**	*1st Bn.* ... 45th Foot ... *2nd* „ ... 95th „ *3rd* „ & *4th* „ { 2nd Derby Militia.* Nottingham Militia. 1st Derby Militia.	Derby	Scarlet	White	Rose.
45	**The North Lancashire Regiment.**	*1st Bn.* ... 47th Foot ... *2nd* „ ... 81st „ *3rd* „ ... 3rd Royal Lancashire Militia. *4th* „ ... 3rd Royal Lancashire Militia.	Prestone	Scarlet	White	Rose.
46	**The Northamptonshire Regiment.**	*1st Bn.* ... 48th Foot ... *2nd* „ ... 58th „ *3rd* „ ... Northampton and Rutland Militia. *4th* „ ... Northampton and Rutland Militia.	Northampton.	Scarlet	White	Rose.
47	**The Berkshire Regiment (Princess Charlotte of Wales').**	*1st Bn.* ... 49th Foot ... *2nd* „ ... 66th „ *3rd* „ ... Royal Berks Militia. *4th* „ ... (Not yet formed).	Reading	Scarlet	White	Rose.
48	**The Royal West Kent Regiment (Queen's Own).**	*1st Bn.* ... 50th Foot ... *2nd* „ ... 97th „ *3rd* „ ... West Kent Militia. *4th* „ ... West „ „	Maidstone	Scarlet	Blue	Rose.
49	**The South Yorkshire Regiment (King's Own Light Infantry).**	*1st Bn.* ... 51st Foot ... *2nd* „ ... 105th „ *3rd* „ ... 1st West York Militia. *4th* „ ... (Not yet formed).	Pontefract	Scarlet	Blue	Rose.
50	**The Shropshire Regiment (King's Light Infantry).**	*1st Bn.* ... 53rd Foot ... *2nd* „ ... 85th „ *3rd* „ ... Shropshire Militia. *4th* „ ... Montgomery Militia.	Shrewsbury	Scarlet	Blue	Rose.

* A further order will shortly be issued giving definitely the arrangements to be carried out with regard to these Militia battalions.

TERRITORIAL REGIMENTS.		Composition.	Head-Quarters of Regimental District.	UNIFORM.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
51	The Middlesex Regiment (Duke of Cambridge's Own).	*1st Bn.* ... 57th Foot ... *2nd* „ ... 77th „ *3rd* „ ... Royal Elthorne Militia. *4th* „ ... Royal East Middlesex Militia.	Hounslow	Scarlet	White	Rose.
52	The King's Royal Rifle Corps.*	*1st Bn.* ... 60th Foot ... *2nd* „ ... 60th „ *3rd* „ ... 60th „ *4th* „ ... 60th „	Winchester	Green	Scarlet.	
53	The Wiltshire Regiment (Duke of Edinburgh's).	*1st Bn.* ... 62nd Foot ... *2nd* „ ... 99th „ *3rd* „ ... Royal Wiltshire Militia. *4th* „ ... (Not yet formed).	Devizes	Scarlet	White	Rose.
54	The Manchester Regiment.	*1st Bn.* ... 63rd Foot ... *2nd* „ ... 9 th „ *3rd* „ ... 6th Royal Lancashire Militia. *4th* „ ... 6th Royal Lancashire Militia.	Ashton-under-Lyne.	Scarlet	White	Rose.
55	The South Staffordshire Regiment (Prince of Wales').	*1st Bn.* ... 64th Foot ... *2nd* „ ... 98th „ *3rd* „ ... 2nd Stafford Militia. *4th* „ ... 3rd „ „	Lichfield	Scarlet	White	Rose.
56	The York and Lancaster Regiment.	*1st Bn.* ... 65th Foot ... *2nd* „ ... 84th „ *3rd* „ ... 3rd West York Militia. *4th* „ ... (Not yet formed).	Pontefract	Scarlet	White	Rose.
57	The Durham Light Infantry.	*1st Bn.* ... 68th Foot ... *2nd* „ ... 106th „ *3rd* „ ... 1st Durham Militia. *4th* „ ... 2nd „ „	Sunderland	Scarlet	White	Rose.
58	The Highland Light Infantry.	*1st Bn.* ... 71st Foot ... *2nd* „ ... 74th „ *3rd* „ ... 1st Royal Lanark Militia. *4th* „ ... (Not yet formed).	Hamilton	Scarlet	Yellow	Thistle.
59	The Seaforth Highlanders.	*1st Bn.* ... 72nd Foot ... *2nd* „ ... 78th „ *3rd* „ ... Highland (Rifle) Militia. *4th* „ ... (Not yet formed).	Fort George	Scarlet	Yellow	Thistle.
60	The Gordon Highlanders.	*1st Bn.* ... 75th Foot ... *2nd* „ ... 92nd „ *3rd* „ ... Royal Aberdeenshire Militia. *4th* „ ... (Not yet formed).	Aberdeen	Scarlet	Yellow	Thistle.
61	The Queen's Own Cameron Highlanders.†	*1st Bn.* ... 79th Foot ... *2nd* „ ... Highland (Light Infantry) Militia.	Inverness	Scarlet	Blue	Thistle.
62	The Royal Irish Rifles.	*1st Bn.* ... 83rd Foot ... *2nd* „ ... 86th „ *3rd* „ ... Royal North Down Militia. *4th* „ ... Antrim Militia. *5th* „ ... Royal South Down Militia.	Belfast	Green	Light green.	

* Four Battalions, all Regulars.

† Only two Battalions, one Line and one Militia.

TERRITORIAL REGIMENTS.		Composition.	Head-Quarters of Regimental District.	UNIFORM.		
Precedence.	Titles.			Color.	Facings.	Pattern of Lace.
63	The Royal Irish Fusiliers (Princess Victoria's).	*1st Bn.* ... 87th Foot ... *2nd* „ ... 89th „ *3rd* „ Armagh Militia.* *4th* „ Cavan Militia. *&* *5th* „ Louth Militia. Monaghan Militia.	Armagh	Scarlet	Blue	Shamrock.
64	The Connaught Rangers.	*1st Bn.* ... 88th Foot ... *2nd* „ ... 94th „ *3rd* „ South Mayo Militia.* *4th* „ Galway Militia. *&* Roscommon Militia. *5th* „ Leitrim Militia. North Mayo Militia.	Galway	Scarlet	Green	Shamrock.
65	The Sutherland and Argyle Highlanders (Princess Louise's).	*1st Bn.* ... 91st Foot ... *2nd* „ ... 93rd „ *3rd* „ ... Renfrew Militia. *4th* „ ... (Not yet formed).	Stirling	Scarlet	Yellow	Thistle.
67	The Prince of Wales' Royal Canadian Regiment.	*1st Bn.* ... 100th Foot ... *2nd* „ ... 109th „ *3rd* „ Royal Longford.* Militia. *4th* „ King's County Militia. *&* *5th* „ Queen's County Militia. West Meath Militia. Royal Meath Militia.	Birr	Scarlet	Blue	Shamrock.
68	The Royal Munster Fusiliers.	*1st Bn.* ... 101st Foot ... *2nd* „ ... 104th „ *3rd* „ South Cork Militia.* *4th* „ Clare Militia. *&* Kerry Militia. *5th* „ North Cork Militia. Royal Limerick County Militia.	Tralee	Scarlet	Blue	Shamrock.
69	The Royal Dublin Fusiliers.	*1st Bn.* ... 102nd Foot ... *2nd* „ ... 103rd „ *3rd* „ Carlow Militia.* *4th* „ Kildare Militia. *&* Royal Dublin City Militia. *5th* „ Dublin County Militia.	Naas	Scarlet	Blue	Shamrock.
66	The Rifle Brigade† (Prince Consort's Own).	*1st Bn.* ... Rifle Brigade ... *2nd* „ ... „ *3rd* „ ... „ *4th* „ ... „	Winchester	Green	Black	

* A further order will shortly be issued giving definitely the arrangements to be carried out with regard to these Militia battalions.

† Four battalions, all Regulars.

NOTE.—The following four Militia battalions, which are not included in the above table, will be attached in peace time to the Brigade of Guards. On mobilization their Reserve men will join as below:—

Men of the 2nd Middlesex Militia ... ... } will join the King's
„ Royal London „ ... ... } Royal Rifle Corps.

„ King's Own Royal Tower Hamlets Militia } will join the Rifle
„ Queen's „ „ „ } Brigade.

The two last regiments will shortly adopt Rifle uniform.

APPENDIX No. II.

TARTANS OF HIGHLAND REGIMENTS.

KILTED REGIMENTS.		TREWS REGIMENTS.	
Title.	Tartan.	Title.	Tartan.
The Royal Highlanders (Black Watch).	As at present.	The Lothian Regiment (Royal Scots).	Black, blue and green.*
The Seaforth Highlanders ...	Mackenzie.	The Royal Scots Fusiliers ...	
The Gordon Highlanders ...	Gordon.	The Scotch Rifles ...	
The Queen's Own Cameron Highlanders.	As at present.	The Highland Light Infantry ...	As at present worn by 71st.
The Sutherland and Argyle Highlanders (Princess Louise's).	As at present worn by 93rd.		

* According to the pattern in War Office pattern-room.

PROMOTIONS.

No. 327.—The following promotions are made, subject to Her Majesty's approval:—

STAFF CORPS.

To be Lieutenant-Colonel.

Major Henry Montgomery Barton Burlton, —12th June, 1881.

To be Captain.

Lieutenant Gervas Selwyn Eyre,—12th June, 1881.

BREVET.

To be Colonels.

Lieutenant-Colonel Hugh Gordon Thomson, Madras S. C.,—14th June, 1881.

Lieutenant-Colonel Thomas Ross Church, Madras S. C.,—14th June, 1881.

Lieutenant-Colonel David Butler Young, Bombay S. C.,—15th June, 1881.

Lieutenant-Colonel Robert Dallas Campbell, Bengal S. C.,—15th June, 1881.

No. 328.—MEDICAL DEPARTMENT—

The following officers of the Indian Medical Service to be Brigade Surgeons, subject to Her Majesty's approval, with effect from the 27th November, 1879:—

Surgeon-Major Alfred James Dale, M.B.
" Benjamin Simpson, M.D.
" Robert Faure Hutchinson, M.D.
" John Pithall, M.D.
" George Vernon Currie.
" Theobald Ringer, M.D.
" Philip Warren Sutherland.
" Alfred Eteson, M.D.
" William Watson, M.B.
" Alexander John Cowie.
" William John Palmer, M.D. (since retired).
" James Henry Loch, M.D.
" Robert Rouse.
" James Rawlinson Jackson, M.D.
Surgeon-Major Archibald Macdonald Garden (since retired).
" John Brake.
" Alexander Garden.
" William Walker, M.D.
" George Alder Watson.
" Theobald Mathew, M.B.
" James Fairweather, M.D.
" Charles Julian Jackson, from the 10th January, 1881, *vice* Brigade Surgeon W. J. Palmer, retired.
" Robert Bird, M.D. (since retired), from the 26th January, 1881, *vice* Brigade Surgeon A. M. Garden, retired.
" John Martin Coates, M.D., from the 12th May, 1881, *vice* Brigade Surgeon R. Bird, M.D., retired.

No. 329.—ORDNANCE DEPARTMENT—

Sub-Conductors, on probation, *Edgar Bredin* and Otho D. Heathcote are confirmed in their present grade, with effect from the 18th November, 1880.

No. 330.—PUBLIC WORKS DEPARTMENT—

Sergeant Henry Matthews, Supervisor, 1st grade, Railway Branch, is promoted to the grade of Sub-Conductor, with effect from the 13th May, 1881, *vice* Sub-Conductor Adolphus Freeman, retired.

No. 331.—Barrack Sergeant William Henry Knight is appointed Assistant Barrack Master and promoted to the grade of Sub-Conductor, with effect from the 13th May, 1881, and his name will be borne as a supernumerary on the Public Works Department Warrant List, next above Sub-Conductor Henry Matthews.

No. 332.—NATIVE ARMY—

6th Regiment of Native (Light) Infantry.

Jemadar Oomur Sing, to be Subadar, *vice* Indurjeet Sing, deceased; Havildar Gungaram, to be Jemadar, *vice* Oomur Sing, promoted,—24th April, 1881.

43rd (Assam) Regiment of Native (Light) Infantry.

Havildar Gookul Tewary, to be Jemadar, *vice* Rugoobir Tewary, invalided,—1st May, 1881.

RETIREMENTS.

No. 333.—In continuation of G. G. O. No. 284 of 1881, the undermentioned officers are permitted to retire from the service, under the provisions of G. G. O. No. 1 of 1881, with effect from the dates specified, subject to Her Majesty's approval:—

Lieutenant-Colonel (Brevet Colonel) George Hunter Thompson, Bengal S. C.,—10th June, 1881.

Lieutenant-Colonel (Brevet Colonel) Thomas Harmer Sibley, Bengal S. C.,—12th June, 1881.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th June, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department from the 7th to the 13th June, 1881:—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Bengal Staff Corps ...	Lieutenant-Colonel W. Plaire ...	2nd June, 1881	Fyzabad.		
Royal Artillery ...	Captain R. F. W. Trist ...	10th " "	Peshawar.		

Statement of Deposits on account of Estates from the 7th to the 13th June, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
George Atkinson (*a*) ...	Surgeon-Major.	Army Medical Department.	25th April, 1880.	No will found.	2,745 9 9		

(*a*) *Next-of-kin.—Brother*—J. N. Atkinson, Ashley Park, Nenagh, Ireland,—Administrator-General, Bengal, administering.

W. M. LEES, *Colonel*,
Offg. Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 17th June, 1881.

FURLOUGH AND LEAVE.

No. 16.—Mr. G. Peck, 1st grade officer, in charge of hulks and vessels in ordinary, Calcutta, is granted leave to Europe, on medical certificate, for 11 months and 12 days, under section 127, Civil Leave Code.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 14th June 1881.

No. 217.—Baboo Wopendro Nath Mookerjee is appointed, on probation, to the Traffic Department of the State Railway Superior Revenue Establishment in the Candidate Class, and is placed at the disposal of the Director General of Railways.

The 15th June 1881.

No. 218.—Mr. T. Hamilton, Executive Engineer, 1st Grade, Hyderabad, is appointed to officiate

as Superintending Engineer, Class III, and Secretary to the Resident in the Public Works Department, during the absence of Lieutenant-Colonel J. G. Lindsay, R.E., on privilege leave, or until further orders.

The 16th June 1881.

No. 219.—Mr. A. J. Hughes, Executive Engineer, 1st Grade, Bengal, is appointed to officiate as Superintending Engineer, Class III, during the absence of Mr. T. H. Wickes, on privilege leave, or until further orders.

No. 220.—Mr. W. D. Brockman, Executive Engineer, 1st Grade, North-Western Provinces and Oudh, is appointed to officiate as Superintending Engineer, Class III, during the absence of Major E. Swetenham, on privilege leave, or until further orders.

No. 221.—The following Assistant Engineers, 1st Grade, are transferred from the Railway Branch to Bengal:—

Mr. E. Behrmann.
Baboo Bhoobun Mohun Bose.
Mr. B. W. Cantopher.
Mr. T. E. Curry.

The 17th June 1881.

No. 222.—The Government of India has no further need of the services of Mr. J. R. H. Allaway, Assistant Locomotive Superintendent.

No. 223.—Mr. W. T. Anstruther, Assistant Engineer, 2nd Grade, Punjab, is transferred as a temporary arrangement to the Public Works Account Establishment with the rank of Assistant Examiner, 1st Grade, and is posted to the Punjab Northern State Railway.

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 26. } SIMLA, SATURDAY, JUNE 25, 1881.

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

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Nothing for publication.

SUPPLEMENT No. 26.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 20th June 1881.

No. 228.—*Appointments.*—Babu Nobin Chandra Banerji, Extra Assistant Commissioner, 2nd Class, in the Central Provinces, to be Extra Assistant Commissioner, 1st Class, with effect from the 2nd May 1881, *vice* Moulvi Ashfaq Husen, retired.

Mr. H. E. Stanbrough, Extra Assistant Commissioner, 3rd Class, to be Extra Assistant Commissioner, 2nd Class, *vice* Babu Nobin Chandra Banerji.

Balwant Rao, Extra Assistant Commissioner, 3rd Class, *substantive pro tempore*, to be Extra Assistant Commissioner, 3rd Class, substantively.

C. Rungiah, Extra Assistant Commissioner, 4th Class, to be Extra Assistant Commissioner, 3rd Class, *substantive pro tempore, vice* Balwant Rao.

Bhargo Rao, Extra Assistant Commissioner, 4th Class, *substantive pro tempore*, to be Extra Assistant Commissioner, 4th Class, substantively.

Dadaji Jaiwant, Officiating Extra Assistant Commissioner, to be Extra Assistant Commissioner, 4th Class, *substantive pro tempore, vice* Bhargo Rao.

MEDICAL.

The 20th June 1881.

No. 328.—The services of Surgeon James Armstrong, attached to the 17th Regiment Native Infantry, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh.

EDUCATION.

The 24th June 1881.

No. 189.—The Governor General in Council is pleased to appoint the undermentioned gentlemen to be Fellows of the University of Calcutta:—

The Hon'ble W. Tyrrell, C.S.
C. P. Carmichael, Esq., C.S.
B. W. Colvin, Esq., C.S.
C. Robertson, Esq., C.S.
The Ven'ble J. Baly.
Surgeon-Major J. M. Coates, M.D.
The Very Revd. Father D. Van Impe, S.J.
Babu Hem Chunder Banerjee, B.L.
Muhammed Yusaf, B.L.
W. D. Bruce, Esq., C.E.
W. T. Webb, Esq., M.A.
J. S. Slater, Esq.
J. Wilson, Esq.
Babu Rádhika Prásad Mookerjee.
L. Schwendler, Esq.
Babu Lál Mádhab Mukerjee, L.M.S.

C. GRANT,
Offg. Secy. to the Govt. of India.

STAR OF INDIA.

NOTIFICATION.

Simla, the 23rd June 1881.

No. 208.-I.—The following Notification which appeared in *The London Gazette* (Supplement) of the 20th May 1881, is published for general information :—

India Office, May 24th, 1881.

The Queen has been graciously pleased, on the occasion of the celebration of Her Majesty's Birthday, to make the following appointments to the First, Second and Third Classes of the Most Exalted Order of the Star of India :—

To be a Knight Grand Commander.

His Highness Sujjun Singh, Maharana of Udaipur.

To be Knights Commanders.

General Orfeur Cavanagh, Bengal Staff Corps.
Charles Umpherston Aitchison, Esq., C.S.I., Bengal Civil Service, Chief Commissioner, British Burma.
His Highness Tukht Singh, Thakur Saheb of Bhaunagar.
James Davidson Gordon, Esq., C.S.I., Bengal Civil Service, Resident at Mysore.
John Forsyth, Esq., C.B., Inspector General of Hospitals (retired), Bengal Medical Service.
Lepel Henry Griffin, Esq., C.S.I., Bengal Civil Service, Agent to the Governor General in Central India.

To be Companions.

Donald Campbell Macnabb, Esq., Bengal Civil Service (retired), late Commissioner, Punjab.
Wazirzadah Muhammad Afzul Khan, late Political Assistant in Afghanistan.
Major-General John Salusbury Trevor (retired), Royal (late Bombay) Engineers, lately Director General of State Railways.
Horace Abel Cockerell, Esq., Bengal Civil Service, Secretary to the Government of Bengal in the Judicial and Political Departments.
Colonel Samuel Black, Bengal Staff Corps, Secretary to the Government of the Punjab in the Military Department.
Charles Grant, Esq., Bengal Civil Service, Judicial Commissioner, Central Provinces.
Colonel William Cousmaker Anderson, Bombay Staff Corps, late Member of the Council of the Governor of Bombay for making Laws and Regulations.

A. C. LYALL,
Secy. to the Most Exalted Order of the Star of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 23rd June 1881.

No. 1206*G.-G.*—The following extract from a Notification, which appeared in *The London Gazette* (Supplement) of the 20th May 1881, is published for general information :—

Tuesday, May 24th, 1881.

Her Majesty has been further pleased to give orders for the undermentioned appointments to the Most Honorable Order of the Bath :—

To be ordinary Members of the Civil Division of the Second Class, or Knights Commanders, of the said Order, *viz.* :—

* * * * * * * *

Alfred Comyns Lyall, Esq., C.B.

H. M. DURAND,
Under Secretary to the Government of India.

JUDICIAL.

The 24th June 1881.

No. 131*I.-J.*—Notification No. 47I.-J., published in the *Gazette of India* of the 28th January 1881, is hereby cancelled, and the following is substituted for it :—

In continuation of Notification No. 77J. of the 27th June 1877, extending the provisions of the Registration Act of 1877 to the Hyderabad Assigned Districts, the Governor General in Council is pleased to declare that the said Act shall be deemed to have come into force in the said districts from the date of the said Notification, subject to the following modifications :—

(1) For clauses (*a*), (*b*) and (*c*) of Section 33 of the said Act, the following clauses shall be substituted :—

(*a*) If the principal, at the time of executing the power-of-attorney, resides in the Hyderabad Assigned Districts, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-Registrar within whose district or sub-district the principal resides.

(*b*) If the principal, at the time aforesaid, resides in any part of British India in which the Indian Registration Act 1877 is, for the time being, in force, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-Registrar within whose district or sub-district, as defined in the said Act, the principal resides.

(*c*) If the principal, at the time aforesaid, does not reside in the Hyderabad Assigned Districts, or in any part of British India in which the Indian Registration Act 1877 is, for the time being, in force, a power-of-attorney executed before, and authenticated by, a Notary Public, or any Court, Judge, Magistrate, British Consul, or Vice-Consul, or representative of Her Majesty or of the Government of India.

(2) For the words "clauses (*a*) and (*b*)" in the proviso to the same section, the words "clause (*a*)" shall be substituted.

(3) For the words "British India" and "Local Government," wherever they occur, the words "Hyderabad Assigned Districts" and "Resident at Hyderabad" shall be deemed to have been substituted respectively.

(4) In Section 4, for the words "territories subject to such Government," and in Section 69, for the words "territories under the Local Government," the words "Hyderabad Assigned Districts" shall be deemed to have been substituted.

(5) In Section 10, for the words "Judge of the District Court," the words "Deputy Commissioner" shall be deemed to have been substituted.

No. 133*I.-J.*—In exercise of the powers conferred upon him by Section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Cantonment Magistrate of Secunderabad with the powers of a Magistrate of the District, the First Assistant Resident at Hyderabad with the powers of a Court of Session, and the Resident with the powers of a High Court, within the limits of the Secunderabad Cantonment, for the purposes of the above section.

No. 136*I.-J.*—In exercise of the powers conferred by Section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Assistant Cantonment Magistrate of Secunderabad with power to try breaches of any Rules or Regulations made under Section 25 of the said Act and applying to the said Cantonment.

No. 139*I.-J.*—In exercise of the powers conferred upon him by Section 28 of Act III of 1880, the Governor General in Council is pleased to invest the following officers with the powers of a High Court, Court of Session, and Magistrate of the District within the limits of the Cantonments of Mhow, Neemuch, Nowgong, Sipri and Sutna, for the purposes of the above section :—

High Court.

The Agent to the Governor General for Central India.

Court of Session.

Mhow—First Assistant to the Governor General's Agent for Central India.
Neemuch—Political Agent, Western Malwa.
Nowgong—Political Agent, Bandelkhand.
Sipri—Political Agent, Gwalior.
Sutna—Political Agent, Baghelkand.

Magistrate of the District.

Mhow, Cantonment Magistrate.
Neemuch, Do. Do.
Nowgong, Do. Do.
Morar, Do. Do.
Sipri, Do. Do. Morar.
Sutna, Political Agent, Baghelkand.

No. 142*I.-J.*—In exercise of the powers conferred upon him by Section 28 of Act III of 1880 (The Cantonments Act, 1880), the Governor General in Council is pleased to invest the following officers with power to try breaches of any Rules or Regulations made under Section 25 of the abovementioned Act, within the limits of the cantonments, respectively, of Mhow, Sipri and Sutna :—

Mhow—The Assistant Cantonment Magistrate.
Sipri—The Assistant Cantonment Magistrate, Morar.
Sutna—The Officer Commanding at Sutna.

No. 145*I.-J.*—The Officer Commanding at Sutna is vested with the powers of a Magistrate of the 2nd Class, as described in Sections 20 and 21 of the Code of Criminal Procedure, to be exercised within the limits of the Sutna Cantonment.

No. 148*I.-J.*—In exercise of the powers conferred upon him by Section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Agent to the Governor General at Baroda with the powers of a High Court, and the Cantonment Magistrate with those of a Court of Session and of a Magistrate of the District within the Baroda Cantonment, for the purposes of the abovementioned section.

No. 151*I.-J.*—In exercise of the powers conferred upon him by Section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Political Superintendent, Palanpur, with the powers of a Court of Session and of a Magistrate of the District, and the Commissioner, Northern Division, with those of a High Court within the limits of the Cantonment of Deesa, for the purposes of the abovementioned section.

POLITICAL.

The 23rd June 1881.

No. 1340 *E.-P.*—The following extract from the *London Gazette*, dated the 20th May 1881, is published for general information :—

At the Court at *Windsor*, the 18th day of *May*, 1881.

PRESENT :

The QUEEN's Most Excellent Majesty.

Lord President. | Earl of Northbrook.
Lord Steward. |

WHEREAS by the Extradition Acts of 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the twenty-sixth day of November, one thousand eight hundred and eighty, between Her Majesty and the Swiss Federal Council, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Swiss Federal Council having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Hussey Crespigny Vivian, a Companion of Her Most Honourable Order of the Bath, Her Majesty's Minister Resident to the Swiss Confederation;

And the Swiss Federal Council, its Vice-President, F. Anderwert, Federal Councillor and Chief of the Federal Department of Justice and Police;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to deliver up, under the circumstances and on the conditions stipulated in the present Treaty, all persons, and the Swiss Federal Council engages to deliver up, under the like circumstances and conditions, all persons, excepting Swiss citizens, who, having been charged with, or convicted by the Tribunals of one of the two High Contracting Parties of the crimes or offences enumerated in Article II, committed in the territory of the one party, shall be found within the territory of the other.

In the event of the Federal Council being unable, by reason of his Swiss nationality, to grant the extradition of an individual, who after

Nachdem Ihre Majestät die Königin des Vereinigten Königreichs von Grossbritannien und Irland, und der Schweizerische Bundesrath behufs besserer Verwaltung der Rechtspflege und zur Verhütung von Verbrechen innerhalb der beiden Gebiete und Gerichtsbarkeiten es für zwekmässig befunden haben, dass Personen, welche der in diesem Vertrage aufgeführten strafbaren Handlungen beschuldigt oder wegen solcher verurtheilt und vor der Justiz flüchtig geworden sind, unter bestimmten Umständen gegenseitig ausgeliefert werden sollen; so haben sie behufs Abschliessung eines diesfallsigen Vertrages zu Ihren Bevollmächtigten ernannt und zwar:

Ihre Majestät die Königin des Vereinigten Königreichs von Grossbritannien und Irland den ehrenwerthen Hussey Crespigny Vivian, Mitglied Ihres höchst ehrenwerthen Bathordens, Ihrer Majestät Minister-Residenten beider Schweizerischen Eidgenossenschaft;

Und der Bundesrath der Schweizerischen Eidgenossenschaft, seinen Vicepräsidenten, Herrn Bundesrath F. Anderwert, Vorsteher des eidgenössischen Justiz-und Polizei-Departements;

Welche, nachdem sie sich gegenseitig ihre Vollmachten mitgetheilt und dieselben in guter und gehöriger Form befunden, die folgenden Artikel vereinbart und abgeschlossen haben :—

ARTIKEL I.

Ihre Majestät die Königin des Vereinigten Königreichs von Grossbritannien und Irland verpflichtet sich, unter den Voraussezungen und Bedingungen des gegenwärtigen Vertrages, alle Personen, und der Schweizerische Bundesrath verpflichtet sich, unter den gleichen Voraussezugen und Bedingungen, alle Personen, mit Ausnahme der schweizerischen Angehörigen, auszuliefern, welche wegen eines der in Artikel II aufgezählten, auf dem Gebiete des andern vertragenden Theiles verübten Verbrechen oder Vergehen angeklagt oder wegen eines solchen durch die Gerichte des einen der beiden kontrahirenden Staten verurtheilt worden sind und auf dem Gebiete des andern States gefunden werden.

Im Falle der schweizerische Bundesrath die Auslieferung eines Individuums, welches in dem Vereinigten Königreiche eines der in Artikel II

having committed in the United Kingdom one of the crimes or offences enumerated in Article II, should have taken refuge in Switzerland, the Federal Council engages to give legal effect to and prosecute the charge against him according to the laws of the Canton of his origin; and the Government of the United Kingdom engages to communicate to the Federal Council all documents, depositions, and proofs relating to the case, and to cause the commissions of examination directed by the Swiss Judge, and transmitted through the proper Diplomatic channel, to be executed gratuitously.

ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

1. Murder (including infanticide) and attempt to murder.
2. Manslaughter.
3. Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money.
4. Forgery, or counterfeiting, or altering or uttering what is forged, or counterfeited, or altered; comprehending the crimes designated in the Penal Codes of both States as counterfeiting or falsification of paper money, bank notes, or other securities, forgery, or falsification of other public or private documents, likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged, or falsified papers.
5. Embezzlement or larceny.
6. Obtaining money or goods by false pretences.
7. Crimes against bankruptcy law.
8. Fraud committed by a baillie, banker, agent, factor, trustee, or director, or member or public officer of any Company made criminal by any law for the time being in force.
9. Rape.
10. Abduction of minors.
11. Child stealing or kidnapping.
12. Burglary, or house-breaking, with criminal intent.
13. Arson.
14. Robbery with violence.
15. Threats by letter or otherwise with intent to extort.
16. Perjury or subornation of perjury.
17. Malicious injury to property, if the offence be indictable.

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact, provided such participation be punishable by the laws of both Contracting Parties.

ARTICLE III.

A fugitive criminal may be apprehended in either country under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority

aufgezählten Verbrechen oder Vergehen sich schuldig gemacht, aber in die Schweiz sich geflüchtet hätte, wegen seiner Eigenschaft als Schweizer nicht bewilligen könnte, verpflichet sich der schweizerische Bundesrath, die strafrechtliche Erledigung der Anklage nach Massgabe der Gesezgebung des Heimatkantons des Angeklagten zu übernehmen, und die Regierung des Vereinigten Königreiches verpflichet sich, sämmtliche bezügliche Akten, Depositionen und Beweisstüke dem schweizerischen Bundesrathe mitzutheilen, sowie im diplomatischen Wege zu vermittelude Requisitorien des schweizerischen Richters unentgeltlich vollziehen zu lassen.

ARTIKEL II.

Die strafbaren Handlungen, wegen deren die Auslieferung zu gewähren ist, sind folgende:—

1. Mord, mit Inbegriff des Kindsmordes, und Mordsversuch.
2. Todtschlag.
3. Nachmachen oder Verfälschen von Metallgeld, Ausgeben oder Inverkehrsezen nachgemachten oder verfälschten Metallgeldes.
4. Fälschung, Nachmachen oder Verändern, sowie die Verausgabung dessen, was nachgemacht, gefälscht oder verändert ist, nämlich die Verbrechen welche in den Strafgesezen der beiden Staten als Nachmachen oder Verfälschen von Papiergeld, Banknoten oder andern Werthschriften enthalten sind; ferner die Fälschung oder Verfälschung anderer öffentlicher oder Privaturkunden, sowie das Ausgeben, oder Inverkehrsezen und der wissentliche Gebrauch solcher nachgemachter, gefälschter oder verfälschter Papiere.
5. Unterschlagung oder Diebstahl.
6. Betrug, resp. Erlangung von Geld oder andern Sachen durch falsche Vorspiegelungen.
7. Betrüglicher Bankerott, resp. Verbrechen gegen das Gesez betreffend Bankerott.
8. Untreue von Seite eines Verwalters und Beauftragten, Bankiers, Agenten, Commandite, Verwalters von Vermögen Dritter, Vorstandes, Mitgliedes oder Beamten irgend einer Gesellschaft, soweit dieselbe nach den dannzumal bestehenden Gesezen als Verbrechen behandelt wird.
9. Nothzucht.
10. Entführung von Minderjährigen.
11. Menschenraub.
12. Einbrechen oder Eindringen in ein Wohnhaus in verbrecherischer Absicht zur Tages- oder Nachtzeit.
13. Brandstiftung.
14. Raub mit Gewaltthätigkeit.
15. Drohungen mittels Brief oder auf andere Weise, mit der Absicht, zu erpressen.
16. Meineid und Anstiftung zum Meineid.
17. Böswillige Eigenthumsbeschädigung, insofern sie von Amtes wegen als Verbrechen verfolgt wird.

Die Auslieferung findet auch statt wegen Theilnahme an einer der vorbezeichneten strafbaren Handlungen, mag sie vor oder nach deren Verübung stattfinden, vorausgesezt dass diese Theilnahme nach der Gesezgebung beider Kontrahenten strafbar ist.

ARTIKEL III.

Ein flüchtiger Verbrecher kann in jedem der beiden Länder verhaftet werden auf Grund eines Verhaftbefehles, der von einem Polizeimagistraten, Friedensrichter, oder von einer andern kompetenten Behörde erlassen wird, auf eine solche Strafanzeige oder Klage und auf einen

issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: provided however, that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London.

Requisitions for provisional arrest may be addressed by post or by telegraph, provided they purport to be sent by some judicial or other competent authority. Such requisitions must contain a description in general terms of the crime or offence, and a statement that a warrant has been granted for the arrest of the criminal, and that his extradition will be demanded.

He shall, in accordance with this Article, be discharged; as well in the United Kingdom as in Switzerland, if within the term of thirty days a requisition for extradition shall not have been made by the Diplomatic Agent of the country claiming his surrender in accordance with the stipulations of this Treaty.

ARTICLE IV.

The requisition for extradition must always be made by the way of diplomacy, and to wit, in Switzerland by the British Minister to the President of the Confederation, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Swiss Consul-General in London, who, for the purposes of this Treaty, is hereby recognized by Her Majesty as a Diplomatic Representative of Switzerland.

ARTICLE V.

In the dominions of Her Britannic Majesty, other than the Colonies or foreign possessions of Her Majesty, the manner of proceeding shall be as follows:—

(*a*) In the case of a person accused—

The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Diplomatic Representative of the Swiss Confederation. The said demand shall be accompanied by a warrant of arrest, or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Switzerland, and duly authenticated depositions or statements taken on oath, or solemnly declared to be true, before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify

The said Principal Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

solchen Beweis oder nach einem solchen Verfahren, dass nach der Ansicht der Behörde, welche den Verhaftbefehl erlässt, dessen Erlass Gerechtfertigt wäre, wenn dass Verbrechen in demjenigen Theile der Gebiete der Vertragsparteien begangen, oder die betreffende Person in demjenigen Theile der Gebiete der Verdragsparteien verurtheilt worden wäre, in welchem der Magistrat, Friedensrichter oder die andere kompetente Behörde Gerichtsbarkeit ausübt. In einem solchen Falle soll jedoch in dem Vereinigten Königreiche der Beklagte so schnell wie möglich vor einen Polizeimagistraten in London gesendet werden.

Diese Ansuchen um provisorische Verhaftung mögen vermittelst der Post oder durch den Telegraphen gemacht werden, vorausgesezt, sie enthalten die Angabe, dass sie von einer gerichtlichen oder andern kompetenten Behörde abgesendet worden seien. Solche Requisitionen müssen eine allgemeine Bezeichnung des Verbrechens oder Vergehens und die Erklärung enthalten, dass ein Verhaftbefehl gegen den Verbrecher bestehe und dass dessen Auslieferung verlangt werde.

Er soll in Ubereinstimmung mit diesem Artikel sowohl in der Schweiz als auch in dem Vereinigten Königreiche des Verhaftes entlassen werden, wenn nicht binnen dreissig Tagen von dem diplomatischen Agenten desjenigen Landes, welches dessen Ausliferung verlangt, das Auslieferungsbegehren gemäss den Vorschriften dieses vertrages gestellt wird.

ARTIKEL IV.

Das Auslieferungsbegehren muss immer auf diplomatischem Wege gestellt werden und zwar in der Schweiz durch den Englischen Gesandten an den Bundespräsidenten und in Grossbritannien durch den Schweizerischen General-Konsul in London, welcher von Ihrer Majestät für die Zweke dieses Vertrages als diplomatischer Repräsentant der Schweiz anerkannt wird, an den Statssekretär für die Auswärtigen Angelegenheiten.

ARTIKEL V.

In dem Reiche Ihrer Britannischen Majestät, mit Ausnahme der Kolonien und Answärtigen Besizungen, soll verfahren werden wie folgt.

(*a*) Wenn es sich um eine angeklagte Person handelt, wird das Auslieferungsbegehren von dem diplomatischen Vertreter der Schweizerischen Eidgenossenschaft dem Hauptstatssekretär der Auswärtigen Angelegenheiten Ihrer Majestät Regierung eingereicht. Dieses Begehren soll von einem Verhaftsbefehl oder einem andern gerichtlichen Aktenstük von gleichen Werthe, ausgestellt von einem zur Untersuchung der dem Angeklagten in der Schweiz zur Last gelegten Handlungen kompetenten Richter oder andern Beamten begleitet sein, sowie von den gehörig lagalisirten vor diesem Richter oder Beamten beschworenen oder feierlich als Wahrheit erklärten Depositionen oder Aussagen, aus welchen die in Frage stehenden Handlungen klar hervorgehen, und welche überdies das Signalement der reklamirten Person und genügende Details enthalten zur Feststellung ihrer Identität.

Der genannte Hauptstatssekretär soll diese Aktenstüke dem Hauptstatsekretär Ihrer Majestät für das Departement des Innern mittheilen, welcher mittels eigenhändig unterzeichneter und mit seinem Siegel versehenen Ordre einem Polizeimagistrate in London von dem gestellten Auslieferungsbegehren mittheilung macht und ihn beauftragt, wenn genügender

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the person claimed shall have been apprehended, he shall be brought before the Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in the United Kingdom, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender; sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be sent to such seaport town as shall, in each special case, be selected for his delivery to the Swiss Government.

(*b*) In the case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Diplomatic Representative of Switzerland in support of his requisition shall clearly set forth the crime or offence of which the person claimed has been convicted, and state the place and date of his conviction.

The evidence to be produced shall consist of the final sentence passed against the convicted person by the competent Court of the State claiming his extradition.

(*c*) Persons convicted by judgment in default of *arrêt de contumace* shall be, in the matter of extradition, considered as persons accused, and may, as such, be surrendered.

(*d*) After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case, the Court may at once order his delivery to the person authorised to receive him, without waiting for the order of a Secretary of State for his surrender, or commit him to prison to await such order.

ARTICLE VI.

In Switzerland the manner of proceeding shall be as follows:—

The requisition for the extradition of an accused person must be accompanied by an

Grund dazu vorliegt, den Verhaftsbefehl gegen den Flüchtigen zu erlassen. Nach dem Empfange dieser Ordre des Statsekretärs und auf die Vorlage solchen Beweises, welcher nach der Ansicht des Magistraten den Erlass des Verhaftsbefehles rechtfertigen würde, wenn das Verbrechen in dem Vereinigten Königreiche verübt worden wäre, soll er den Verhaftsbefehl erlassen.

Wenn die reklamirte Person verhaftet worden ist, so soll sie vor den Magistraten, welcher den Verhaftsbefehl erlassen hat, oder vor einen andern Polizeimagistraten in London gebracht werden. Wenn der hierauf zu produzirende Beweis ein solcher ist, das er gemäss dem englischen Geseze hinreichen würde, um den Verhafteten zur Aburtheilung vor das Gericht zu verweisen, falls das Verbrechen, dessen er angeklagt ist, im Vereinigten Königreiche verübt worden wäre, so soll der Polizeimagistrat dessen Versezung in das Gefängniss verfügen, um die Ordre des Statssekretärs zum Vollzuge der Auslieferung abzuwarten und dem Statssekretär sofort ein Attestat über diese Verfügung mit Bericht über den Fall mittheilen.

Nachdem seit der Verfügung über die Versezung des Verhafteten in das Gefängniss eine Zeitfrist verflossen ist, welche nie weniger als fünfzehn Tage betragen darf, soll der Statssekretär durch eine von ihm eigenhändig unterzeichnete und mit seinem Siegel versehene Ordre den Transport des auszuliefernden Individuums in denjenigen Meerhafen anordnen, welcher zu dessen Auslieferung an die schweizerische Regierung im einzelnen Falle bezeichnet werden wird.

(*b*) Wenn es sich um eine verurtheilte Person handelt, so soll gleich verfahren werden, wie wenn es sich um eine angeklagte Person handeln würde, ausgenommen, dass in dem Verhaftsbefehle, welcher von dem diplomatischen Vertreter der Schweiz zur Unterstützung des Auslieferungsbegehrens einzureichen ist, das Verbrechen oder Vergehen, wegen dessen das reklamirte Individuum verurtheilt wurde, klar dargestellt und auch der Ort und das Datum des Urtheiles angegeben werden müssen.

Als Beweis muss das Strafurtheil beigebracht werden, welches von dem zuständigen Gerichte des die Auslieferung begehrenden States gegen den Verurtheilten erlassen worden ist.

(*c*) Personen, welche *in contumaciam* verurtheilt worden sind, werden in Auslieferungs-angelegenheiten wie Angeklagte behandelt und als solche aus-geliefert.

(*d*) Nachdem der Polizeimagistrat die Versezung des Angeklagten oder Verurtheilten in das Gefängniss verfügt hat, um die Ordre des Statssekretärs zur Vollziehung seiner Auslieferung abzuwarten, hat diese Person das Recht, um eine Verfügung auf *habeas corpus* einzukommen. Wenn sie hievon gebrauch macht, so soll die Auslieferung verschoben werden bis nach dem Entscheide des Gerichtshofes über ihr Gesuch, und kann nur stattfinden, wenn der Entscheid für den Petenten ungünstig lautet. Im leztern Falle kann das Gericht gleichzeitig die Vollziehung der Auslieferung verfügen, ohne die Ordre des Statssecretärs abzuwarten oder es kann die Beibehaltung des Verhaften verfügen bis nach Erlass jener Ordre.

ARTIKEL VI.

In der Schweiz soll folgendes Verfahren stattfinden:

Im Falle das Auslieferungsbegehren gegen eine angeklagte Person gerichtet ist, so muss eine

authentic copy of the warrant of arrest, issued by a competent official or Magistrate, clearly setting forth the crime or offence of which he is accused, together with a properly legalized information setting forth the facts and evidence upon which the warrant was granted.

If the requisition relates to a person already convicted, it must be accompanied by an authentic copy of the sentence or conviction, setting forth the crime or offence of which he has been convicted.

The requisition must also be accompanied by a description of the person claimed, and if it be possible, by other information and particulars which may serve to identify him.

After having examined these documents, the Swiss Federal Council shall communicate them to the Cantonal Government in whose territory the person charged is found in order that he may be examined by a judicial or police officer on the subject of their contents.

The Cantonal Government will transmit the *procès-verbal* of the examination, together with all the documents, accompanied, if there be one, by a more detailed report to the Federal Council, who, after having examined them, and there be no opposition on either side, will grant the extradition, and will communicate its decision both to the British Legation and to the Cantonal Government in question, to the latter in order that it may send the person to be surrendered to such place on the frontier, and deliver him to such foreign police authority as the British Legation may name in each special case.

Should the documents furnished with a view of proving the facts, or of establishing the identity of the accused, or the particulars collected by the Swiss authorities appear insufficient, notice shall be immediately given to the Diplomatic Representative of Great Britain, in order that he may furnish further evidence. If such further evidence be not furnished within fifteen days the person arrested shall be set at liberty.

In the event of the application of this Treaty being contested, the Swiss Federal Council will transmit the documents ("dossier") to the Swiss Federal Tribunal, whose duty it is to decide definitely the question whether extradition should be granted or refused.

The Federal Council will communicate the judgment of the Federal Tribunal to the British Legation. If this judgment grants the extradition the Federal Council will order its execution, as in the case when the Federal Council itself grants the extradition. If, on the other hand, the Federal Tribunal refuses the extradition, the Federal Council will immediately order the person accused to be set at liberty.

ARTICLE VII.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the depositions or statements of witnesses, either sworn or solemnly declared to be true, taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, or copies thereof, provided such documents purport to be signed or certified by a Judge, Magistrate, or officer of such

authentische Kopie des von einem kompetenten Beamten oder Magistraten erlassenen Verhaftsbefehles der das Verbrechen oder Vergehen, dessen sie angeklagt ist, klar bezeichnet, vorgelegt werden und von einer gehörig legalisirten Darstellung der Thatsachen und der Beweise, gestüzt auf welche der Verhaftsbefehl bewilligt worden ist, begleitet sein.

Wenn das Auslieferungsbegehren eine verurtheilte Person betrifft, so muss es von einer authentischen Kopie des Urtheiles begleitet sein, worin das Verbrechen oder Vergehen, wegen dessen sie verurtheilt wurde, angegeben ist.

Mit dem Auslieferungsbegehren müssen ferner das Signalement der reklamirten Person, und, wenn möglich, noch andere Informationen und Details, welche zur Feststellung ihrer Identität dienen mögen, vorgelegt werden.

Nach geschehener Prüfung dieser Schriftstüke wird sie der Bundesrath derjenigen Kantonsregierung übersenden, auf deren Gebiet der Verfolgte sich befindet, damit der Leztere durch einen gerichtlichen oder polizeilichen Beamten über ihren Inhalt einvernommen werde.

Die Kantonsregierung wird das Einvernahmsprotokoll nebst sämmtlichen Akten und allfällig weiterm Berichte dem Bundesrathe übersenden, welcher nach erfolgter Prüfung derselben, im Falle von Keiner Seite Einsprache erhoben ist, die Auslieferung bewilligen und seinen Entscheid sowohl der Gesandtschaft von Grossbritannien, als auch der betreffenden Kantonsregierung mittheilen wird, lezterer behufs Uebergabe des auszuliefernden Individuums an derjenigen Grenzstelle und an diejenige auswärtige Polizeibehörde, welche im einzelnen Falle von der Grossbritannischen Gesandtschaft zu bezeichnen ist.

Wenn die zur Feststellung des Thatbestandes oder der Identität des Angeklagten vorgelegten Aktenstüke oder die von den schweizerischen Behörden zu gleichen Zweke gemachten Erhebungen ungenügend erscheinen sollten, so wird dem diplomatischen Vertreter Grossbritanniens unverzüglich davon Mittheilung gemacht behufs weiterer Nachweise. Werden sie nicht vor Ablauf von 15 Tagen beigebracht, so wird der Verhaftete in Freiheit gesezt.

I am Falle gegen die Anwendbarkeit dieses Vertrages eine Einsprache vorliegt, wird der Bundesrath sämmtliche Akten dem schweizerischen Bundesgerichte übersenden, welches über die Bewilligung oder Verweigerung der Auslieferung definitiv zu entscheiden hat.

Der Bundesrath wird den Entscheid des Bundesgerichtes der Grossbritannischen Gesandtschaft mittheilen. Lautet derselbe auf Bewilligung der Auslieferung, so wird der Bundesrath die Vollziehung anordnen wie in dem Falle, wo er von sich aus die Auslieferung bewilligt hat. Ist dagegen vom Bundes-gerichte die Auslieferung abgelehnt worden, so wird der Bundesrath sofort die Freilassung des Verhafteten verfügen.

ARTIKEL VII.

Die Behörden des ersuchten States haben bei der Prüfung, welche ihnen nach den vorstehenden Bestimmungen obliegt, den beschworenen oder feierlich als Wahrheit erklärten Depositionen und Zeugenaussagen, welche in dem andern State zu Protokoll genommen sind, desgleichen den Abschriften hievon und ebenso den in andern State erlassenen Haftbefehlen und Urtheilen oder Abschriften hievon volle Beweiskraft beizulegen, vorausgesezt, dass in diesen Schrifts-

State, and are authenticated by the official seal of a British Secretary of State, or of the Chancellor of the Swiss Confederation, being affixed thereto.

The personal attendance of witnesses can be required only to establish the identity of the person who is being proceeded against with that of the person arrested.

ARTICLE VIII.

If proof sufficient to warrant the extradition be not furnished within two months from the day of the apprehension, the person arrested shall be discharged from custody.

ARTICLE IX.

In cases where it may be necessary, the Swiss Government shall be represented at the English Courts by the Law Officers of the Crown, and the English Government in the Swiss Courts by the competent Swiss authorities.

The respective Governments will give the necessary assistance within their territories to the Representatives of the other State who claim their intervention for the custody and security of the persons subject to extradition.

No claim for the repayment of expenses for the assistance mentioned in this Article shall be made by either of the Contracting Parties.

ARTICLE X.

The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition other than the crime for which his surrender has been granted.

ARTICLE XI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try and punish him for an offence of a political character.

ARTICLE XII.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired according to the laws of the State applied to.

ARTICLE XIII.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Swiss Government, has already been tried and discharged or punished, or is still under trial, in one of the Swiss Cantons or in the United Kingdom respectively, for the crime for which his extradition is demanded.

tüken angegeben ist, dass sie durch neine Richter, eine obrigkeitliche Person oder einen andern Beamten dieses States unterzeichnet oder bescheinigt seien, und dass sie durch Beidrükung des Amtssiegels eines Britischen Statsministers oder des schweizerischen Bundeskanzlers beglaubigt sind.

Das persönliche Erscheinen von Zeugen darf nur verlangt werden zur Feststellung der Identität der Person des Verfolgten mit derjenigen des Verhafteten.

ARTIKEL VIII.

Wenn der zur Bewilligung der Auslieferung genügende Beweis nicht binnen zwei Monaten von dem Tage der Ergreifung des Flüchtigen an beigebracht wird so ist der Ergriffene auf freien Fuss zu sezen.

ARTIKEL IX.

In Fällen, wo es nöthig sein mag, wird die schweizerische Regierung bei den Englischen Gerichtshöfen durch die Kronanwälte, und die Englische Regierung bei den schweizerischen Behörden durch die kompetenten schweizerischen Beamten vertreten sein.

Die beiden Regierungen werden den Repräsentanten des andern States, welche ihre Intervention behufs der Verwahrung und Sicherung der anszuliefernden Person verlangen, auf ihren Gebieten die nöthige Hilfe gewähren.

Für die aus diesem Artikel entspringende Rechtshilfe wird gegenseitig auf jede Vergütung von Kosten verzichtet.

ARTIKEL X.

Der gegenwärtige Vertrag ist auf Verbrechen und Vergehen anwendbar, welche vor seiner Unterzeichnung begangen worden sind. Die ausgelieferte Person darf jedoch wegen keines andern in dem andern Lande vor der Auslieferung begangenen Verbrechens oder Vergehens zur Beurtheilung gezogen werden, als wegen desjenigen, für welches die Auslieferung gewährt worden ist.

ARTIKEL XI.

Ein flüchtiger Verbrecher soll nicht ausgeliefert werden, wenn die strafbare Handlung, wegen deren seine Auslieferung verlangt wird, einen politischen Charakter an sich trägt, oder wenn er nachweisen kann, dass der Antrag auf seine Auslieferung in Wirklichkeit mit der Absicht gestellt worden ist, ihn wegen eines Verbrechens oder Vergehens politischer Natur zu verfolgen oder zu bestrafen.

ARTIKEL XII.

Die Auslieferung soll nicht stattfinden, wenn seit der begangenen strafbaren Handlung, oder der Einleitung der strafgerichtlichen Verfolgung, oder der erfolgten Verurtheilung nach den Gesezen des ersuchten States Befreiung von der strafgerichtlichen Verfolgung oder der erkannten Strafe eingetreten ist.

ARTIKEL XIII.

Die Auslieferung soll nicht stattfinden, wenn die von der schweizerischen Regierung verfolgte Person im Vereinigten Königreiche, oder die Seitens der Regierung des Vereinigten Königreiches verfolgte Person in einem Kanton der Schweiz wegen derselben strafbaren Handlung, wegen deren die Auslieferung beantragt wird, in Untersuchung gewesen und ausser Verfolgung gesezt worden, oder sich noch in Untersuchung befindet oder bereits bestraft worden ist.

ARTICLE XIV.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Swiss Government, should be under examination, or have been condemned for any other crime, in one of the Swiss Cantons or in the United Kingdom respectively, his extradition may be deferred until he shall have been set at liberty in due course of law.

In case such individual should be proceeded against in the country in which he has taken refuge, on account of obligations contracted towards private individuals, his extradition shall, nevertheless, take place; the injured party retaining his right to prosecute his claims before the competent authority.

ARTICLE XV.

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE XVI.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

This delivery shall take place even when the extradition, after having been granted, cannot be carried out by reason of the escape or death of the individual claimed, unless the claims of third parties with regard to the above-mentioned articles render such delivery inexpedient.

ARTICLE XVII.

The contracting parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance to the frontiers of the State to which the requisition is made; they reciprocally agree to bear such expenses themselves.

ARTICLE XVIII.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions, shall be made to the Governor or to the supreme authority of such Colony or possession through the Swiss Consul residing there, or, in case there should be no Swiss Consul, through the recognized Consular Agent of another State charged with the Swiss interests in the Colony or possession in question.

ARTIKEL XIV.

Wenn die von der schweizerischen Regierung verfolgte Person in Vereinigten Königreiche oder wenn die Seitens der Regierung des Vereinigten Königreiches verfolgte Person in einem Kanton der Schweiz wegen einer andern strafbaren Handlung in Untersuchung liegt oder verurtheilt worden ist, so kann die Auslieferung verschoben werden bis diese Person in gehörigen Rechtsgang in Freiheit gesezt worden ist.

Wird ein solches Individuum wegen Verpflichtungen, die dasselbe mit Privatpersonen abgeschlossen hat, in jenem Lande, in welchem es Zuflucht genommem hat, gerichtlich verfolgt, so soll dessen Auslieferung dennoch stattfinden, dabei aber der beschädigten Partei das Recht vorbehalten bleiben, ihre Ansprache vor der kompetenten Behörde geltend zu machen.

ARTIKEL XV.

Wird ein Individuum von einer der beiden Vertragsparteien auf Grund des gegenwärtigen Vertrages zur Auslieferung reklamirt, zugleich aber auch dessen Auslieferung von einer oder mehreren andern Mächten wegen anderer auf deren Gebieten begangener Verbrechen oder Vergehen verlangt, so ist dasjenige Gesuch im Vorgange zu bewilligen, welches das älteste im Datum ist.

ARTIKEL XVI.

Alle in Beschlag genommenen Gegenstände, welche zur Zeit der Verhaftung der auszuliefernden Person in deren Besiz waren, sollen, wenn die zuständige Behörde des um die Auslieferung ersuchten States die Ausantwortung derselben angeordnet hat, bei Vollziehung der Auslieferung mitübergeben werden, und diese Ueberlieferung soll sich nicht blos auf die entfremdeten Gegenstände, sondern auch auf Alles erstreken, was zum Beweis, der strafbaren Handlung dienen kann.

Die Ablieferung dieser Gegenstände soll auch dann stattfinden, wenn die bereits bewilligte Auslieferung wegen der Entweichung oder des Todes der auszuliefernden Person unmöglich geworden ist, es wäre denn, dass die Ansprüche dritter Personen in Betreff der erwähnten Gegenstände deren Ablieferung nicht zu lassen.

ARTIKEL XVII.

Die vertragenden Theile verzichten darauf, die Erstattung derjenigen Kosten, welche ihnen aus der Festnahme und dem Unterhalte des Auszuliefernden und seinem Transport bis zur Grenze des requirirten States erwachsen, in Anspruch zu nehmen, willigen vielmehr gegenseitig darein diese Kosten selbst zu tragen.

ARTIKEL XVIII.

Die Bestimmungen des gegenwärtigen Vertrages sollen auf die Kolonien und auswärtigen Besizungen Ihere Grossbritannischen Majestät Anwendung finden.

Der Antrag auf Auslieferung eines flüchtigen Verbrechers, welcher in einer dieser Kolonien oder auswärtigen Besizungen Zuflucht gefunden hat, soll bei dem Gouverneur oder der per höchsten Behörde der betreffenden Kolonie oder Besizung durch den in derselben residirenden schweizerischen Konsul, oder in Ermangelung eines solchen, durch den anerkannten Konsularagenten eines andern States, welchen die Wahrung der schweizerischen Interessen in der fraglichen Kolonie oder Besizung anvertraut, wird, gestellt werden.

The Governor or supreme authority above-mentioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of such individuals as shall have committed in Switzerland any of the crimes hereinbefore mentioned, who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE XIX.

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties.

After the Treaty shall have come into force, the Treaty concluded between the High Contracting Parties on the 31st of March, 1874, shall be considered as cancelled, except as to any proceedings that may have been already taken or commenced in virtue thereof.

It may be terminated by either of the High Contracting Parties, on giving to the other Party six months' notice of its intention to terminate the same, but no such notice shall exceed the period of one year.

The Treaty shall be ratified, and the ratifications shall be exchanged at Berne as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berne, the twenty-sixth day of November, in the year of our Lord One thousand eight hundred and eighty.

(L.S.) C. VIVIAN.

(L.S.) ANDERWERT.

ARTIKEL XIX.

Der gegenwärtig Vertrag soll zehn Tage nach der von den hohen Kontrahenten in gesezlicher Form geschehenen Veröffentlichung in Kraft treten.

Nach den Inkraftreten dieses Vertrages wird derjenige, welcher am 31 März 1874 zwischen den beiden hohen Vertragsparteien abgeschlossen wurde, beidseitig als aufgehoben betrachtet, und er soll nur noch auf ein solches Verfahren Anwendung finden, das nach inhalt seinen Vorschriften bereits stattgefunden hätte oder angefangen worden wäre.

Jeder der beiden hohen Kontrahenten kann diesen Vertrag aufkünden, indem er sechs Monate vor dem Endtermin seinen Entschluss der Gegenpartei mitheilt. Eine solche Aufkundigüngsfrist darf jedoch die Dauer eines Jahres nicht übersteigen.

Der Vertrag wird ratifizirt und die Ratifikationen sollen bald möglichst, in Bern ausgewechselt werden.

Zur Urkunde dessen haben die beiderseitigen Bevollmächtigten die gegenwärtige Uebereinkunft unterzeichnet und mit ihren Wappen unter siegelt.

So geschehen zu Bern den sechsundzwanzigsten November des Jahres, Ein tausend acht hundert und achtzig.

And whereas the ratifications of the said Treaty were exchanged at Berne on the fifteenth day of March, one thousand eight hundred and eighty-one:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the thirtieth day of May, one thousand eight hundred and eighty-one, the said Acts shall apply in the case of the said Treaty with the Swiss Federal Council.

C. L. Peel.

No. 1341*E.-P.*—The following extract from the *London Gazette*, dated the 20th May 1881, is published for general information :—

AT the Court at *Windsor*, the 18th day of *May*, 1881.

PRESENT :

The QUEEN'S Most Excellent Majesty.
Lord President.
Lord Steward.
Earl of Northbrook.

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions :

And whereas there are in force, for regulating the exercise of the power and jurisdiction aforesaid, an Order of Her Majesty in Council made at Windsor the twelfth day of December, 1873 (in this Order referred to as the Ottoman Order of 1873), and several amending Orders in Council :

And whereas there are also in force two Conventions between Her Majesty's Government and that of the Regency of Tunis, namely, a General Convention, dated the nineteenth day of July 1875 (in this Order referred to as the General Convention of 1875), and a Convention relative to the holding of real property by British subjects, dated the tenth day of October, 1863 (in this Order referred to as the Convention of 1863) :

And whereas it has now seemed good to Her Majesty in Council to make further regulation respecting the exercise of the power and jurisdiction aforesaid, in the Regency of Tunis, and for that purpose to further amend the Ottoman Order of 1873 :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Short Title.

1. This Order may be cited as the Ottoman (Tunis) Order in Council of 1881.

Interpretation.

2. In this Order terms have the same meaning as in the Ottoman Order of 1873.

Repeal.

3. Articles ninety-five and two hundred and seventy of the Ottoman Order of 1873 are hereby repealed, but not so as to affect the validity or effect of any deputation granted before the passing of this Order under either of those Articles, or of anything done thereunder, and without prejudice to the continuance of any proceedings taken under or by virtue of any such deputation, and pending at the passing of this Order.

Consular Court for Tunis.

4. There shall be a Court styled *Her Britannic Majesty's Court for Tunis* (which Court is in this Order referred to as the Court for Tunis, or as the Court).

Her Majesty's Consul at Tunis for the time being shall be the Judge of the Court, but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign-manual.

He shall be at the time of his appointment a member of the Bar of England, Scotland, or Ireland, of seven years' standing, or a British subject, who is a member of the Bar of Malta, of seven years' standing, or has filled the office of Assistant Judge or Legal Vice-Consul, or Law Secretary in the Ottoman dominions.

5. During a vacancy in the office of Judge or on emergency a fit person approved by the Secretary of State may temporarily be Acting Judge. The Acting Judge shall have all the jurisdiction, power and authority of Judge.

6. There shall be attached to the Court so many officers and clerks as the Secretary of State from time to time thinks fit.

7. The Court shall have a seal; and summonses, orders, and other documents issuing from the Court shall be sealed therewith; but, until the seal is provided, a stamp, with the inscription *H. M. B. Consular Court for Tunis*, may be used.

General Application of Order of 1873.

8. The Court for Tunis shall be deemed to be comprised in the term the Court in the Ottoman Order of 1873, or to be a Court within that Order, as the case may require; and the following Articles of that Order are hereby applied to the Court for Tunis, with the substitution of Tunis for Egypt, that is to say,—

Articles Twenty-eight, Thirty-two, Thirty-nine, Forty, Forty-one, Forty-two, Eighty-eight, Ninety-one, One hundred and thirty-seven, One hundred and thirty-eight, Two hundred and thirty-nine, Two hundred and sixty-five, Two hundred and sixty-seven, Two hundred and sixty-eight, Two hundred and sixty-nine, Two hundred and ninety-nine, Three hundred and six, Three hundred and nine, and Three hundred and eleven;

Subject to these qualifications, as regards the Court for Tunis, namely, first, that Article Two hundred and sixty-seven shall operate, with the alteration aforesaid, notwithstanding the exception of Egypt only in Article Two hundred and sixty-six; and, secondly, that in Articles Three hundred and nine and Three hundred and eleven Gibraltar shall be deemed to be omitted.

Jurisdiction of Court.

9. All jurisdiction, powers, and authorities exercisable on Her Majesty's behalf by any Consular Officer of Her Majesty or other British authority, under the following Articles of the General Convention of 1875 (namely) :

Article Twenty-four.—Criminal cases where prosecutor and prisoner are British subjects, and civil cases between British subjects or between British subjects and other foreign subjects.

Article Twenty-five.—Civil cases between British and Tunisian subjects.

Article Twenty-six.—Crimes committed by British subjects and contraventions of Police and other Regulations,—

and under the following Articles of the Convention of 1863 (namely) :

Article Four.—Cases between British subjects respecting immoveable property, or the ownership or occupation of houses or lands.

Article Seven.—Administration on death of a British subject intestate of his lands, houses and tenements.

Article Eight.—Immoveable property of a British subject insolvent,—

and by virtue of any provision in either of those Conventions giving a right to the treatment of the most favoured or other nation,—

shall be exercised by the Court for Tunis and the Supreme Court, according to their respective jurisdiction and authority, and not by any other Consular or other authority on behalf of Her Majesty.

10. All Her Majesty's jurisdiction, civil and criminal, exercisable in the Regency of Tunis, otherwise than under the two conventions aforesaid, and not by the Ottoman Order of 1873, vested exclusively in the Supreme Court, shall, to the extent and in the manner provided by this Order, be vested in the Court for Tunis.

11. The Court shall observe the provisions of Article twenty-seven of the General Convention of 1875 relating to quittances or receipts.

12. The criminal jurisdiction of the Court is hereby extended to all such contraventions of Police Regulations, and other Regulations, from time to time in force, as are within Article Twenty-six of the General Convention of 1875; and every such contravention shall be deemed an offence making the person doing the act amenable to punishment: provided, first, that no punishment shall be imposed under this article, unless the Regulation a contravention whereof is charged has been adopted with the concurrence or approval of Her Majesty's Consul-General for Tunis, and secondly, that no punishment shall be imposed under this article other than a fine not exceeding five pounds, with or without imprisonment, for not exceeding fourteen days, with or without hard labour.

13. The criminal jurisdiction of the Court is hereby extended to such procuring of false evidence as is within Article Twenty-eight of the General Convention of 1875; and the same shall be deemed an offence making the person doing the act amenable to punishment; and a person convicted of that offence shall be liable to the punishment to which a person convicted in England of subornation of perjury is liable.

Continuance of Order of 1873.

14. Subject to the express provisions of this Order, the Ottoman Order of 1873, and the several Orders in Council amending the same, shall continue to apply to and be in force in the Regency of Tunis as if this Order had not been passed.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

GENERAL.

The 21st June 1881.

No. 1191*G.-G.*—The services of Surgeon-Major M. S. Caldwell, M.D., officiating in medical charge of the Deoli Irregular Force and of the Haraoti and Tonk Political Agency, are replaced at the disposal of the Military Department.

The 22nd June 1881.

No. 1198*G.-G.*—Captain J. H. Newill, Political Assistant, 1st Class, substantive *pro-tempore*, and Assistant to the Governor General's Agent in Rajputana, is posted to Bussorah as Assistant Political Agent, with effect from the date of assuming charge, *vice* Mr. P. J. C. Robertson, on furlough.

The 23rd June 1881.

No. 1207*G.-G.*—Major J. Miller, 2nd-in-Command, Malwa Bheel Corps, is appointed to officiate temporarily as Political Agent, Bhopawar, and Commandant Malwa Bheel Corps, with effect from the date of assuming charge, *vice* Lieutenant-Colonel Kincaid.

No. 1209*G.-G.*—The following promotions are made in the Berar Commission, with effect from the 30th April 1881, consequent on the departure on furlough of Mr. H. S. Nicholetts, Officiating Assistant Commissioner, 1st Class :—

Mr. A. Elliott, Assistant Commissioner, 2nd Class, to officiate in the 1st Class.

Mr. C. A. W. Davies, Assistant Commissioner, 3rd Class, to officiate in the 2nd Class.

Simla, the 24th June 1881.

No. 1218*G.-G.*—With reference to Notification No. 1126G.-G. of the 11th June 1881, Lieutenant H. M. Temple and Captain A. M. Muir are appointed to be Assistants to the Resident at Hyderabad.

A. C. LYALL,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 24th June 1881.

No. 1286.—In accordance with Rule 34 of the rules under the Inland Customs Act published with Notification No. 156, dated the 30th June 1876, the Governor General in Council hereby authorises the Contracting Agent appointed for the sale of salt at the stations on the Rajputana State Railway noted in the margin to grant certificates to cover despatches of salt sold by him at the said stations.

Beawar, Ajmere.
Dausa, Jeypore.
Mandawar, Bhurtpore.
Lawaree, Uwur.

No. 1315.—The following Addenda and Corrigenda to the Codes of the Financial Department are published for general information :—

C. L. C.

PAGE 167.

Section 77.

Rule 3.

Substitute the following for the first sentence of this rule :—

Examination leave may be affixed or prefixed to privilege leave, provided that privilege leave prefixed to the three months' examination leave under Clause (*d*), Rule 1, Section 76, must be spent in, or in the journey to, one of the appropriate countries mentioned in that clause.

No. 1354.

P. & A. A. C.

Section 41.

PAGES 280 AND 281.

Insert the following explanation under this Section :—

Explanation.—In respect of an appointment belonging to a graded class, the pay which an officer would from time to time have received, if during his whole tenure of the appointment or of some similar appointment he had held the appointment substantively and continuously, shall be taken at the average of the pay which he would from time to time have received if during his whole tenure of the appointment he had held the appointment substantively and continuously in each of the grades which form the class.

No. 1358.

C. L. C.

PAGE 168.

Section 78.

Rule 10.

Prefix to the Rule—

"With the cognisance of the Head of his office, or, if he is himself the Head of his office, of the Head of his Department."

PAGE 193.

Section 141.

Rule 1 (*b*).

Add to the Rule—

"But an applicant for leave must not appear before the Chief Medical Officer of the Station or District, or a Presidency Surgeon, without the cognisance of the Head of his office, or, if he is himself the Head of his office, of the Head of his Department."

No. 1361.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor General in Council is pleased to remit the Court Fees payable under Clauses 6, 7 and 9 of Schedule I of the Act on copies furnished by the Civil and Criminal Courts for the private use of persons applying for them.

This Notification shall not be deemed to exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed, exhibited or recorded in any Court of justice, or received by any public officer.

No. 1364.—In exercise of the powers vested in him by Sections 20 and 25 of the Indian Post Office Act of 1866, the Governor General in Council is pleased to direct that from the 1st August 1881 the fee for registering a letter or other article for transmission by post shall be reduced from 4 annas to 2 annas.

T. C. HOPE,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 24th June, 1881.

APPOINTMENTS.

No. 334.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Francis Anderson Harris, 54th Foot, Officiating Wing Officer, 2nd Infantry, Hyderabad Contingent,—15th March, 1880.

No. 335.—ADJUTANT GENERAL'S DEPARTMENT—

Major J. Cook, s.c., Wing Commander, 14th (The Ferozepore) Regiment of Native Infantry, to be a Deputy Assistant Adjutant General, *vice* Major G. T. Halliday, whose tour of staff service has expired. Dated 17th June, 1881.

No. 336.—GOVERNOR GENERAL'S BODY-GUARD—

His Excellency the Governor General is pleased to make the following appointment :—

Lieutenant R. C. Onslow, s.c., to be Adjutant, *vice* Lieutenant D'A. W. Thuillier, deceased.

No. 337.—MEDICAL DEPARTMENT—

Her Majesty has been pleased to appoint the undermentioned gentlemen to be Surgeons in Her Majesty's Indian Military Forces in the Presidency of Bengal. They are accordingly admitted into the service.—

Surgeon Robert James Polden,—Arrived at Bombay 1st April, 1881.

Surgeons George Michael James Giles, M.B.; Arthur Robert Uryall Sedgefield; Johnston Shearer, M.B.; Syed Hassan; Hem Chandra Banerji; Alfred Henry Pierson, and Francis Samuel Peck,—Arrived at Bombay 14th April, 1881.

Surgeon William Deane,—Arrived at Bombay 7th June, 1881.

No. 338.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Lieutenant C. B. Brownlow, Wing Officer and Officiating Adjutant, to be Adjutant, *vice* Lieutenant T. C. Pears, seconded.

Lieutenant E. L. Hight, 67th Foot, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, *vice* Lieutenant T. C. Pears, seconded.

No. 339.—VOLUNTEER CORPS—

Mussoorie Volunteer Rifle Corps.

Mr. Elliot Colvin, C.S., to be Major-Commandant, *vice* Major H. G. Ross, resigned.

No. 340.—BERAR VOLUNTEER RIFLE CORPS—

Sir S. C. Bayley, K.C.S.I., C.I.E., C.S., Resident at Hyderabad, to be Honorary Colonel.

FURLOUGH AND LEAVE.

No. 341.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Colonel J. C. P. Baillie, Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

The furlough granted to Colonel Baillie in G. G. O. No. 73 of 1881, lapsed on the 11th May, 1881.

Major T. St. Q. Clutterbuck, General List, Infantry, (p. a.) for one year and 82 days, under rule IX of the regulations of 1868.

No. 342.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Major G. Atkins, s.c., (m. c.) for six months.

Lieutenant J. C. L. Campbell, R.E., (m. c.) for six months.

Surgeon J. Wilson, M.D., (p. a.) for six months.

Surgeon A. Duncan, M.D., (m. c.) for six months.

Honorary Surgeon R. D. Logg, (m. c.) for three months.

No. 343.—Lieutenant A. H. P. Turner, R.A., Subaltern, No. 3 Field Battery, Hyderabad Contingent, is granted leave in India, (p. a.) for the 25th and the 28th May 1881, under rule XXV of the regulations of 1868, in extension of privilege leave.

MEDALS.

No. 344.—His Excellency the Governor General in Council has much satisfaction in publishing for general information the following Military letter from the Right Hon'ble the Secretary of State for India :—

MILITARY, No. 146. INDIA OFFICE; *London, 12th May, 1881.*

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,

PARA. 1.—With reference to your Military Letter No. 325, dated 10th August, 1880, I have to acquaint you that Her Majesty has been graciously pleased to confer the India Medal, with a clasp, inscribed "Naga, 1879-80," on all the troops who were employed in the Naga Hills in 1879-80, in consideration of the arduous duties performed by them, and of the successful conclusion of the operations.

2. You will cause rolls of those entitled to the medal to be transmitted to this country in due course.

I have, &c.,
(Sd.) HARTINGTON.

2. With reference to the foregoing, His Excellency the Commander-in-Chief is requested to adopt early measures for the submission of rolls of officers and soldiers of corps who are entitled to the decorations now authorized by Her Majesty.

NAMES AND DESIGNATIONS.

No. 345.—Lieutenant C. F. Lazarus, Calcutta Volunteer Rifle Corps, has assumed the surname of *Larmour*, in lieu of that of "Lazarus."

PROMOTIONS.

No. 346.—The following promotion is made, subject to Her Majesty's approval :—

BENGAL ARMY.

To be Major.

Captain John Andrias Davidson Gordon, General List, Infantry,—20th June, 1881.

No. 347.—SUBORDINATE MEDICAL DEPARTMENT—

G. G. O. No. 903 of 1876 is modified as follows :—

1st Class Assistant Apothecary G. Kunning, to be a 2nd Class Apothecary, from the 1st May, 1876.

Passed Hospital Apprentice W. H. Butcher, to be a 2nd Class Assistant Apothecary, from the 1st May, 1876.

No. 348.—NATIVE ARMY—

14th (The Ferozepore) Regiment of Native Infantry.

Subadar Nundh Singh, to be Subadar-Major, *vice* Deedar Singh, deceased,—21st May, 1881.

RETIREMENTS.

No. 349.—In continuation of G. G. O. No. 333 of 1881, the undermentioned officer is permitted to retire from the service, under the provisions of G. G. O. No. 1 of 1881, with effect from the date specified, subject to Her Majesty's approval :—

Lieutenant-Colonel Eric Stanhope Fox, Bengal S. C.,—20th June, 1881.

No. 350.—With reference to G. G. O. No. 32 of 1881, Major C. J. Farquharson, s.c., has been transferred to the half pay list of the Staff Corps by the Secretary of State for India.

REWARDS.

No. 351.—ORDER OF MERIT—

The Right Hon'ble the Governor General in Council is pleased to admit the undermentioned men of the 1st Sikh Infantry to the 3rd class of the Order of Merit, for conspicuous gallantry in action with the Mahsúd Waziris at Shah Alam Raghza, on the 3rd May 1881 :—

No. 2519, Havildar Narain Sing.
„ 3369, Sepoy Hoosain Shah.
„ 3468, Sepoy Mahomed Baksh.

SPECIAL.

No. 352.—The Most Honorable the Viceroy and Governor General in Council is pleased to direct the publication, for general information, of the following Despatch from the Secretary of State for India, and Minute by His Excellency :—

MILITARY, No. 152. INDIA OFFICE; *London, 19th May* 1881.

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,

PARA. 1.—I desire to acknowledge your Lordship's despatch No. 28 of 19th February 1881, forwarding, for the consideration of Her Majesty's Government, a

Minute recorded by yourself upon the services of Lieutenant-General Sir D. M. Stewart and Major-General Sir F. S. Roberts during the war in Afghanistan.

2. Her Majesty's Government have had the satisfaction of testifying from time to time to the high estimation in which they hold the valuable services rendered during the past two years by these very distinguished Officers; and Her Majesty the Queen-Empress has been graciously pleased, in recognition of those services, to confer on Lieutenant-Generals Stewart and Roberts the Grand Cross of the Order of the Bath and the honor of a Baronetcy.

3. It was my pleasing duty to lay before Her Majesty your Lordship's Minute, with an expression of my full concurrence in its views.

I have, &c.,

(Signed) HARTINGTON.

MINUTE BY HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

THE Commander-in-Chief has submitted to the Government of India the report of Lieutenant-General Sir D. M. Stewart on the withdrawal of the army under his command from Kabul in August last.

Action on this report has been unavoidably postponed. The acknowledgments of the Government of India should now be conveyed, through His Excellency, to Sir Donald Stewart and the General and other Officers serving under him for the admirable way in which this important and difficult operation was performed; but the opportunity may also be taken to signify the high estimation in which the very important services rendered by Sir Donald Stewart throughout the war are held by the Governor General in Council.

A list of the officers recommended for the honors of the Bath and for brevet promotion, on account of their services during the second campaign in Afghanistan, has lately been submitted to Her Majesty's Government. In the despatch forwarding that list, no reference was made to the two distinguished officers to whom the successful issue of that campaign was in the largest degree due, in consequence of their having already been appointed by Her Majesty the Queen-Empress to the Grand Cross of the Bath in recognition of their eminent services. But I desire, nevertheless, to place formally on record my opinion of the great services rendered to their country by the two officers in question, Lieutenant-General Sir D. M. Stewart and Major-General Sir F. S. Roberts.

Commanding at Kandahar on the outbreak of the second campaign, where his firm but equable administration had secured in a remarkable degree the confidence of the district, Lieutenant-General Stewart was ordered to advance from Kandahar to Kabul with a portion of his force as soon as the season was sufficiently advanced for such an operation. This movement was carried out in April of last year, the march being signalised by the brilliant action of Ahmed Khel, where, owing to the excellent leading of the General and the gallant behaviour of his troops, the enemy was routed with great slaughter at a comparatively small loss to the British. With the victory of Ahmed Khel all serious opposition ceased in Northern Afghanistan, and thenceforward Sir Donald Stewart commanded the united forces in that part of the country. I have in another place endeavoured to do justice to the sagacity, temper, and discretion with which the political functions devolving on the chief commander were fulfilled. The perfect discipline and efficiency which distinguished the army of Northern Afghanistan—one of the largest armies, if not the largest army, ever assembled under a British General in the East—is evidence of the high capacity of its leader for command. The final withdrawal of that army from Kabul and the Upper Khyber was an operation conducted with equal skill and judgment, and deserves all the praise accorded to it by His Excellency the Commander-in-Chief.

I desire also to remark that, while maintaining his transport establishment in a thoroughly efficient state, of which the equipment and immediate despatch of the force detached under Lieutenant-General Roberts to the relief of Kandahar are sufficient evidence, Lieutenant-General Stewart's administration of the armies in Afghanistan, first at Kandahar, and afterwards at Kabul, was distinguished throughout by a strict attention to economy, which cannot be too highly commended.

The force which marched from Kandahar to Kabul under Sir Donald Stewart presented the spectacle, never before I believe seen in the East, of an army in which the fighting men exceeded the camp-followers in number,—a result brought about by the strict discipline maintained by the General, his unwearied attention to administrative details, and the example of self-denial and simplicity set to all ranks by their commander.

That a war which from the nature of the case was necessarily very costly, was not very much more so, must be attributed, I think, in a great measure, to the vigilance and forethought of the General; and on this account also, as well as for the other eminent qualities displayed by him, I consider that the services of Lieutenant-General Stewart are entitled to the particular acknowledgments of the Governor General in Council and Her Majesty's Government.

The eminent services of Sir Frederick Roberts are already known to Her Majesty's Government, while the reception given to the gallant General in England shows how cordially they are appreciated by all classes of his countrymen. That high appreciation is well deserved. The rapid movement over the Shutargardan in October 1879, under circumstances of extreme difficulty, followed by the decisive action of Charasia and the capture of the city of Kabul, constituted a brilliant military exploit reflecting the highest credit on the General, who brought to the task a degree of courage, energy and ability fitly responded to by all ranks serving under him. The services of the General and his gallant brigades culminated in the splendid march from Kabul to Kandahar last August, and the victory of the 1st September, which brought the campaign to an end with an admirable completeness. General and troops were worthy of each other; but a good leader makes good followers; and the spirit displayed by the force which served under Sir Frederick Roberts, especially in the arduous march to the relief of Kandahar, is the strongest testimony to his merits.

FORT WILLIAM;
The 12th January 1881.

(Signed) RIPON.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th June, 1881.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned and warrant officers, on the dates specified, were received in the Military Department from the 14th to the 20th June, 1881:—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Royal Engineers ...	Major W. H. Pierson	2nd June, 1881	Edwardesabad	Testate	...
39th Foot ...	Lieutenant C. H. Williams ...	8th „ „	Jubbulpore	...	...
Commissariat Department	Conductor J. H. Senior ...	8th „ „	Fort Lahore	...	...

Statement of Deposits on account of Estates from the 14th to the 20th June, 1881.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
R. D. Graham (a) ...	Veterinary Surgeon.	British Veterinary Dept.	16th November, 1880.	No will found.	3,266 10 6	...	...
St. J. W. Forbes ...	Lieutenant ...	92nd Highlanders.	13th December, 1879.	Intestate	730 8 0	...	...
Indian Military Service.							
H. F. Showers (a) ...	Captain ...	Bengal Staff Corps.	25th March, 1880.	Not known	1,813 7 9	...	...

(a) Administrator General, Bengal, administering.

W. M. LEES, *Colonel*,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st June 1881.

No. 224.—The Governor General in Council is pleased to make the following promotions, with effect from the dates specified :—

Name.	Present grade.	Grade to which promoted.	With effect from	Nature of promotion.
Garbett, H. ...	Offg. Supdg. Engr., Class I	Supdg. Engr., Class I	May 13, 1881	Temporary.
Tyndall, R. ...	Supdg. Engr., Class II ...	„ „ I	„ 13, „	Officiating.
Heywood, Major J. M., R.E. ...	Tempy. Supdg. Engr., Class II.	„ „ II	„ 13, „	Permanent.
Harrison, Major C. W. I., R.E.	Offg. Supdg. Engr., Class II	„ „ II	„ 13, „	Temporary.
Palmer, Major R. H. ...	Tempy. Supdg. Engr., Class III.	„ „ II	„ 13, „	Officiating.

The 22nd June 1881.

No. 225.—The following promotions and reversions are made in the Engineer Establishment attached to the Military Works Branch, with effect from the dates specified :—

Name.	From	To	Permanent or Temporary.	Date.
Bowyer, Lieut. W. G., R.E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade	Temporary	1st January 1881.
Bowyer, Lieut. W. G., R.E. ...	Temporary Executive Engineer, 4th Grade.	Assistant Engineer, 1st Grade	Reversion ...	11th „ „
Bowyer, Lieut. W. G., R.E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade	Temporary	1st March
Bowyer, Lieut. W. G., R.E. ...	Temporary Executive Engineer, 4th Grade.	Assistant Engineer, 1st Grade	Reversion ...	5th „ „
Bowyer, Lieut. W. G., R.E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade	Temporary	18th „ „
Smith, Lieut. H. W., R.E. ...	„ „ „	„ „ 4th „	„	28th „ „
Smith, Lieut. H. W., R.E. ...	Temporary Executive Engineer, 4th Grade.	Assistant Engineer, 1st Grade	Reversion ...	31st „ „
Smith, Lieut. H. W., R.E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade	Temporary	16th April
Hildebrand, Capt. G., R.E. ...	Executive Engineer, 2nd Grade	„ „ 1st „	Permanent	23rd „ „
Turner, Capt. S. C., R.E. ...	„ „ 3rd „	„ „ 2nd „	„	„ „ „
Ward, Capt. A. E. ...	„ „ 4th „	„ „ 3rd „	„	„ „ „
Hildebrand, Lieut. A., R.E. ...	Temporary Executive Engineer, 4th Grade.	„ „ 4th „	„	„ „ „
Scott-Moncrieff, Lieut. G. K., R.E.	Assistant Engineer, 2nd Grade	Assistant Engineer, 1st Grade	„	„ „ „

No. 226.—Government of India, Public Works Department, Notification No. 144, dated 21st April 1881, transferring Mr. R. W. L. Toozs, Assistant Engineer, 2nd Grade, Indus Valley Railway, temporarily to the Accounts Establishment, is hereby cancelled.

The 23rd June 1881.

No. 227.—Referring to Public Works Department Notification No. 17, dated 14th January 1881, Mr. T. Concannon, Assistant Engineer, 2nd Grade, is replaced at the disposal of the Director-General of Railways.

The 24th June 1881.

No. 228.—With reference to Notification No. 893, dated the 16th November 1880, the services of the undermentioned officers are replaced at the disposal of the Agent to the Governor General for Central India :—

Baboo Gyan Chunder Roy, Assistant Engineer, 2nd Grade.

Pundit Shamnath, Assistant Engineer, 3rd Grade.

TELEGRAPH.

The 24th June 1881.

No. 229.—The Governor General in Council is pleased to sanction the following alteration in the rules and rates for inland telegrams, with effect from the 1st July 1881 :—

Rule 19.—The following are the rates of charge for a message :—

[No charge is made for the transmission of the address.]

Charge for message.	For the first six words or groups of three figures.	For each additional word or group of three figures.	For every six words or groups of three figures.
	Rs. A.	Rs. A.	Rs. A.
Between any two stations in *India* ...	1 0	0 2	...
Between any station in *India* and any station in *Ceylon*	...	...	1 8

ALEX. FRASER, *Major-Genl., R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 1, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

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

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Sibi, the 18th December 1880.

No. 17.—Mr. P. P. Dease, C.E., Executive Engineer, 4th Grade, made over, and Major H. J. Nuthall, B.S.C., Executive Engineer, 1st Grade, received, charge of the Executive Engineer's Office, Biluchistan Division, on the forenoon of 6th December 1880.

T. F. DOWDEN, *Major, R.E.,*
Offg. Secy. to Agent to Govr. Genl. for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 24th December 1880.

No. 2115.—With reference to Foreign Department Notification No. 1990 G.-G., dated 15th October 1880, Mr. Bala Pershad assumed charge of the Office of Assistant Superintendent of Police, Holkar and Sindia-Neemuch State Railway, on the afternoon of the 29th March 1880.

This Office Notification No. 1766, dated 26th October 1880, is hereby cancelled.

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

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

NOTIFICATION.—ESTABLISHMENT.

Indore, the 20th December 1880.

No. 28.—Mr. C. E. Gael, Executive Engineer, 3rd Grade, returned from one month's privilege leave granted him in Notification No. 25, dated 11th instant, on the afternoon of 10th instant.

The unexpired portion of the leave, *viz.*, four days, has been cancelled.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Camp Rajpura, the 21st December 1880.

No. 1758 *G.*—APPOINTMENT.—With reference to paragraph 2 of this Office Notification No. 1400 G., dated 18th October 1880, Lieutenant C. W. Ravenshaw, held charge of the Office of Assistant Political Agent, Banswara and Pertabgurh, and Superintendent of Operations for the Control of Moghias in Central India and Rajputana, from the forenoon of the 11th October to the afternoon of the 30th November 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 22nd December 1880.

No. 80.—Honorary Lieutenant B. Revell, Barrack Master, 1st Class, on return from furlough, is posted to the Presidency and Oudh Command, Military Works.

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

Sirhind & Lahore Command.

The 20th December 1880.

No. 93.—Lieutenant W. T. Shone, R.E., Temporary Executive Engineer, 4th Grade, transferred to the Ferozepore Division, Military Works, reported his arrival at Ferozepore on the 14th December 1880, and assumed charge of that division on the afternoon of the 15th idem from Lieutenant G. M. Porter, R.E., Officiating Executive Engineer.

The 22nd December 1880.

No. 94.—Lieutenant E. Glennie, Temporary Executive Engineer, 4th Grade, granted sixty days' privilege leave in this Command Notification No. 88 of the 30th November, availed himself of the same on the forenoon of the 15th instant.

No. 95.—Lieutenant W. T. Shone, R.E., Temporary Executive Engineer, 4th Grade, granted fifty days' privilege leave in this Command Notification No. 83 of 13th November, reported his return therefrom on the afternoon of the 13th December 1880, at Superintending Engineer's Office, Lahore, and his departure for Ferozepore on the same date.

No. 96.—Lieutenant G. M. Porter, R.E., Assistant Engineer, transferred to the Oudh and Presidency Command, reported his departure from Ferozepore on the afternoon of the 17th December 1880.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command,
Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 30th December 1880.

With reference to the Notification of the Government of India, in the Public Works Department, No. 411, dated the 11th instant, Major F. G. Oldham, R.E., made over, and Major L. Conway-Gordon, R.E., received, charge of the Office of Examiner of Accounts to the Government of India for Guaranteed Railways, Calcutta, on the forenoon of the 27th December 1880.

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

Lahore, the 24th December 1880.

No. 34.—Mr. E. C. Elliot, Assistant Engineer, 2nd Grade, Salt Branch Extension, Punjab Northern State Railway, availed himself on the forenoon of the 8th December 1880, of the one month's privilege leave granted in this Office Notification No. 33, dated 17th December 1880.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 29th December 1880.

No. 179.—With reference to Public Works Department Notification No. 433, dated 28th December 1880, Mr. W. J. Chamberlain, Traffic Superintendent in Class III of the Revenue Establishment, is placed at the disposal of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, on being relieved of his duties on the Dhoond and Manmad Railway.

No. 180.—With reference to Public Works Department Notification No. 431, dated 27th December 1880, Mr. R. Sivewright, Assistant Engineer, 2nd Grade, is posted to the Delhi-Ferozepore Railway Survey.

No. 181.—Baboo Mutty Lall Dey, Assistant Engineer, 1st Grade, is granted an extension of three months' leave on medical certificate, in continuation of the six months' similar leave sanctioned in this Office Notification No. 90, dated 2nd July 1880.

No. 182.—Mr. F. H. Collet, Assistant Engineer, 2nd Grade, is granted three months' leave to study the Native languages.

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

BHOPAL STATE RAILWAY.

NOTIFICATIONS.

Hoshangabad, the 22nd December 1880.

No. 12.—With reference to Director General of Railways' No. 2260 E., dated 7th September 1880, Mr. J. Tait, Assistant Engineer, 1st Grade, joined this Railway on the afternoon of the 2nd October 1880.

No. 13.—With reference to Director General of Railways' No. 2776 E., dated 2nd November 1880, Mr. W. E. Newham, Assistant Engineer, 2nd Grade, joined this Railway on the afternoon of the 22nd November 1880.

The 24th December 1880.

No. 14.—Babu Shiv Dayal, Assistant Engineer, is granted three months' privilege leave, of which he availed himself on the forenoon of the 16th instant.

H. T. GEOGHEGAN,
Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 24th December 1880.

No. 25.—With reference to Director General of Railways' Notification No. 156, dated 9th November 1880, Mr. W. Chadwick, Assistant Engineer, 2nd Grade, made over, and Mr. G. Moyle, Assistant Engineer, 1st Grade, received, charge of the Sind Bridges Sub-Division, of the River Conservancy Division, on the afternoon of 6th December 1880.

No. 26.—With reference to Notification No. 157, dated 9th November 1880, of Director General of Railways, Mr. T. Wood, Store-keeper, 1st Grade, reported his arrival at Kotree on the forenoon of 15th December 1880.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari, the 17th December 1880.

No. 75.—Under Public Works Code, Chapter II, Section ii, three months' leave, for the purpose of studying the Native language, is granted to Mr. J. F. H. Collet, Assistant Engineer, 2nd Grade. He availed himself of this leave on the afternoon of 17th December 1880.

The 18th December 1880.

No. 76.—With reference to the Notification No. 24, dated 11th September 1880, of the Engineer-in-Chief, Kandahar State Railway, Lower Section, and under Public Works Code, Chapter IV, Section i, Mr. Savaditta Pandi, Assistant Engineer, 2nd Grade, is granted eight days' extension of privilege leave from 8th January 1881.

The 22nd December 1880.

No. 77.—With reference to Director General of Railways' Notification No. 153, dated 3rd November 1880, Mr. A. Chioditti, Assistant Engineer, 2nd Grade, reported his arrival on the forenoon of the 22nd December 1880, and is posted to the Nari Division.

No. 78.—Mr. P. Dease, Executive Engineer, 4th Grade, rejoined the Upper Section, Kandahar State Railway, on transfer from the Biluchistan Agency, on the afternoon of the 18th December 1880.

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

KANDAHAR STATE RAILWAY, Lower Section.

Jacobabad, the 18th December 1880.

No. 35.—Mr. S. Jarman, Assistant Engineer, 2nd Grade, is transferred from the Engineer-in-Chief's Office to the Jacobabad Division, which he joined on the forenoon of 1st instant.

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

No. 36.—With reference to Director of Railways' No. 155, dated 4th November 1880, Babu Russick Lall Roy, Assistant Engineer, 1st Grade, reported his arrival to this Section on the afternoon of the 5th instant, and is posted to the Jacobabad Division.

No. 37.—With reference to Director General of Railways' Notification No. 148, dated the 23rd October 1880, Mr. T. L. Tanner, Executive Engineer, 4th Grade, reported his arrival to this Section on the afternoon of the 9th instant, and is posted to Mittri Division.

No. 38.—With reference to Director General of Railways' Notification No. 174, dated the 30th November 1880, the under-mentioned Officers reported their arrival to this Section on the dates specified against their names, and were posted to Pirchowki Division :—

Mr. H. L. Monk, Executive Engineer, 2nd Grade,—on the 2nd August 1880.

Mr. C. V. MacIvor, Executive Engineer, 3rd Grade,—on the 13th August 1880.

Mr. E. H. Clementson, Assistant Engineer, 2nd Grade,—on the 13th August 1880.

Pundit Shewa Ditta Pande, Assistant Engineer, 2nd Grade,—on the 13th August 1880.

No. 39.—Mr. H. B. Parry, Temporary Executive Engineer, 4th Grade, was transferred from the special duty to Pirchowki Division on the 2nd August 1880.

No. 40.—Mr. H. B. Parry, Temporary Executive Engineer, 4th Grade, was transferred from the Pirchowki Division to Mittri Division on the 17th November 1880.

No. 41.—Mr. H. L. Monk, Executive Engineer, 2nd Grade, made over charge of the Pirchowki Division to Mr. J. P. Vansittart, Executive Engineer, Mittri Division, on the afternoon of 25th October 1880, on which date Mr. Monk reverted to his duties on the Upper Section.

No. 42.—Mr. C. V. MacIvor, Executive Engineer, 3rd Grade, was relieved of his duties on this Section on the afternoon of 6th September 1880.

H. F. STOREY,
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY, Manager's Office.

NOTIFICATION.

Agra, the 23rd December 1880.

No. 31.—With reference to Government of India, Public Works Department, Notification

No. 318, dated 29th September 1880, and Government of Bombay, Public Works Department, Notification No. 39 of 1880, Lieutenant H. G. Kunhardt, R.E., Executive Engineer, 3rd Grade, temporary rank, made over, and Lieutenant W. V. Constable, R.E., Assistant Engineer, 1st Grade, received, charge of the duties of Assistant to the Manager, Rajputana State Railway, on the afternoon of the 5th October 1880.

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

SINDIA STATE RAILWAY.

NOTIFICATIONS.

Dholpur, the 23rd December 1880.

No. 9.—With reference to Director General of Railways' Notification No. 170, dated 23rd November 1880, Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, joined this Railway on the forenoon of the 10th December 1880.

No. 10.—With reference to Director General of Railways' Notification No. 175, dated 7th December 1880, Mr. J. W. Parry, Assistant Engineer, 2nd Grade, joined this Railway on the forenoon of the 22nd idem.

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

Report of a Deserter from the Subordinate Medical Department, dated at Meean Meer, this 24th day of December 1880.

Number, Rank and Name,—Assistant Apothecary James Johnson.	At what Place Enlisted,—Not known.
Age,—30 years 10 months.	Parish and County in which Born,—Not known.
Size,—5 feet 8 inches.	Marks,—Not known.
Color of—Complexion, sallow; Hair, brown; Eyes, blue.	Trade or Calling,—Assistant Apothecary.
Date of Desertion,—1st December 1880.	Coat or Jacket,—Pepper and salt colour.
Place of Desertion,—Meean Meer.	Waistcoat,—Not known.
Date of Enlistment,—15th October 1866.	Breeches or Trowsers—Pepper and salt colour.
	REMARKS,—Supposed to be in or about Lahore or Mooltan. (Married).

T. N. HARWARD, *Col., R.A.,*
Comdg. R.A., Lahore Division.

Report of a Deserter from the 14th Battery, 9th Brigade, Royal Artillery, dated at Colaba, Bombay, this 24th day of December 1880.

Number, Rank, and Name,—No. 3396, Gunner J. Flynn.	Date of Desertion,—19th December 1880.
Age,—34 years.	Place of Desertion,—Colaba, Bombay.
Size,—5 feet 10 inches.	Date of Enlistment,—Some time in 1867.
Color of—Complexion, fair; Hair, light; Eyes, blue.	Place of Enlistment,—Not known.
Parish and County in which Born,—Not known.	REMARKS,—This man arrived from Kurrachee from his Battery at the front on 19th instant, and has been absent since.
Marks,—Arms tattooed.	
Trade,—Not known.	
Coat or Jacket,—Khakee.	
Waistcoat,—None.	
Breeches or Trowsers,—Khakee.	Has over 12 years' service.

A. H. DAWSON, *Colonel, R.A.,*
Comdg. R.A., Bombay Dist.

Descriptive Return of a Non-Commissioned Officer who deserted from the 2nd Battalion, 8th (The King's Regiment), dated at Mian Mir, the 25th day of December 1880.

Regtl. No., Rank and Name,—13Bde.—768, Hospital Sergeant Alexander Somerville.	Complexion,—Fresh.
Age,—28 years 5 months.	Date and place of Desertion,—Mian Mir, 22nd December 1880.
Height.—5 feet 6 inches.	Dress.—When last seen, "Regimental;" supposed to be in plain clothes.
Eyes,—Blue.	REMARKS,—None.
Hair,—Light brown.	

C. E. GROGAN, *Colonel,*
Commdg. 2-8th (The King's) Regt.

CALCUTTA UNIVERSITY.

NOTICE.

The following change has been made in the Selections in the Latin Language for the Entrance Examination of 1882:—

For Ovid, Metamorphoseon Fabulæ, has been substituted Ovid, Metamorphoseon Fabulæ* I—XIV, both inclusive.

By Order,
CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 24th December 1880.

* Messrs. Thacker, Spink & Co.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Dec. 20	...			1,897	20,24,222	16,36,037
,, 21	...	74,218	...	1,897	20,24,780	15,61,179
,, 22	...	...	...	1,897	20,26,557	15,61,179
,, 23	Holidays.					
,, 24						
,, 25						

CALCUTTA MINT,
The 27th Dec. 1880.

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

GOVERNMENT RESERVE TREASURY.

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

The 30th Dec. 1880 ... Rs. 67,96,467-13-8.

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

CALCUTTA,
The 31st December 1880.

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

PARTICULARS.	4 PER CENT. LOANS										4½ PER CENT. LOANS										3½ PER CENT. LOAN OF 1853-54.	TOTAL AMOUNT.
	Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	REDUCED 4 PER CENT. LOAN OF 1870.			Of 1870.	Of 1871.	Of 1878.	TRANSFER LOAN OF 1874, 4½ PER CENT., FORTION.	TRANSFER LOAN OF 1879, 4½ PER CENT. STERLING PER CENT. PORTION.	5 PER CENT. DEBENTURE FOR 15 YEARS, RE-PAYABLE JUNE 1892.	5 PER CENT. LOAN OF 1866-67.	5½ PER CENT. LOAN OF 1868-69.				
Balance of 15th November 1880.	38,506	3,413	15,30,240	30,44,640	2,36,33,200	1,10,09,000	1,74,14,500	2,99,53,400			45,90,000	4,60,000	94,03,900	8,46,63,600	1,01,700	34,36,000	65,900	50,900			54,100	15,05,47,859
Add—																						
Amount enfaced at Madras between 16th and 30th November 1880	...	...	...	...	...	...	...	...			...	...	...	29,500	...	...	...	...			...	29,500
Amount enfaced at Bombay between 16th and 30th November 1880	...	...	...	...	3,000	7,500	500	15,100	...		...	...	1,25,500	6,50,100	...	...	...	...			...	8,01,700
Amount enfaced at Calcutta between 16th and 30th November 1880	...	...	...	...	12,000	68,400	31,700	57,700	44,300		6,500	...	21,100	2,90,000	...	...	...	...			...	4,91,700
	38,506	3,413	15,30,240	30,50,600	2,36,99,100	1,10,41,200	1,74,87,300	3,00,02,700	44,300		45,96,500	4,60,000	96,40,500	8,56,03,200	1,01,700	34,36,000	65,900	50,900			54,100	19,08,79,759
Deduct—																						
Amount written off in the London Registers .	...	...	...	8,900	1,46,700	72,000	6,15,900	1,77,900			23,500	...	15,000	4,95,700	...	...	...	...			...	15,55,600
Balance on 30th November 1880	38,506	3,413	15,30,240	30,50,700	2,35,52,400	1,09,69,200	1,68,71,400	2,98,24,800	44,300		45,73,000	4,60,000	96,25,500	8,51,07,500	1,01,700	34,36,000	65,900	50,900			54,100	18,93,15,159

NOTE.—From 9th June 1867 to 30th Sept. 1881, enfaced from India, 3,952 lakhs; re-transferred from London, 3,447 lakhs.

,, 1st Oct. 1880 to 15th Oct. ,, ,, 4 ,, ,, 10 ,, ,,
,, 16th ,, ,, to 31st ,, ,, 16 ,, ,, 20 ,, ,,
,, 1st Nov. ,, to 15th Nov. ,, ,, 28 ,, ,, 15 ,, ,,
,, 16th ,, ,, to 30th ,, ,, 13 ,, ,, 15 ,, ,,
4,011 lakhs.
3,467 ,,
544 lakhs.

Balance against India . .

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL:
Calcutta, 29th December 1880.

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

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	Transfer Loan of 1879, seven shillings sterling per cent. portion.	5 per cent. Debenture for 15 years, re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent Loan of 1859-60.	TOTAL AMOUNT.
Balance of 30th November 1880	51,100	38,506	3,413	15,30,240	30,50,700	2,35,52,400	1,09,69,200	1,68,71,100	2,98,21,800	45,73,000	4,60,000	96,25,500	8,51,07,500	1,01,700	34,36,000	65,800	50,900	18,93,15,159
ADD—																		
Amount enfaced at Madras between 1st and 15th December 1880		...	...	...	...	...	...	...	...	...	...	...	8,000	...	...	...	...	8,000
Amount enfaced at Bombay between 1st and 15th December 1880		...	...	...	...	3,100	...	1,500	...	...	...	1,000	2,11,000	...	...	...	...	2,16,600
Amount enfaced at Calcutta between 1st and 15th December 1880	...	...	...	...	500	23,700	1,500	35,500	8,700	...	...	96,600	1,75,000	...	...	...	...	3,41,500
	51,100	38,506	3,413	15,30,240	30,51,200	2,35,79,200	1,09,70,700	1,69,08,400	2,98,33,500	45,73,000	4,60,000	97,23,100	8,55,01,500	1,01,700	34,36,000	65,800	50,900	18,98,81,259
Deduct—																		
Amount written off in the London Registers	...	...	...	...	3,000	50,000	...	52,500	80,000	...	5,000	1,40,000	9,66,000	...	50,000	...	10,000	13,56,500
Balance on 15th December 1880	51,100	38,506	3,413	15,30,240	30,48,200	2,35,29,200	1,09,70,700	1,68,55,900	2,97,53,500	45,73,000	4,55,000	95,83,100	8,45,35,500	1,01,700	33,86,000	65,800	40,900	18,85,24,759

NOTES—From 9th June 1867 to 15th Oct. 1880, enfaced from India 3,956 lakhs; re-transferred from London, 3,417 lakhs.
" 16th Oct. 1880 to 31st " " 16 " " 20 "
" 1st Nov. " to 15th Nov. " 26 " " 15 "
" 16th " " to 30th " " 13 " " 15 "
" 1st Dec. " to 15th Dec. " 5 " " 13 "
4,016 lakhs. 3,480 lakhs.
3,480 "
Balance against India 536 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL,
Calcutta, 30th December 1880.

R. HARDIE,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 28th December 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,87,209	0	0
Public Deposits at Head Office . 1,04,89,481 11 6; Public Deposits at Branches . 89,74,354 10 10	1,94,63,836	6	4
Other Deposits at Head Office and Branches	4,79,02,276	13	6
Bank Post Bills, &c.	3,15,614	9	1
Sundries	13,50,312	13	1
RUPEES	9,13,19,279	10	0

ASSETS.	Rs.	A.	P.
Government Securities	1,47,44,378	0	8
Loans on Government Securities, &c., at Head Office and Branches	53,47,135	0	7
Accounts of Credit on Government Securities, &c., at Head Office and Branches	40,95,342	11	10
Bills discounted and purchased at Head Office and Branches	1,71,26,622	8	7
Balances with other Banks	5,51,546	14	6
Bullion	10,21,738	7	4
Dead Stock	11,06,490	0	10
Stamps	7,099	9	0
Sundries	3,73,655	2	10
	4,43,74,008	8	2
Cash and Currency Notes at Head Office . 2,34,67,503 9 7; Cash and Currency Notes at Branches . 2,34,77,767 8 3	4,69,45,271	1	10
RUPEES	9,13,19,279	10	0

BANK OF BENGAL,
Calcutta, 30th December 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors.
R. HARDIE,
Secretary & Treasurer.

CURRENCY NOTES.

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

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
J 4—99483 ...	50	Sergeant J. M. Poole, 67th Regiment, Bangalore.
J 13—04170 ...	20	Deputy Commissioner of Paper Currency, Calicut, for looser.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
J 5—97792 ...	20	Soobagowda, Heetoor, Mysore Province.
J 8—16032 ...	5	B. Venkata Ratnam Naidu, Ootacamund.
" —16783 ...	5	
J 8—06591 ...	5	Mahomed Khan, District Office, Bangalore.

CALICUT,
The 23rd December 1880.

B. C. LEGGATT,
Depy. Collr., in charge of Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
312	... O 69—32274 ...	100	Babu Kristo Chunder Singha.
	O 68—44535 ...	100	
	O 74—35314 ...	1,000	Luchmondas Ram Chunder.
314	... O 92—42656 ...	10	Babu Nocoor Chunder Dey.
317	... O 57—61426 ...	20	Jaimul Sing.
318	... O 31—10269 ...	50	Dr. B. B. Gupta.
319	... O 61—02156 ...	20	
	O 31—98807 ...	50	Mr. W. S. Crowdy.
320	... O 71—12675 ...	500	Bhoyroo Dan Ram Chunder.
321	...		

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
308	... O 18—14096 ...	10	Babu Mohadeb Banerjee.
309	... O 69—88950 ...	100	Babu Hera Lal Dutt.
	O 32—14163 ...	50	
	" —14714 ...	50	
	" —20634 ...	50	
310	... O 68—73950 ...	100	Messrs. Nicholls & Co.
	O 31—90559 ...	50	
	O 32—08038 ...	50	
	" —08039 ...	50	
	" —08040 ...	50	
	" —08041 ...	50	
	" —08042 ...	50	
	" —08043 ...	50	
	" —08044 ...	50	
311	... O 83—33432 ...	10	Mr. J. B. Birch.
312	... O 47—36898 ...	10	Messrs. Gillanders, Arbuthnot & Co.
	L 56—09659 ...	5	
313	... O 80—83759 ...	10	Mohamed Jan Khan.
	O 84—71078 ...	10	
	O 60—34671 ...	20	
314	... O 74—32486 ...	1,000	Bulloramdas Fakeerchand.
	O 71—09676 ...	500	
	" —06960 ...	500	
315	... O 90—81407 ...	10	Babu Umbica Churn Dutt.
	O 62—44713 ...	20	
316	... O 45—14312 ...	10	Mr. F. Walker.
317	... O 82—04162 ...	10	Shaik Abdool Ali.
318	... O 72—22253 ...	1,000	Kantu Ram Moduck.
319	... L 87—23856 ...	10	Babu Mooraree Lal Sen.
	L 98—95806 ...	10	
320	... O 38—00639 ...	5	Hajee Khoda Bux.
321	... A 7—97597 ...	10	Babu Durga Das Chowdhury.
	" —79208 ...	10	
207	... L 24—52941	5	The Chief Pay Master, E. I. Railway, Calcutta.
	L 17—72813		
208	... O 59—24969	20	Phakun Lal.
	" —24970		
209	... O 61—23879	20	Babu Bepro Churn Das.
	" —23876		
210	... L 99—91386 *	10	Sreedam Chunder Chunder.
	" —91368		

CALCUTTA,
The 31st December 1880.

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

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
G 10—51332 ...	100	Colonel F. Humfrey, Jacob's Rifles.

KURRACHEE,
The 16th December 1880.

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

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
109 ...	E 15—63682 ...	50	Gopalchunder Nath, Peshawar.
110 ...	E 15—81833 ...	50	Pandit Maharaj Kishen, Lahore.
	E 13—95916 ...	100	
	„ —95917 ...	100	
	„ —95918 ...	100	
	„ —95919 ...	100	
	„ —95920 ...	100	
	„ —91774 ...	100	
	„ —97066 ...	100	
	„ —97065 ...	100	
	„ —63637 ...	100	
111 ...	E 15—69755 ...	50	Abdul Kabir, Umritsur.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
34 ...	E 16—07014	10	Kam Chand, of Post Office, Rawalpindi.
	„ —01074	10	
	E 10—87236		
	„ —87237		

LAHORE,
The 24th December 1880.

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

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
85 ...	B 64—07363 ...	20	Messrs. T. H. Bloomfield & Co., Bangalore.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
162 ...	B 62—92260 ...	100	Mr. H. W. Taylor, Mysore State Railway, Closepett.
163 ...	B 40—51965 ...	5	Mr. J. Martin, 1st Class Hospital Assistant, Samalpur.
164 ...	B 60—64131 ...	10	M. V. Chinnaswami Mudaliar, Tumkur.
165 ...	B 62—99977 ...	100	Setti Athiappah, Merchant, Tadpatri.
166 ...	B 62—84046 ...	100	M. Chanda Mian Sahib, Black Town, Madras.
167 ...	B 47—10087 ...	5	Mr. C. Smith, 1st Class Apothecary, Royal Artillery Hospital, Bangalore.
168 ...	B 47—12264 ...	5	M. Annaji Rao, District Munsiff, Chellakarai.
23 ...	B 54—37370 *	20	C. Rathnavelu Mudali, Aiyah Mudali Street, No. 37, Madras.
	„ —79618 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 23rd December 1880.

C. HALL,
Offg. Asst. to the Accts. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

Madras School of Agriculture.

The undersigned is prepared to admit a class of students into the above-named institution in April next. The conditions of entry are as follows:—

Candidates must be between sixteen and twenty-four years of age, and must produce the following certificates with their applications for admission—

(*a*) Certificate of age.
(*b*) Certificate of character.
(*c*) Certificate of physical fitness.*

Students who have passed the Matriculation, General Test or Middle School (in the first class) Examinations are eligible for admission without further examination. When there is a greater number of these candidates than there are vacancies to fill, a selection will be made of the most promising at the discretion of the Superintendent.

When there are more vacancies to fill than there are candidates qualified, as stated in the preceding paragraph, an entrance examination will be held, and the standard will be the same as that adopted for the Middle School, and only those who would be placed in the first class will be accepted.

Stipendiary Studentships.

At the close of the first year of training stipends tenable for two years of the value of

Rs. 10 per mensem for six months
„ 12 ditto ditto
„ 14 ditto ditto
„ 16 ditto ditto

will be awarded in proportion to the number of students who join the class. The number of stipends being five for a class of thirty students, the number being increased or decreased proportionately according to the strength of the class.

Scholarships.

One scholarship, of the value of Rs. 10 per mensem, and tenable for two years, will be given to the student who, at the end of the first year of training, secures the largest number of marks, and who, in other respects, has given satisfaction. This scholarship is to be held under the same general conditions as are applicable to stipends.

Agricultural Certificate.

At the conclusion of the course of training, students who are found to possess the necessary knowledge, and whose conduct has been satisfactory, will be entitled to certificates, certifying to their qualifications as agriculturists.

Applications must be sent in before March next. For prospectus and forms of application apply to—

W. R. ROBERTSON, M.R.A.C.,
Supdt., Govt. Farms.

GOVERNMENT FARMS' OFFICE;
SAIDAPET,
The 23rd December 1880.

* Should state that the candidate has been vaccinated.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 23rd December 1880.

No. 10522.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, BOMBAY.

Mr. Moreshwar Raghoba, Personal Assistant to the Postmaster General, has been appointed to act as Examiner of Post Office Accounts, Northern Division, *vice* Mr. Babaji Sadoba, on leave.

Mr. Cowasji Jamsedji, Superintendent, Postmaster General's Office, has been appointed to act as Personal Assistant to the Postmaster General, *vice* Mr. Moreshwar Raghoba, on deputation.

Mr. Waman Keshow, Head Clerk, Dead Letter Office, Bombay, has been appointed to act as Superintendent of the Dead Letter Office, *vice* Mr. Ramchandra Bapuji, on leave.

G. J. HYNES,
Asst. Dir. Genl. of the Post Office of India.

The 31st December 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	8th Jan.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	3rd „	Str. *Ethiopia.*
Madras and Ceylon	6 „	3rd „	P. and O. Str. *Kaiser-i-Hind.*
Foreign Mails *viâ* Bombay	6 „	5th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	4th „	From Bombay.
Rangoon and Moulmein	6 „	6th „	Str. *Pemba.*
Chittagong, Akyab and Rangoon	6 „	7th „	Str. *Madras.*
Madras, Ceylon, Batavia, Singapore and China	6 „	8th „	French Str. *Meinam.*
Persian Gulf	6 „	1st „	From Bombay.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 31st December 1880.

Alexander, F.	Forbes, Mrs. G. T.	Martin, W.
Baptist, G. M.	Green, Randal S.	Miller, D.
Bowering, E. F.	Griffith, Mrs.	Scott, G. D.
Byran, Geo. B.	Hampton, Mrs.	Smith, Mrs.
Calara, Mrs.	Hay, J.	Sultana, Mrs.
Cheke, A. J.	Innis, C.	Stewart, D. A.
Chon, Geo.	Jenkins, Captain J.	Stuart, C. H.
Connell, Mrs. E.	Jenkins, J. D.	Stuart, Miss J.
Cramp, W. J. H.	Johnson, Mrs. W. H.	Taylor, Capt. R. S.
D'Silva, Mrs. M.	Kelly, Mrs. K.	Thorn, J.
Evans, J.	Leggatt, C. D.	Thomas, Mrs.
Faithfull, G.	Lewis, S.	Vaneum, Mrs.
Fairbrather, Lt. W. T.	Madox, Mrs. V. G.	Williams, Capt T. M.
Fookes, Mrs.		

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

Adels, E.	Coote, Walter.	Little Robert, Mrs.
Allen, Louis M.	Cotton, C. B.	Lawder, A. W.
Amey, Mrs. A. W.	Cratter, Geo.	Meeredy, James McG.
Arnot, Miss J. T.	Davidson, Mrs. J. H.	Mitchell, Mrs. Murray.
Ashton, Captain Sam.	Doyne, Capt. R. G.	Moolla, Monsieur N. J.
Beatie, W. Z.	Dunsford, R. C.	Montgomery, Miss.
Bennet, J.	Gibbons, Rev. B.	M. K. W.
Bernon, Monsieur T.	Gilbert, Benjn. (Gunner.)	Norton, Mrs. D.
Boswell, W. A.	Glasgow, Mrs. R.	Phelps, Mrs. C. Harris.
Bradshaw, John.	Godlu, Francis.	Quinlan, Rev. A. W. R.
Brown, A. W.	Grilhn, W. H.	Sandeman, W. A.
Brundage, J. D.	Gunsalls, J.	Sandford, J. R.
Bryne, Joseph.	Harford, J.	Schore, T. C.
Byron, E. C. A.	Hastings, C. G. W.	Sheldrake, Miss.
C. W. S.	Hay, G.	Sinclair, J. L.
Cameron, Keith R.	Heyworth, Mrs.	Slade, G.
Canham, John.	Jackson, R. A.	Stevens, C.
Caupier, Arthur H.	John, George.	Tapper, J.
Cavanagh, J.	Kaiser, Mr.	Terry, B. H.
Clarke, Lt., 2-9th Regt. Foot.	"Kitty."	Thomas, Miss.
Constantine, Courrier Geo.	L. H.	Tregido, S.
Cooper, J.	Landfield, F.	Warde, Mrs.
	Lindesay, Harris M.	Wilson, Alex. S.

Newspapers.

Buchanan, Beverley.	Griffin, W. H.	Molla, Monsieur N. J.
Byron, E. C. A.	Miller, Captain William.	Sale, M.
D'Osmond, Le Comte.		

Registered Letters.

Bleach, J. W.	Paget, G. O.	Paxwell, Ed.
Hoctor, Mrs. Bertha.	Parkinson, W.	Rosa, Lorenzo.
Kay, T. W.		

E. C. GEORGE,
Presidency Post Master.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 7th February 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed *before the 15th of January 1881.* Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

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

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

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

S. F. DOWNING,
Principal, Govt. Engrg. College, Howrah.
The 8th December 1880.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sani-

tary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel*,
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehilanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd ,, ,, 1 ,, ,,

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور ميواے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ،

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه،

يهه دوا کالکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه ،

FOR SALE

AT

NARORA, NEAR RAJGHAT,

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

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	Remarks.
			Rs.	
Bull's Dredgers .	39	1½ cubic feet .	40	These have been used but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

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

Meteorological Publications for Sale.

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

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

	Rs.	A.	P.
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

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

THE INDIAN LAW REPORTS.

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

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Persons desiring to subscribe for or purchase the Reports, should apply to—

MESSRS. THACKER, SPINK AND CO., CALCUTTA;
MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

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

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

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

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{301}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyon Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
No. 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Belilling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 8, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

BANK OF BENGAL.

Calcutta, the 4th January 1881.

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

Mr. A. F. Carr has been appointed Agent at Benares, *vice* Mr. MacBean.

Mr. A. MacBean has been appointed Agent at Lucknow, *vice* Mr. Carr.

Mr. H. B. Sterndale, on his return from leave, has resumed his appointment of Agent at Cawnpore.

Mr. A. M. Lindsay, on his return from leave, has resumed his appointment of Agent at Akyab.

Mr. W. W. Apperley, who has been appointed Accountant at Cawnpore, is to be in temporary charge of the Delhi Branch.

R. HARDIE,
Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 6th January 1881.

No. 202.—Mr. C. S. Kraal, Assistant Surveyor, 4th Grade, is promoted to Assistant Surveyor, 3rd Grade, with effect from the 20th ultimo, *vice* Mr. W. F. Pettigrew, Assistant Surveyor, 2nd Grade, who retired on the 13th ultimo, and Mr. E. H. S. Gaspar, Assistant Surveyor, 3rd Grade, who resigned on the 19th idem.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 6th January 1881.

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

Name of Station.	Where situated.	Date.	Remarks.
Birman Ghât	Central India	16th	Closed.
No. 4, Park Street	Calcutta	30th	Opened.
Cherat	Punjab	7th	Closed.
Dhorajee	Kattywar State	19th	Ditto.
Hangu.	Punjab	26th	Ditto.
Muttra	N.-W. Provinces	26th	Ditto.
Togh	Punjab	29th	Re-opened.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 4th January 1881.

No. 7.—Lieutenant E. S. Masters, Adjutant, Bhopal Battalion, is granted ninety days' privilege leave from the 15th January 1881.

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

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Camp Jugpura, the 30th December 1880.

No. 835.—LEAVE.—Mr. R. Bower, District Superintendent of Police, Ajmere, is granted ten days' subsidiary leave, from such date as he may avail himself of it, to enable him to appear before a Medical Board at Bombay, in order to obtain furlough to Europe on medical certificate.

By Order,
F. T. HEWSON,
for *1st Asst. to the Chief Commr.*

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 21st December 1880.

No. 79.—Lieutenant J. G. Day, R.E., Assistant Engineer, is granted privilege leave for fifteen days from 3rd January 1881.

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

Sirhind & Lahore Command.

The 4th January 1881.

No. 97.—Mr. A. C. L. Learmouth, Assistant Engineer, 1st Grade, and Personal Assistant to Superintending Engineer, transferred from the Head-quarters Office to the Umballa Division, Military Works, reported his departure from Lahore on the afternoon of the 27th December 1880, and his arrival at Umballa on the forenoon of the 28th December 1880.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 4th January 1881.

No. 1.—Referring to Director General's Notification No. 117, dated 26th August 1880, Baboo Gujadhur Lall, Store-keeper, 2nd Grade, is relieved of his duties on the Northern Section, Western Rajputana State Railway, and placed in charge of the Military Stores Depôt at Delhi, under the orders of the Port Store-keeper, Kurrachee.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 23rd December 1880.

No. 79.—ERRATUM.—Engineer-in-Chief's Notification, dated 1st December 1880, published in the *Gazette of India*, Part II, dated 18th December 1880, page 684, *for* Notifications Nos. "80 and 81," *read* "70 and 71."

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

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 3rd January 1881.

No. 1.—With reference to Director General of Railways' Notification No. 176, dated 10th December 1880, Mr. E. H. Johns, Assistant Engineer, 2nd Grade, joined this Railway on the forenoon of 3rd January 1881.

H. D. LATOUCHE,
Engineer-in-Chief.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that, on some date unknown in June 1880, certain treasure, to wit—

3 Surati Rupees of Persian stamp.
3 Surati Rupees of 1835.
74 Surati Rupees of 1840.

80 Rupees.

was found in the Durwes village of Taluka Mahim of the Thana Collectorate.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector of Thana, on the 30th day of May 1881, at his Office, when the Collector will proceed to hold an enquiry in accordance with the provisions of the Act.

W. B. MULOCK,
Acting Collector.

THANA COLLECTOR'S OFFICE,
The 3rd January 1881.

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

The undermentioned Students have passed the First Examination in Arts :—

FIRST DIVISION.

In order of Merit.

1	Ray, Mahendranath	...	Presidency College.
2	Set, Gobindalal	...	Ditto.
3	Mitra, Akshaykumar	...	Ditto.
	Basu, Nrityagopal	...	Metropolitan Institution.
5	Sil, Brajendranath	...	General Assembly's Institution.
6	Sen, Chandrabhushan	...	Hughli College.
7	Lahiri, Mohinimohan	...	Presidency College.
8	Barat, Surendranath	...	Sanskrit College.
9	Bhattacharyya, Manmathanath	...	Ditto.
10	Mohanlal Hukhu	...	Muir Central College.
11	Bandyopadhyay, Pareschandra	...	Presidency College.
12	Sarkar, Saradaprasad	...	Free Church Institution.
13	Mukhopadhyay, Purnachandra	...	Canning College.
	Ray, Harimohan	...	Jabbulpore High School.
15	Bandyopadhyay, Syamacharan	...	Presidency College.
	Chakrabarti, Umeschandra	...	Ditto.
	Jiya Ram	...	Lahore College.
18	Ghosh, Kalipada	...	Hughli College.
19	Bandyopadhyay, Trailokyanath	...	Metropolitan Institution.
20	Chakrabarti, Baikunthakisor	...	Presidency College.
21	Dutt, Jogenchunder	...	Ditto.
22	Datti Lal	...	Muir Central College.
23	Fozlol Koreem	...	Chittagong College.
	Madhuprasad	...	Ajmere College.
25	Datta, Girischandra	...	Dacca College.
26	Lahiri, Gopalgobinda	...	Cathedral Mission College.
27	Basu, Jagatchandra	...	Metropolitan Institution.
28	Das, Jaminimohan	...	Dacca College.
	McLeod, H.	...	Doveton College.
30	Chakrabarti, Manmohan	...	Ravenshaw College.
	Nand Kumar	...	Agra College.
32	Datta, Bhairabchandra	...	Presidency College.
	Ghosh, Nanilal	...	Ditto.
34	Gupta, Bipinbihari	...	General Assembly's Institution.
35	Chattopadhyay, Kalipada	...	Metropolitan Institution.
36	Bandyopadhyay, Umacharan	...	Dacca College.
37	Joala Parshad	...	Canning College.

SECOND DIVISION.

In Alphabetical Order.

	Abdul Hakim	...	Patna College.
	Abdul Latif	...	M. A. O. College, Aligarh.
	Abdur Rahman	...	Hughli College.
	Aich, Lakshmikanta	...	Presidency College.
	Asgar Ali Khan	...	Patna College.
	Babson, J.	...	La Martiniere College, Calcutta.
	Bandyopadhyay, Baradakanta	...	Dacca College.
	,, Haridhan	...	Free Church Institution.
	,, Jogendranath	...	Krishnaghar College.
10	,, Lalitmohan	...	Metropolitan Institution.
	,, Srischandra	...	Ditto.
	,, Sureschandra	...	General Assembly's Institution.
	Barik, Nilmadhab	...	Patna College.
	Basu, Amulyacharan	...	Presidency College.
	,, Chandramukhi	...	Free Church Normal School.
	,, Hemendranath	...	Dacca College.

	Basu, Jogindranath	... Sanskrit College.
	„ Kshetramohan	... Hughli College.
	„ Sasikumar	... General Assembly's Institution.
20	„ Sripati	... Metropolitan Institution.
	„ Upendranath	... Benares College.
	Beatson, A. M.	... St. Xavier's College.
	Bhadhuri, Atalbihari	... Metropolitan Institution.
	„ Bhutnath	... Ditto.
	Bhagirath Prasad	... Jabbulpore High School.
	Bhattacharyya, Banikantha	... Metropolitan Institution.
	„ Bishnucharan	... Dacca College.
	Biswas, Girindranath	... General Assembly's Institution.
	Chakrabarti, Maheswar	... Ditto.
30	Champati, Atulchandra	... Jabbulpore High School.
	Chattopadhyay, Abinaschandra	... Serampore College.
	„ Ambikacharan	... General Assembly's Institution.
	„ Bhutnath	... Metropolitan Institution.
	„ Jogindranath	... Sanskrit College.
	„ Madhabchandra	... Hughli College.
	„ Ramlal	... General Assembly's Institution.
	„ Sasibhushan	... Dacca College.
	„ Satyahari	... Metropolitan Institution.
	„ Umeschandra	... Ditto.
40	Chaudhuri, Gokulananda	... Ravenshaw College.
	„ Kisorimohan	... Rajshahye College.
	„ Prasannakumar	... Dacca College.
	Das, Brahmananda	... Ravenshaw College.
	„ Gangaprasad	... L. M. S. Institution, Bhowanipore.
	„ Harisaran	... Agra College.
	„ Kaliprasanna	... Metropolitan Institution.
	„ Prasannakumar	... Chittagong College.
	Datta, Dijendranath	... Teacher.
	„ Mahimchandra	... Dacca College.
50	„ Pareschandra	... Presidency College.
	„ Pratulchandra	... General Assembly's Institution.
	„ Ramanath	... Krishnaghar College.
	De, Bireswar	... Presidency College.
	„ Dinanath	... General Assembly's Institution.
	„ Lalbihari	... Hughli College.
	„ Saratchandra	... Metropolitan Institution.
	Dube, Kalidatta	... Muir Central College.
	Dwarkaprasad	... Agra College.
	Gangopadhyay, Radhikanath	... Presidency College.
60	Ghosh, Girischandra	... L. M. S. Institution, Bhowanipore.
	„ Haranchandra	... Presidency College.
	„ Harischandra	... Ravenshaw College.
	„ Jagadbandhu	... Metropolitan Institution.
	„ Pranchaitanya	... Doveton College.
	„ Suryyanarayan	... Metropolitan Institution.
	„ Umeschandra (I)	... Dacca College
	Gopal Brahmin	... Jabbulpore High School.
	Guha, Asminikumar	... Dacca College.
	„ Harendranarayan	... Presidency College.
70	Gupta, Mathuranath	... General Assembly's Institution.
	Hait Lal	... St. John's College, Agra.
	Hajra, Kedarnath	... Free Church Institution.
	Johnson, E.	... Bishop Cotton's School.
	Kanta Prasad	... M. A. O. College, Aligarh.
	Karta Krishen	... Muir Central College.
	Kewal Krishna	... Ditto.
	Kher, Kashinath Shirdhar	... Jabbulpore High School.
	Leslie, K. M.	... Doveton College.
	Madak, Priyanath	... Hughli College.
80	Maitra, Akshaykumar	... Rajshahye College.
	Majumdar, Hariprasanna	... General Assembly's Institution.
	„ Syamacharan	... Serampore College.

	Malaviya, Madanmohan	... Muir Central College.
	Misra, Gauriprasad	... Patna College.
	Mitra, Abhayacharan	... Ditto.
	„ Asutosh	... Presidency College.
	„ Asutosh (II)	... Metropolitan Institution.
	„ Narendrakrishna	... General Assembly's Institution.
	„ Sarbananda	... Ditto.
90	„ Upendranath	... Presidency College.
	Mukhopadhyay, Akshaykumar	... Metropolitan Institution.
	„ Bisweswar	... Patna College.
	„ Jogendranath	... Presidency College.
	„ Manmohan	... Patna College.
	„ Piyarilal	... Presidency College.
	„ Tariniprasad	... Hughli College.
	„ Upendranath	... Sanskrit College.
	Mukundabihari	... Agra College.
	Murhar, Sadasheo	... Jabbulpore High School.
100	O'Grady, George A.	... St. Francis DeSale School, Nagpore.
	Pal, Haridas	... Serampore College.
	Pande, Chunilal	... Canning College.
	Pandit Kishen Lal	... Lahore College.
	Prabhu Dayal	... Ditto.
	Prasad, L. Binda	... Jabbulpore High School.
	Ray, Bamacharan	... General Assembly's Institution.
	„ Bhabanath	... Presidency College.
	„ Dwijendralal	... Krishnaghar College.
	„ Hemendranath	... Metropolitan Institution.
110	„ Praphullachandra	... Ditto.
	„ Saratchandra	... Presidency College.
	„ Tarinimohan	... Ditto.
	Raychaudhuri, Abhaykumar	... Ditto.
	Roshan Lal	... M. A. O. College, Aligarh.
	Raghunath Sahay	... Muir Central College.
	Sadasheo Jeyram Dehad Rai	... Jabbulpore High School.
	Sahib Lal	... Muir Central College.
	Saiyid Hosein	... M. A. O. College, Aligarh.
	Sanyal, Nalinimohan	... Patna College.
120	Sarkar, Hridaynath	... Presidency College.
	„ Kailaschandra	... Rajshahye College.
	„ Purnachandra	... Midnapore College.
	„ Rajanikanta	... Hughli College.
	Sen, Ambikacharan	... Dacca College.
	„ Kshetramohan	... Presidency College.
	„ Nalininath	... Ditto.
	Sheikh Abdul Jabbar	... Hughli College.
	Shrikhande, Gopal Lakshmana	... Jabbulpore High School.
	Siebel, C. O.	... St. Thomas' College, Colombo.
130	Sinha, Debendranath	... Rajshahye College.
	„ Madhusudan	... Metropolitan Institution.
	„ Prabhachandra	... Presidency College.
	„ Ramabalamba	... Benares College.
	Srimani, Jogendranath	... General Assembly's Institution.
	Syam, Saradacharan	... Metropolitan Institution.
	Syed Husain Syed	... Canning College.
137	Thakur Madhaba Singh	... Jabbulpore High School.

THIRD DIVISION.

In Alphabetical Order.

	Abdul Hamid	... Patna College.
	Abdul Kader	... Dacca College.
	Abdur Rahim	... Doveton College.
	Baksi, Haridas	... Hughli College.
	Balak Ram	... Agra College.
	Bandyopadhyay, Abinaschandra	... Free Church Institution, Calcutta.
	„ Annadaprasad	... Presidency College.
	„ Kesablal	... Metropolitan Institution.
	„ Kiranchandra	... General Assembly's Institution.
10	„ Narayandas	... Ravenshaw College.
	„ Nibaranchandra	... Metropolitan Institution.
	„ Sitaram	... Canning College, Lucknow.
	„ Surendranath	... Doveton College.

	Basak, Debendranath	... Dacca College.
	Basu, Adwaitacharan	... Hughli College.
	,, Basantakumar	... Dacca College.
	,, Bishnucharan	... General Assembly's Institution.
	,, Biswanath	... L. M. S. Institution, Bhowanipore.
	,, Debendranath	... Free Church Institution, Calcutta.
20	,, Haridas	... Presidency College.
	,, Jnanendranath	... General Assembly's Institution.
	,, Kadambini	... Bethune Female School.
	,, Kalicharan	... Canning College, Lucknow.
	,, Kasinath	... L. M. S. Institution, Bowanipore.
	,, Nagendranath	... General Assembly's Institution.
	,, Piyaribaran	... Canning College, Lucknow.
	,, Priyanath	... Metropolitan Institution.
	Bose Mallik, Baradaprasad	... General Assembly's Institution.
	Bhabani, Sitanath	... Teacher.
30	Bhaduri, Aghorchandra	... Presidency College.
	,, Jagatchandra	... Hughli College.
	Bhattacharyya, Debendranath	... Teacher.
	,, Krishnanath	... Rajshahye College.
	,, Mukundaram	... Metropolitan Institution.
	,, Tarasankar	... Dacca College.
	Bhaumik, Hridaynath	... General Assembly's Institution.
	Binack Prasad	... Patna College.
	Bishun Prasad	... Ditto.
	Biswas, Durgacharan	... Metropolitan Institution.
40	,, Harimohan	... General Assembly's Institution.
	,, Sureschandra	... Presidency College.
	Bobday, Rambhaoo Raghunath	... Jabbulpore High School.
	Chakrabarti, Debendranath	... Presidency College.
	,, Debendranath	... Muir Central College.
	,, Jnanadagobinda	... General Assembly's Institution.
	,, Udaynarayan	... Metropolitan Institution.
	Chandra, Kalikrishna	... Krishnaghar College.
	Chattopadhyay, Bholanath	... Benares College.
	,, Bhushanchandra	... General Assembly's Institution.
50	,, Debendranath	... Metropolitan Institution.
	,, Gopalchandra	... General Assembly's Institution.
	,, Hrishikes	... Ditto.
	,, Jogendranath	... Maharaja's College, Jeypore.
	,, Nilambar	... Presidency College.
	,, Pasupati	... Metropolitan Institution.
	,, Rajanikanta	... Sanskrit College.
	,, Srinath	... Dacca College.
	,, Umeschandra	... Hughli College.
	Chaudhuri, Akshaykumar	... Canning College, Lucknow.
60	,, Bhabendranarayan	... Rajshahye College.
	,, Chhediprasad	... Patna College.
	,, Jageschandra	... Presidency College.
	,, Janakimohan	... Dacca College.
	,, Jnanananda	... Presidency College.
	,, Ramchandra	... Benares College.
	Dales, J. B.	... Lahore College.
	Das, Abinaschandra	... Presidency College.
	,, Adharchandra	... General Assembly's Institution.
	,, Ambikacharan	... L. M. High School, Benares.
70	,, Baikuntheswar	... Dacca College.
	,, Basantakumar	... Ditto.
	,, Gopalballabh	... Ravenshaw College.
	,, Mahendralal	... Chittagong College.
	,, Narayan	... Patna College.
	,, Sasimohan	... Dacca College.
	Das Gupta, Gobindachandra	... Teacher.
	Dasrath Lal	... Patna College.
	Datta, Akshaykumar	... Metropolitan Institution.
	,, Janakinath	... St. John's College, Agra.
80	,, Lambodar	... Cathedral Mission College.
	,, Nabagopal	... Dacca College.
	De, Jaygopal	... General Assembly's Institution.
	,, Kanailal	... Ditto.
	,, Mathuranath	... Ditto.
	Deo, Sadasheo Purshotam	... Jabbulpore High School.

	Deodhar, Vishnu G.	... Jabbulpore High School.
	Dube, Mahananda	... Canning College, Lucknow.
	Gangaprasad	... Benares College.
	Gargari, Ramdas	... St. Xavier's College.
90	Ghosh, Akshaykumar	... Ravenshaw College.
	,, Apurbachandra	... General Assembly's Institution.
	,, Bipinbihari	... Ditto.
	,, Charuchandra	... Ditto.
	,, Girischandra	... Doveton College.
	,, Golaplal	... General Assembly's Institution.
	,, Mahendranath	... Ditto.
	,, Prankumar	... Midnapore College.
	,, Sagarchandra	... Metropolitan Institution.
	,, Sasinath	... Hughli College.
100	,, Surendranath	... Metropolitan Institution.
	Ghoshal, Anangamohan	... Sanskrit College.
	,, Kalinath	... Dacca College.
	Goswami, Satischandra	... Sanskrit College.
	Guha, Aswinikumar	... Metropolitan Institution.
	,, Baradakanta	... Dacca College.
	,, Gurucharan	... Ditto.
	,, Kaliprasanna	... Presidency College.
	,, Mathuranath	... Dacca College.
	,, Umeschandra	... General Assembly's Institution.
110	Gupta, Narayandas	... Metropolitan Institution.
	,, Upendrakrishna	... Ditto.
	Iswari Prasad	... M. A. O. College, Aligarh.
	Jagannath	... Maharajah's College, Jeypore.
	Jash, Bholanath	... Dacca College.
	Kashinath, Govind	... Jabbulpore High School.
	Kesho Das	... Lahore College.
	Kundu, Bhagabaticharn	... Hughli College.
	,, Gangadhar	... Teacher.
	,, Kedarnath	... Metropolitan Institution.
120	Laha, Nagendranath	... General Assembly's Institution.
	Maitra, Dwarkanath	... Rajshahye College.
	,, Harimohan	... Free Church Institution, Calcutta.
	Majumdar, Hridaynath	... Doveton College.
	,, Jogeschandra	... General Assembly's Institution.
	,, Rohinikumar	... Dacca College.
	,, Sasilochan	... General Assembly's Institution.
	,, Srinath	... Rajshahye College.
	Makhan Lal	... Ajmere College.
	Mallik, Kesablal	... Hughli College.
130	,, Priyalal	... Presidency College.
	Mitra, Achintyanath	... Hughli College.
	,, Akshahykumar	... Patna College.
	,, Baradakanta	... General Assembly's Institution.
	,, Charuchandra	... Ditto.
	,, Daibacharan	... Ditto.
	,, Gopalchandra	... Metropolitan Institution.
	,, Matilal	... General Assembly's Institution.
	,, Nagendranath	... Presidency College.
	,, Saratchandra	... Hughli College.
140	,, Surendralal	... Presidency College.
	Mohamed, Ainul Huq	... Patna College.
	M. Mubinul, Huque	... Hughli College.
	Mukhopadhyay, Abhilaschandra	... General Assembly's Institution.
	,, Asutosh	... Metropolitan Institution.
	,, Banawarilal	... General Assembly's Institution.
	,, Bishnucharan	... Ditto.
	,, Ghanasyam	... Metropolitan Institution.
	,, Girischandra	... Ditto.
	,, Jnanoddipan	... Teacher.
150	,, Jogindrachandra	... Ditto.
	,, Kailaschandra	... L. M. S. Institution, Bhowanipore.
	,, Kaminikumar	... Dacca College.
	,, Mahendrachandra	... L. M. S. Institution, Bhowanipore.
	,, Nagendranath	... Krishnaghar College.

	Mukhopadhyay, Sasibhushan (Sr.)	...	General Assembly's Institution.
	„ Satyaprasad	...	Cathedral Mission College.
	Murali, Dhar	...	Patna College.
	Nandi, Surendranath	...	General Assembly's Institution.
	Niyogi, Akshaykumar	...	L. M. High School, Benares.
160	„ Rajanikanta	...	General Assembly's Institution.
	Pal, Lalitmohan	...	Ditto.
	„ Mathuranath	...	Doveton College.
	Palit, Isanchandra	...	General Assembly's Institution.
	Pati, Radhanath	...	Midnapore College.
	Patnaik, Jagadananda	...	Ravenshaw College.
	Poddar, Gaganchandra	...	Chittagong College.
	Pramanik, Bidhubhushan	...	Canning College, Lucknow.
	Raghubar Dayal	...	Patna College.
	Raha, Mahendrachandra	...	Dacca College.
170	Rakshit, Jagatchandra	...	Chittagong College.
	Ramprasad	...	Lahore College.
	Ram Pratap	...	Maharajah's College, Jeypore.
	Ray, Asutosh	...	L. M. High School, Benares.
	„ Bhabanicharan	...	Krishnagar College.
	„ Bishnupada	...	Metropolitan Institution.
	„ Biswatosh	...	Dacca College.
	„ Charuchandra	...	Metropolitan Institution.
	„ Harinath	...	Krishnagar College.
	„ Kaliprasanna	...	Dacca College.
180	„ Kuladananda	...	Hughli College.
	„ Prasannanath	...	Presidency College.
	„ Purnachandra	...	Dacca College.
	„ Radhaballab	...	General Assembly's Institution.
	„ Ramanihar	...	L. M. High School, Benares.
	„ Rajanikanta	...	Presidency College.
	„ Saratchandra	...	Rajshahye College.
	„ Sasikanta	...	Free Church Institution, Calcutta.
	„ Satyanath	...	Krishnagar College.
	„ Taranarayan	...	Canning College, Lucknow.
190	„ Yageswar	...	L. M. High School, Benares.
	Raychaudhuri, Sibkrishna	...	Presidency College.
	„ Srischandra	...	Hughli College.
	Rudra, Bhupatieharan	...	Metropolitan Institution.
	Sahai Baladeo	...	Patna College.
	Samaddar, Nabakumar	...	General Assembly's Institution.
	Samir-ul-din, Ahmed	...	Presidency College.
	Sanyal, Durgananda	...	Rajshahye College.
	„ Satyendraprasad	...	Muir College, Allahabad.
	„ Taraknath	...	Benares College.
200	Sarkar, Amritalal	...	Metropolitan Institution.
	„ Tinkari	..	Presidency College.
	Sarma, Parbatieharan	...	Metropolitan Institution.
	Sawantha, Iswari Dyal	...	Canning College, Lucknow.
	Sen, Anandakumar	...	General Assembly's Institution.
	„ Haridas	...	Serampore College.
	„ Isanchandra	...	Dacca College.
	„ Rameschandra	...	General Assembly's Institution.
	„ Saratchandra	...	Metropolitan Institution.
	„ Syamlal	...	Presidency College.
210	Sil, Bhagabatieharan	...	Dacca College.
	„ Makhanlal	...	Hughli College.
	Sohani, Damodar Balkrishna	...	Jabbulpore High School.
	Sukul, Gadadhar Prasad	...	Canning College, Lucknow.
	Sur, Indrachandra	...	Teacher.
	„ Sasibhushan	...	General Assembly's Institution.
	Suraj Prasad	...	L. M. High School, Benares.
	Suryya Sahai	...	Canning College, Lucknow.
	Syed Ahmed Hossein	...	Patna College.
	Syeed Wajh Ulla	...	Doveton College.
220	Talukdar, Baradachandra	...	Rajshahye College.
	Tamhan, Keshab Gopal	...	Jabbulpore High School.
	Tapashwari Prasad	...	Patna College.
	Thakur, Brajendrasundar	...	Berhampore College.
224	Tribedi, Nrisinhaprasad	...	Krishnagar College.

The undermentioned Students have passed the Entrance Examination :—

FIRST DIVISION.

In Alphabetical order.

	Abdul Latif	18	...	Calcutta Madrassa.
	Acharyya, Prankrishna	18	...	Pabna Zilla School.
	„ Taraprasanna	17	...	Rajshahye Collegiate School.
	Adhya, Rasbihari	17	...	Howrah School.
	Agarwallah, Manmohanlal	17-6	...	Allahabad Zilla School.
	Aich, Gangadhar	16	...	Barrackpur School.
	Anthony, A. D.	16	...	Mussoorie School
	Attaullah	18	...	Bareilly High School.
	Babu, Lal	17	...	Meerut Government School.
10	Bagchi, Lalitmohan	18	...	Nasirabad Entrance School.
	Baidya, Dayalchand	16	...	Jaynagar Institution.
	Baksi, Nagendrachandra	17	...	Midnapur Collegiate School.
	Balgobinda	20	...	Lakhimpur High School.
	Bandyopadhyay, Abinaschandra	19	...	Albert School.
	„ Asutosh	21-7	...	Tikari H. C. E. School.
	„ Baradacharn	17	...	Dacca Collegiate School.
	„ Bireswar	17-8	...	Utterparah School.
	„ Dhirendranath	15	...	Hindu School.
	„ Dinanath	19	...	Pakur School.
20	„ Dwarkanath	17	...	Bankura Government School.
	„ Gobindachandra	20	...	Jagannath School.
	„ Harakanta	19	...	Ditto.
	„ Jnanchandra	17	...	Howrah School.
	„ Janendrachandra	18	...	Hare School.
	„ Jogneswar	20	...	Sanskrit College.
	„ Kaliprasanna	17	...	Jangipur H. C. E. School.
	„ Kisorimohan	16	...	L. M. School, Khagra.
	„ Nilratan	16-5	...	Berhampur Collegiate School.
	„ Nrityagopal	16	...	Sanskrit College.
30	„ Ramlal	19	...	Pakur School.
	„ Ramnarayan	19	...	F. C. Institution, Calcutta.
	„ Saratchandra	16-6	...	Bankoora Government School.
	„ Satyacharan	16	...	Hughli Branch School.
	„ Sisdheswar	17	...	Barrackpur School.
	Barai, Bishnucharan	19	...	Jagannath School.
	Barat, Narendranath	17-6	...	Sanskrit College.
	Barman, Lakshminarayan	17-5	...	Hindu School.
	Basak, Krishnalal	16	...	Ditto.
	„ Nritykisor	16-5	...	Ditto.
40	„ Radhaballabh	16	...	Oriental Seminary.
	„ Rebatimohan	18	...	Jagannath School.
	Basu, Abhaypada	16-10	...	Canning College.
	„ Akshaykumar	18	...	Dacca Pogose School.
	„ Bhubaneswar	17	...	Calcutta Training Academy.
	„ Chandrakanta	19	...	Sylhet Zilla School.
	„ Jnanendranath	18	...	L. M. S. Institution, Bhowanipur.
	„ Kedarnath	19	...	Northbrook School.
	„ Purnachandra	16-3	...	Hindu School.
	„ Rajendranath	15	...	Suburban School, Kalighat.
50	„ Saratchandra (Senior)	17	...	Hare School.
	„ Saratchandra (Junior)	14	...	Ditto.
	„ Sidheswar	17-6	...	Hughli Branch School.
	„ Sitaram	17	...	Hare School.
	„ Surcschandra	16	...	City School.
	„ Syamacharan	18	...	Faridpur Zilla School.
	Batabyal, Sitanath	20	...	Madrassa-i-Unwariah.
	Bhaduri, Nabakrishna	18	...	Faridpur Zilla School.
	Bhar, Adharchandra	17-4	...	Hughli Collegiate School.
	Bhattacharyya, Amarnath	17	...	Krishnaghar Collegiate School.
60	„ Anandamohan	19	...	Mymensing Zilla School.
	„ Bipinbihari	18	...	Chatra H. C. E. School.
	„ Dwijendranath	17	...	Nabadwip Hindu School.
	„ Jadabchandra	18	...	Sambhunath School, Chatmohar.

	Bhattacharyya, Jadabchandra	19	...	Rajshahye Collegiate School.
	„ Mahimchandra	22	...	Ruplal Raghunath School.
	„ Srischandra	17	...	F. C. Institution, Chinsurah.
	„ Syamacharan	16	...	Berhampur Collegiate School.
	Billing, William	31	...	Teacher.
	Bindheswariprasad	20	...	Barabanki High School.
70	Biswas, Gurudas	19	...	Commillah Zilla School.
	„ Natakrishna	17	...	Hare School.
	Blanchett, Matilda		...	Girls' High School, Allahabad.
	Braide, G. W.	18	...	Mussoorie School.
	Branscombe, G. A. L.	17	...	Doveton College.
	Bunsi Lal	19	...	Patialla College.
	Camell, O.	13-7-18		St. Xavier's College.
	Cazalas, L. J.	16	...	Ditto.
	Cazalet, Julia		...	Girls' High School, Allahabad.
	Chaki, Banimadhab	18	...	Rajshahye Collegiate School.
80	Chakrabarti, Kartikchandra	18	...	Hare School.
	„ Kshetranath	20	...	Sanskrit College.
	„ Kumadbihari	17	...	Dacca Collegiate School.
	Chandra, Dinanath	18-5	...	Metropolitan Institution, Shampukur Branch.
	„ Naranarayan	17	...	F. C. Institution, Calcutta.
	Chattopadhyay, Amritalal	18	...	Kushtea School.
	„ Baradakanta	20	...	Naral H. C. E. School.
	„ Bholanath	18	...	L. M. S. Institution, Bhowanipur.
90	„ Harigopal	17	...	Canning College.
	„ Hariprasad	14-9	...	Krishnaghar Collegiate School.
	„ Jadunath	20	...	American Mission H. School, Allahabad.
	„ Jogendranath	18	...	F. C. Institution, Chinsurah.
	„ Kalimohan	18	...	Rup'al Raghunath School.
	„ Kushlal	16	...	Hindu School.
	„ Nilkanta	16	...	Faridpur Zilla School.
	„ Phelukanta	19	...	Ilsoba Mondlye School.
	„ Rajaninath	16-6-10		Gar Bhowbanipore H. C. E. School.
	„ Tarapada	17	...	Howrah School.
	„ Trailokyanath	17	...	Barrackpur School.
	„ Tribhubanchandra	17-3	...	Kandee School.
100	Chaudhuri, Gorachand	17-5	...	Beerbhoom Zilla School.
	„ Harendranarayan	17	...	Naral H. C. E. School.
	„ Nagendranath	19	...	Metropolitan Institution.
	„ Nisichandra	18-6	...	Chittagong Collegiate School.
	„ Radhagobinda	16	...	Purulia School.
	„ Rajaram	17	...	Bankura Government School.
	Chitaley, Parshuram Krishna	17	...	F. C. Institution, Nagpur.
	Coinre, Bireswar	17	...	Hare School.
	Connell, R.	17	...	LaMartiniere College, Lucknow.
	Cooper, B. H.	18	...	Doveton College.
110	Das, Akshaykumar (I)	17	...	Dacca Collegiate School.
	„ Akshaykumar (II)	17	...	Ditto.
	„ Bamacharan	18	...	Albert School.
	„ Chandicharan	20	...	Dacca Pogose School.
	„ Ganeschandra	15	...	L. M. S. Institution, Bhowanipur.
	„ Golakchandra	19	...	Mymensing Zilla School.
	„ Karunakumar	18	...	Rajshahye Collegiate School.
	„ Krishnagopal	18	...	Baraset School.
	„ Piyarilal	17	...	Dacca Collegiate School.
	„ Saratchandra	16	...	Oriental Seminary.
120	„ Sibapada	19-7	...	Utterparah School.
	„ Syamacharan	16	...	Santosh Janhabhi School.
	„ Syamlal	18	...	Hindu School.
	Datta, Asutosh	19	...	Hare School.
	„ Atulkrishna	18	...	Private Student.
	„ Dwarkanath	18	...	L. M. S. Institution, Bhowanipur.
	„ Jnanondranarayan	17	...	General Assembly's Institution.
	„ Maniklal	16-5	...	Hindu School.
	„ Pratapchandra	17	...	Annada School, Brahmanbaria.
130	„ Radhakrishna	17	...	Oriental Seminary.
	„ Rasbihari	17	...	General Assembly's Institution.
	„ Samatulchandra	16	...	Sanskrit College.
	„ Saradaprasad	17	...	Hughli Collegiate School.
	„ Saratsasi	17	...	Rungpore Zilla School.
	„ Sasikumar	18	...	Ruplal Raghunath School.
	„ Suresnath	19	...	Jagannath School.

	Datta, Suryyalal	16-6	...	Bankura Government School.
	D'Attaides, Paul	16-4	...	Government High School, Rangoon.
	De, Batakrishna	18	...	General Assembly's Institution.
	„ Durgacharan	19	...	Free Church Institution, Calcutta.
140	„ Girischandra	17	...	L. M. S. Institution, Bhowanipur.
	„ Isanchandra	17	...	Sylhet Zilla School.
	„ Kunjabihari	17	...	Kuchiakol Radhaballabh School.
	„ Mahendrachandra	19	...	Mymensing Zilla School.
	„ Nabinchandra	20-4	...	Sylhet Zilla School.
	„ Purnachandra	18-3	...	Utterparah School.
	„ Rajanikanta	18	...	Jagannath School.
	„ Trailokyanath	16-2	...	Hare School.
	Deb, Girischandra	18	...	Canning College.
	deDombal, L.	17-3	...	St. Paul's School, Darjeeling.
150	Desbruslais, C.	17-4	...	St. Mary's School, Chandernagore.
	Deshmuk, Trimbuck Nilkant	20	...	F. C. Institution, Nagpur.
	Deshpande, Krishnaji Gobind	19	...	City School, Nagpur.
	Dhar, Bharatchandra	18	...	Sylhet Zilla School.
	„ Manmohun	17	...	Maharajah's School, Burdwan.
	Dikshit, Ambikaprasad	18	...	Canning College.
	Dobson, C. A.	16	...	St. Xavier's College.
	Dwarkaprasad	18	...	Bareilly High School.
	Ferdinand	18	...	St. John's College, Agra.
	Fey, F. A.	16-3-11		Memorial School, Cawnpur.
160	Gangopadhyay, Birendranath	17	...	Rajshahye Collegiate School.
	„ Matilal	18	...	Barisal Zilla School.
	„ Srinath	20	...	Dacca Collegiate School.
	„ Trailokyanath	18	...	Hare School.
	Gaurisankar	17-5	...	Jabbulpur High School.
	Ghatak, Bhushanchandra	20	...	Ilsoba Mondlye School.
	Ghosh, Abinaschandra	17-0-2		Hughli Collegiate School.
	„ Abinaschandra	19	...	Cossipur Kasinath School.
	„ Isanchandra	15-5	...	Albert School.
	„ Kesabchandra	19	...	Madrassa-i-Unwariah.
170	„ Nagendranath	16	...	Hindu School.
	„ Nareschandra	17	...	Hare School.
	„ Rajaninath	17	...	Berhampur Collegiate School.
	„ Rajaninath	17	...	Hughli Branch School.
	„ Rakhalkrishna	20	...	Oriental Seminary.
	„ Rasiklal	15	...	Naral H. C. E. School.
	„ Saratchandra	17	...	Jagannath School.
	„ Sasikumar	17	...	Faridpur Zilla School.
	„ Sidheswar	17-2	...	Hughli Collegiate School.
	„ Sitalprasad	17	...	Benares Collegiate School.
180	„ Srischandra	19	...	Private Student.
	„ Umeschandra	18-4	...	Kandee School.
	Ghoshal, Hemendranath	16-5	...	Beerbhoom Zilla School.
	„ Jyotikumar	16	...	Sanskrit College.
	„ Kshetranath	18	...	Jenkins' School, Cooch Behar.
	„ Mahendranarayan	17	...	Allahabad Zilla School.
	Godfrey, J. B.	16	...	Doveton College.
	Gomes, W.	17	...	St. Xavier's College.
	Gopalprasad	17	...	St. John's College, Agra.
	Goswami, Bidhubhushan	19	...	Pakur School.
190	„ Harimohan	17-3	..	Jubbalpur High School.
	Gregory, S. M. G.	18	...	Armenian Phianthropic Academy.
	Guha, Jogeschandra	17	...	Dacca Collegiate School.
	Gupta, Anilchandra	16-4	...	Hindu School.
	„ Baradacharan	17	...	Annada School, Brahmanbaria.
	„ Syamlal	15	...	Hare School.
	Hall, E. A. W.	16	...	Mussoorie School.
	Hanby, W. A. E.	18-8	...	St. Xavier's College.
	Hargopal	17	...	St. Stephen's High School, Delhi.
	Harichand	20	...	Hushiarpur District School.
200	Harjiram	18	...	Gurudaspur High School.
	Harkishendas	17	...	Kapurthala School.
	Harsahay	18	..,	Delhi District School.
	Hill, E.	15-9	...	Bishop Cotton School.
	Hindmarsh, E	18-6	...	LaMartiniere College, Lucknow
	Hogan, P.	15-9	...	St. Xavier's College.
	Hoskins, H. J.	16-9-17		Allahabad Boys' High School.
	Inayatullah	16-9		Amritsar District School.
	Iqbalkishen, Pandit	18-2	...	Canning College.

	Jayawickrama, H. S.	19 ...	High School, Golle.
210	Kabiraj, Baikunthanath	19 ...	Jagannath School.
	Kalia, Ramchandra Nayak	18 ...	Benares Collegiate School.
	Karmakar, Rasbihari	19 ...	Jagannath School.
	Kaul, Kameshurnath	18-3 ...	Lahore Government School.
	Kayesth, Bhagwatprasad	18 ...	Jabbulpur High School.
	Khan, Bhagabanchandra	18 ...	Jagannath School.
	Knight, W. E.	16 ...	LaMartiniere College, Lucknow.
	Kraal, G. A.	15-6 ...	Doveton College.
	Kumar, Bhabendra Narayan	17 ...	Jenkins' School, Cooch Behar.
	Kundu, Anandachandra	20 ...	Jagannath School.
220	Lahari, Binodbihari	16 ...	Hare School.
	,, Gopalchandra	19 ...	Rajshahye Collegiate School.
	,, Mahendramohan	16 ...	Nowgong Zilla School.
	Lajpat, Rai	16 ..	Private Student.
	Lakshmiprasad	20 ...	Chupra Zilla School.
	Lal, Ramdhani	19 ..	Bankipur Training Academy.
	Lemeur, F.	16-5 ...	St. George's College, Mussoorie.
	Loos, W.	24 ...	Serampore College.
	Luttaprasad	20 ...	C. M. High School, Meerut.
	MacCutchan, W. A.	20 ...	St. Xavier's College.
230	Mack, W. E.	20-11	Government High School, Rangoon.
	Madhaeprasad	19 ...	Aligarh Zilla School.
	Maiti, Mahendranath	18 ...	Free Church Institution, Calcutta.
	Maitra, Ramaprasad	15 ...	Berhampur Collegiate School.
	,, Trailokyanath	20 ...	Rajshahye Collegiate School.
	Majumdar, Abhayachandra	17-3 ...	Hughli Collegiate School.
	,, Bijaychandra	20 ...	Hughli Branch School.
	,, Akhilchandra	19-1 ...	Seal's Free College.
	,, Chandragati	20 ...	Rajshahye Collegiate School.
	,, Indubhushan	18 ...	Hindu School.
240	,, Kalachand	17 ...	Bishenpur H. C. E. School.
	,, Kaliprasanna	19 ...	Albert School.
	,, Mahananda	17-3 ...	Hare School.
	,, Manmathanath	17 ...	L. M. S. Institution, Bhowanipur.
	,, Ramdayal	16 ...	Sanskrit College.
	,, Sulabhchandra	17 ...	Hare School.
	Makar, Jugalbihari	20 ...	St. John's College, Agra.
	Makhanlal	16-8 ...	Delhi District School.
	Mangesh Shabaram	19 ...	Residency College.
	Mansingh	18-3 ...	Maharajah's College, Jeypur.
250	Maulik, Jagatchandra	21 ...	Jagannath School.
	Mayes, A.	15-9 ...	LaMartiniere College, Lucknow.
	McArthy, C.	16 ...	Bishop Cotton School.
	McHugh, P.	18 ...	St. Xavier's College.
	McLeod, N. C.	16-9 ...	St. George's College, Mussoorie.
	Mehta, Darasha Bezenji	16 ...	St. Francis DeSales' School.
	Millar, B. A.	16-3 ...	LaMartiniere College, Calcutta.
	Misra, Baladeb	16 ...	Chapra Zilla School.
	,, Dinakar Datta	19 ...	Arrah Zilla School.
	Mitra, Abhaycharan	16 ...	Hare School.
260	,, Atalbihari	19 ...	Hughli Collegiate School.
	,, Bipinbihari	18 ...	Naral H. C. E. School.
	,, Charuchandra	17 ...	Metropolitan Institution.
	,, Debendranath	17 ...	Sanskrit College.
	,, Dharaniswar	15-9 ...	Hindu School.
	,, Girischandra	16 ...	General Assembly's Institution.
	,, Harendranarayan	16 ..	Dacca Collegiate School.
	,, Haridas	17-5 ...	Hindu School.
	,, Jogneswar	17 ...	C. M. School, Calcutta.
	,, Kantibhushan	17 ...	Presidency School.
270	,, Lalitkisor	17 ...	Purulia School.
	,, Nibaranchandra	16 ...	Metropolitan Institution.
	,, Probodhchandra	18 ...	General Assembly's Institution.
	,, Rajanikanta (I)	22 ...	Dacca Pogose School.
	,, Ramchandra	17 ...	Hare School.
	,, Rasiklal	17 ...	Barisal Zilla School.
	,, Saratchandra	18 ...	City School.
	Molligode, J. R.	17 ...	St. Thomas College, Colombo.
	Monks, A.	18 ...	Wood's Academy.

	Moung Hpo Hpyoo	16-4 ...	Government High School, Rangoon.
280	Moung Kyin	18 ...	St. Xavier's College.
	Muhammad Abdul Latif	22 ...	M. A. O. College, Aligarh.
	,, Athar	17 ...	Shahjehanpur H. School.
	,, Mahdi	17 ...	Bareilly High School.
	,, Yakub	16 ...	Chupra Zilla School.
	,, Zaki	17 ...	Victoria School, Gazeepur.
	Mukhopadhyay, Aparaprasad	16-9 ...	Hughli Branch School.
	,, Asutosh	17	Midnapur Collegiate School.
	,, Bhupatinath	17-2 ...	Hughli Branch School.
	,, Bhutnath	17-8 ...	Utterparah School.
290	,, Biharilal	17 ...	Baraset School.
	,, Gopaldas	19 ...	L. M. S Institution, Bhowanipur.
	,, Harakali	16 ...	Searsole H. C. E. School.
	,, Haribhushan	17 ...	Baranagar Hindu School.
	,, Hemchandra	18 ...	Utterparah School.
	,, Jagadis	17 ...	Jessore Zilla School.
	,, Jagadis	19 ...	Jagannath School.
	,, Jnanendrachandra	17 ...	Hare School.
	,, Kedareswar	17 ...	Daulatpur H. C. E. School.
	,, Kedarnath	18 ...	M. A. O. College, Aligarh.
300	,, Manmatha	19 ...	Baraset School.
	,, Matilal	23 ...	Free Church Institution, Calcutta.
	,, Narayanchandra	20 ...	Pandra H. C. E. School.
	,, Narendranath	18 ...	Howrah School.
	,, Rajendranath	18 ...	Hughli Collegiate School.
	,, Ramaprasad	17 ...	Utterparah School.
	,, Ramchandra	16 ...	Indian Institution.
	,, Saratchandra	17 ...	Metropolitan Institution.
	,, Saratchandra	15-3 ...	Maharajah's College, Jeypur.
	,, Saratchandra	18 ...	City School.
310	,, Taraprasanna	17 ...	Hughli Collegiate School.
	,, Upendranath	18 ...	Jenkins' School, Cooch Behar.
	Mukundlal	19 ...	Ajmere Collegiate School.
	Munnajan	16 ...	Bareilly High School.
	Nag, Bangachandra	19 ...	Noakhali Zilla School.
	,, Girischandra	18-4 ...	Sylhet Zilla School.
	,, Nabinchandra	18 ...	Mymensing Zilla School.
	,, Sambhucharan	19 ...	Bishenpur H. C. E. School.
	Nagar, Balkrishna	18 ...	Residency College.
	Nanakchand	21 ...	Private Student.
320	Nandmal	18 ...	Ajmere Collegiate School.
	Nandi, Akshaykumar	18 ...	Hare School.
	,, Brindabanchandra	18 ...	City School.
	,, Prakaschandra	16 ...	Dacca Collegiate School.
	,, Purnachandra	16 ...	Hugli Branch School.
	Nathprasad	20 ...	C. M. H. School, Goruckpur.
	Nathuram	18 ...	Gurudaspur High School.
	Ollenbach, O. C.	18 ...	Mussoorie School.
	Pal, Akshaykumar	17-6 ...	Barisa H. C. E. School.
	,, Akshaychandra	20 ...	Gya Zilla School.
330	,, Bhishmadeb	19 ...	City School.
	Palit, Kesablal	16 ...	Hindu School.
	Piyarilal	18 ...	Shahjehanpur High School.
	Piyari Lal	20 ...	Ajmere Collegiate School.
	Pramanik, Bhushanchandra	17 ...	Canning College.
	Prussia, A.	17 ...	Bishop Cotton School.
	Rafiuddin Khan	19 ...	Jaora High School.
	Ramchandra	19 ...	Hushiarpur District School.
	Rameswarprasad	19 ...	Fyzabad High School.
	Ramnarayan	16-5 ...	Jabbulpur High School.
340	Ray, Akshaychandra	21 ...	Katak Academy.
	,, Baikunthanath	17 ...	Bankoora Government School.
	,, Dwijendranath	17 ...	Faridpur Zilla School.
	,, Girijaprasanna	18 ...	City School.
	,, Hiralal	16-3 ...	Berhampur Collegiate School.
	,, Jadunath	16-3 ...	Hughli Collegiate School.
	,, Krisnachandra	16 ...	Rajshahye Collegiate School.
	Ray, Mangobinda	17-6 ...	Hughli Branch School.
	,, Pramadakisor	17 ...	Noakhali Zilla School.
	,, Satischandra	15-5 ...	Hare School.
	,, Sukdeb	21 ...	Allahabad Zilla School.
350	,, Surajmohan	18 ...	City School.
	Raychaudhuri, Upendranath	16-4 ...	Hindu School.

	Rochi Ram	18	... Lahore Government School.
	Rudra, Manamathanath	16-7	... Hindu School.
	Rupnarayan, Pandit	19	... Sultanpur High School.
	Saha, Narayanchandra	18	... Free Church Institution, Calcutta.
	Sahay, Bhubaneswari	15	... Patna Collegiate School.
	,, Brijbansi	16	... Gya Zilla School.
	Sajjad Mirza	19	... St. Stephen's High School, Delhi.
360	Salaikchandra	16	... Bareilly High School.
	Sanyal, Girischandra	18	... Serajgunge H. C. E. School
	,, Hariprasanna	18	... Utterparah School.
	Sarbadhikari, Krishnaprasad	16-6	... Hare School.
	Sarkar, Jaychandra	19	... Jagannath School.
	,, Purnachandra	17	... Rajshahye Collegiate School.
	,, Sasibhusban	17	... Albert School.
	Sarma, Sridhar	20	... Agra Collegiate School.
	Sayyid, Zohadar Rahim	19-5	... Beerbhoom Zilla School.
	Schoeneman, A.	16 8	... St. George's College, Mussoorie.
370	Scolland, D.	16-2	... Ditto ditto.
	Sen, Bhubanmohan	17	... Dacca Collegiate School.
	,, Chandicharan	19	... City School.
	,, Jnanendralal	15-9	... Malda Zilla School.
	,, Jogendranath	17 6	... Hare School.
	,, Kailaschandra	18 2	... Barisal Zilla School.
	,, Kamini		... Bethune Female School.
	,, Kesarnath	17	... Pabna Zilla School.
	,, Mahimchandra	22	... Barisal Zilla School.
	,, Nirodbihari	18	... Howrah School.
380	,, Pramathanath	15	... Malda Zilla School.
	,, Rebatimohan	16	... Dacca Collegiate School.
	,, Tarinicharan	20	... Dacca Pogose School.
	,, Tarinikrishna	17	... Nasirabad Entrance School.
	,, Umeschandra	17	... Rajshahye Collegiate School.
	Set, Nabinlal	16-7	... Hindu School.
	Shadana, Rajkrishna	20	... Pachamba H. C. E. School.
	Shamasuddin	20	... C. M. School, Amritsar.
	Sheonath	16	... Delhi District School.
	Shimbhunath	18	... Meerut Government High School.
390	Simlai, Syamacharan	18	... Mymensing Zilla School.
	Singh, Chhajju	19	... Gurudaspur High School.
	Sinha, Atalbihari	16	... Midnapore Collegiate School.
	,, Basanticharan	17	... Mozufferpore School.
	,, Bishun	21	... Arrah Zilla School.
	,, Jadunandan	20	... Pandra H. C. E. School.
	,, Jadunath	20-2	Benares Collegiate School.
	,, Jogendrakumar	17	... City School.
	,, Sibabadan	17	... Allahabad Zilla School.
	,, Srinath	17-5	... Hare School.
400	,, Uditnarayan	18	... Victoria School, Gazipur.
	Smyth, D. H.	15-6	... Doveton College.
	Som, Manmohan	17-9	.. Hughli Branch School.
	Srikhandi, Damodar Ramchandra	19	... Jabbulpur High School.
	Stark, H A.	17	... Doveton College.
	Surajnarayan	20	... Delhi District School.
	Syed Abdur Raoof	16	... M. A. O. College, Aligarh.
	Syed Muhammad Ahsan	18	... Allahabad Zilla School.
	Syed Muhammad Ali	18	... M. A. O. College, Aligarh.
	Tafrez Ali Mallik	18	... Konnogar H. C. E. School.
410	Thakurdas	19	.. Gurudaspur High School.
	Wadley, A.	16-6	... LaMartiniere College, Lucknow.
	Walker, C.	17-3	... St. Paul's School, Darjeeling.
	Wall, B.	15-3	... LaMartiniere College, Lucknow.
	Wilkinson, E.	16-7	... Ditto Calcutta.
	Zorab, Manook	16	.. St. Xavier's College.
416	Zorab, M. M.	18-6	... Ditto.

SECOND DIVISION.

In Alphabetical Order.

Abdul Guffoor	19	... Dacca Collegiate School.
Abdul Karim	22	... Patna Collegiate School.
Abdullah, M.	17	... Allahabad Zilla School.
Abdullah Amir Husain	21	... Mirat High School.
Abdul Latif	18-8	... Dinapore Aided School.

	Abdul Wajid	18	... Dacca Collegiate School.
	Abdur Rahim	17	.. Rungpore Zilla School.
	Abdur Rahaman Khan	19	... Patna Collegiate School.
	Acharyya, Jayhari	20	... S. P. Institution, Chakdighee.
10	,, Karunakanta	19	... Noakhally Zilla School.
	Adhya, Akshaykumar	18	... Metropolitan Institution.
	Agacy, S. S.	17	... St. Xavier's College.
	Ahmad Saied Khan	19	... Jaora High School.
	Ahmeed Hosain Khan	16	... M. A. O. College, Aligarh.
	Ajodhyaprasad	15-11	.. Ludhiana Mission School.
	Ali Hosain Khan	17	... M A O. College, Aligarh.
	Amir Ali Khan	23	... Chittagong Collegiate School.
	Amjad Ali	19	... Shajehanpore High School.
	Andrews, H. A.	18	... Noakhally Zilla School.
20	Atmaram	19	... Gurudaspore High School.
	Augier, W. M.	18	... St. Xavier's College.
	Avalay, Balajee Vithoba	18	... Free Church Institution, Nagpore.
	Avasthi, Chandrasekhar	18	... Cawnpore Zilla School.
	Aziz Ahmad	16	... Gya Zilla School.
	Bagadade, Sheoram Dadaji	19	... City School, Nagpore.
	Bagchi, Nandalal	17	... Hindu School.
	,, Purnachandra	17	... Rajshahye Collegiate School.
	,, Rakhaldas	20	... L. M. S. Institution, Bhowanipore.
	Bagga Khan	18	... Gurudaspore High School.
30	Baijnath	20	... Fyzabad High School.
	Bajpai, Sitlaprasad	16	... Canning College, Lucknow.
	Baksi, Baradakanta	17	... L. M. S. Institution, Bhowanipore.
	,, Kenaram	17-5	... Ukhra Kunjelal Institution.
	,, Satischandra	17	... Ravenshaw College, Katak.
	Balkishan	19-10	... Hume's High School, Etawah.
	Bandyopadhyay, Abinaschandra	20	... Free Church Institution, Calcutta.
	,, Abinaschandra	18-2	... Naral H. C. E. School.
	,, Adharchandra	17	... Midnapore Collegiate School.
	,, Akshaykumar	18	... Hughli Collegiate School.
40	,, Ambikacharan	17	... Howrah School.
	,, Ambikacharan	20	... Free Church Mission School, Mohanad.
	,, Anurupkrishna	15	... Suburban School, Kalighât.
	,, Asutosh	18	... Patna Collegiate School.
	,, Asutosh	19	... L. M. High School, Benares.
	,, Bhagwanchandra	20-2	... Nizamut School, Moorshedabad.
	,, Bholanath	17	... Baraset School.
	,, Bhubanmohan	18-4	... Utterparah School.
	,, Bidhubhusan	18	... Suburban School, Kalighât.
	,, Biharilal	17	... Jugadballabhpur H. C. E. School.
50	,, Bipinbihari	20-3	... Hare School.
	,, Bipinbihari (I)	16-4	... Hindu School.
	,, Chandicharan	19	... L. M. S. Institution, Bhowanipore.
	,, Chaturanan	19 6	... Goberdanga School.
	,, Chintaharan	20	... Ilsoba Moudlye School.
	,, Chunilal	16	... Hindu School.
	,, Daibachandra	18	... Lakhipasa H. C. E. School.
	,, Durgacharan	18	... Canning College.
	,, Gangacharan	18	... Santosh Janhabi School.
	,, Haranchandra	18	... L. M. School, Mirzapore.
60	,, Harendrabihari	18-5	... Hindu School.
	,, Haripada	19	... Calcutta Training Academy.
	,, Harisadhan	16-11	.. Metropolitan Institution, S. Branch.
	,, Hemchandra	17-1	... Krishnaghur Collegiate School.
	,, Jadunath	20	... City School.
	,, Jogendranath	17-6	... Hughli Branch School.
	,, Jogendranath	18-9	... Metropolitan Institution, S. Branch.
	,, Jurandhan	17	... Sodepore H C. E. School.
	,, Khudiram	17-6	.. Beerbhoom Zilla School.
	,, Kunjabihari	19	... Dacca School.
70	,, Madhusudan	16	... Kandee School.
	,, Madhusudan	19	... Chinsurah Hindu School.
	,, Nagendranath	16	... Kandee School.
	,, Nanilal	19	... C. M. School, Calcutta.
	,, Narayandas	19	... Hindu School.
	,, Nikhileswar	18	... City School.
	,, Nityagopal	16	... Zilla School, Monghyr.
	,, Pramathanath	19	... Hare School.

	Bandyopadhyay, Prasannakumar	19	...	Bankura Government School.
	,, Purnachandra	16	...	Banda Zilla School.
80	,, Raghupati	17	...	Bankura Government School.
	,, Rajkrishna	19	...	Bhastara School.
	,, Ramkamal	21	...	Behala Mission School.
	,, Saradaprasad	17	...	M. A. O. College, Aligarh.
	,, Sasthidas	18	...	Hare School.
	,, Satischandra	16	...	Berhampore Collegiate School.
	,, Satischandra	18	...	Lakhipasa H. C. E. School.
	,, Satkari	15-2	...	Purneah Zilla School.
	,, Satyendranath	18-4	...	Hindu School.
	,, Surendrachandra	17	...	Serampore College.
90	,, Syamacharan	16-6	...	L. M. School, Khagrah.
	,, Tinkari	16-6	...	Hindu School.
	,, Umacharan	18	...	Hare School.
	,, Upendranath	15	...	St. Xavier's College.
	Bansidhar	18	...	Ranchi Zilla School.
	Baral, Satyanath	16	...	Gauhati School.
	Barari, Umbikacharan	17-6	...	Patna Collegiate School.
	Barman, Mahendranath	17	...	Free Church Institution, Calcutta.
	Barrow, Bhabakanta	16	...	Sibsagar Zilla School.
	Baruya, Keshabchandra Sonowal	18	...	Ditto.
100	,, Mahendranath	16 9	...	Ditto.
	Basack, Debendranath	19	...	Dacca Collegiate School.
	,, Radhikamohan	16-7	...	Hindu School.
	Basu, Akhilchandra	19	...	Hare School.
	,, Amritalal	17	...	L. M. S. Institution, Bhowanipore.
	,, Asutosh (Senior)	18	...	Kishnaghur Collegiate School.
	,, Asutosh	20	...	City School.
	,, Atuleswar	17	...	Mozufferpore Zilla School.
	,, Binodbihari	18	...	City School.
	,, Chandicharan	18	...	Patna Collegiate School.
110	,, Grischandra	16-9	...	Hindu School.
	,, Haricharan	17	...	Jamalpore H. C. E. School.
	,, Hemnath	18	...	Albert School.
	,, Hridaydhan	18	...	General Assembly's Institution.
	,, Jibankrishna	19	...	Hare School.
	,, Jnanendrachandra	19	...	Garden Reach School.
	,, Jogendrachandra	17	...	Bhastara School.
	,, Jogendranath	18	...	Kuchiakole Radhaballab Institution.
	,, Jogneswar	16	...	Mahespore H. C. E School.
	,, Kailaschandra	18	...	Suburban School, Kalighât.
120	,, Khirodkrishna	18	...	Indian Institution.
	,, Lalmohan	19	...	Jagannath School.
	,, Mahendranath	17	...	High School, Jubbulpore.
	,, Mahinimohan	18	...	Jamalpore H. C. E. School.
	,, Makhangopal	17	...	Metropolitan Institution.
	,, Manindranath	17	...	Oriental Seminary.
	,, Nagendranath	18	...	L. M. S. Institution, Bhowanipore.
	,, Nilkanta	18	...	Dashghara H. C. E. School.
	,, Pasupati	19	...	Rajshahye Collegiate School.
	,, Phakirchandra	17	...	Hamilton's School, Tamlook.
130	,, Prasannakumar	19	...	Jenkins' School, Cooch Behar.
	,, Priyagopal	17	...	Howrah School.
	,, Rajendrakumar	19	...	Nizamut School, Moorshedabad.
	,, Rakhaldas	18-6	...	Utterparah School.
	,, Rameschandra	16	...	Hare School.
	,, Rasbihari	20-6	...	Hughli Branch School.
	,, Saradaprasad	18	...	General Assembly's Institution.
	,, Saratchandra	16	...	C. M. High School, Azimgarh
	,, Saratchandra	22	...	L. M. S. Institution, Bhowanipore.
	,, Saratchandra	19	...	Free Church Mission School, Mohanad.
140	,, Sarachandra	18	...	Presidency School.
	,, Sasibhushan	18	...	Hare School.
	,, Satyachandra	19-6	...	Albert School.
	,, Subarnaprabha		...	Bethune Female School.
	Basudebnarayan	17-6	...	Mozufferpore Zilla School.
	Beechey, W.	16-9	...	St. George's College, Mussoorie.
	Bhagabatiprasad	17	...	Benares Collegiate School.
	Bhagat Ram	16	...	Lahore Government School.
	Bhaironprasad	17	...	High School, Jubbulpore.
	Bhar, Hariprasanna	19-9	...	Metropolitan Institution, S. Branch.
150	Bhargo, Nandkisor	21	...	Muttra Zilla School.

	Bhargu, Naravandas	19	...	Muttra Zilla School.
	Bhatra, Sasibhushan	17	...	Dacca Collegiate School.
	Bhattacharyya, Abinaschandra	17	...	Garden Reach School.
	,, Annadacharan	17 9	...	Bogra Zilla School.
	,, Asminikumar	18	...	Comillah Zilla School.
	,, Benimadhab	22	...	Sanskrit College.
	,, Bhagabaticharan	17	...	L. M. School, Midnapore.
	,, Bishnuchandra	19	...	Krishnaghur A. V School.
	,, Chandicharan	17	...	General Assembly's Institution.
160	,, Girischandra	19	...	Maharaja's School, Comillah.
	,, Gopalchandra	20	...	Agarpara H. C E. School.
	,, Kedarnath	18	...	Gosain Durgapur School.
	,, Krishnakumar	20	...	Dacca Collegiate School.
	,, Rajendrachandra	20	...	Sanskrit College.
	,, Sasibhushan	18	...	Cossipur Kasinath School.
	,, Sitanath	20	...	Naral H. C. E. School.
	,, Suryyakumar	18	...	Purjana H. C. E. School.
	,, Syamacharan	19	...	Andul School.
	,, Syamakanta	20	...	Sanskrit College.
170	,, Taranbandhu	18	...	Dinagepore Zilla School.
	Bhaya, Gopalchandra	16	...	Rajshahye Collegiate School.
	Bhunya, Jayharidas	18	...	Midnapore Collegiate School.
	Biggs, W.	15-9	...	La Martiniere, Lucknow.
	Birprasad	18	...	Mozufferpore Zilla School.
	Biswas, Aghornath	17-6	...	Krishnaghur Collegiate School.
	,, Gaurhari	20	...	Hare School.
	,, Haricharan	19	...	Bhagulpore Zilla School.
	,, Harkisor	19	...	Mymensing Zilla School.
	,, Hiralal	19	...	Free Church Mission School, Mohanad.
180	,, Jadunath	19	...	Nabadip Hindu School.
	,, Jogendrachandra	18	...	Furreedpore Zilla School.
	,, Kailaschandra	18	...	Santosh Janhabi School.
	,, Kedarnath	18	...	Hare School.
	,, Krishnachandra	18	...	Dacca Collegiate School.
	,, Kunjabihari	17	...	Krishnaghur A. V. School.
	,, Loknath	20	...	Furreedpore Zilla School.
	,, Ramtarak	20	...	Purulia School.
	,, Umeschandra	20	...	Rowile School.
	Bowder, J.	17	...	LaMartiniere College, Lucknow.
190	Brajanath	17	...	Thakar School, Ulwar.
	Buchey, Krishna Sitaram	20	...	Free Church Institution, Nagpore.
	Bunltyens, E.	18	...	St Thomas College, Columbo.
	Buzlur Roheem.	17	...	Noakhally Zilla School.
	Byas Sheo Bux	18	...	Durbar High School, Jodhpore.
	Chakrabarti, Biharilal	17	...	Barahanagur Hindu School.
	,, Bijaychandra	19-2	...	Hughli Collegiate School.
	,, Chandrakanta	16	...	Maharaja's School, Burdwan.
	,, Debendranath	17	...	Suburban School, Kalighât.
	,, Gobindachandra	18	...	Jagannath School.
200	,, Gobindacharan	18	...	Ditto.
	,, Herambanath	20	...	Ruplal Raghunath School.
	,, Kailasnath	19	...	Jenkins' School, Cooch Behar.
	,, Mathuranath	19	...	Naserabad Entrance School.
	,, Narayanchand	18-7	...	Dinagepore Zilla School.
	,, Nilmadhab	19	...	L. M. S. Institution, Bhowanipore.
	,, Rebatimohan	17	...	Dacca Collegiate School.
	,, Saratchandra	20	...	Jagannath School.
	,, Satischandra	19	...	Dacca Collegiate School.
	,, Syamacharan	25	...	Nowab Abdul Gunny's Free School.
210	,, Taraprasanna	20	...	Jagannath School.
	Chaliha, Kaliprasad	17	...	Sibsagar Zilla School.
	Chan Htoon Oung	19	...	Doveton College.
	Chand, Ramanikanta	18	...	Mymensing Zilla School.
	Chandiprasad	21	...	Benares Collegiate School.
	Chandra, Priyanath	16	...	Hindu School.
	,, Ramchandra	22	...	Chinsurah Grammar School.
	Chattopadhyay, Abinaschandra	18-4	...	Hugli Branch School.
	,, Akshaykumar (Senior)	18-4	..	Metropolitan Institution, S. Branch.
	,, Asutosh	17	...	Beerbhoom Zilla School.
	,, Bhabanath	17	...	Metropolitan Institution.
220	,, Bhagbatchandra	19	...	S. P. Institution, Ckakdighee.
	,, Bhagbaticharan	20	...	Joynarayan's College, Benares.
	,, Bijaygopal	17	...	Bankura Government School.

	Chattopadhyay,	Brajalal	17	... General Assembly's Institution.
	,,	Chandmohan	18	... Rajshahye Collegiate School.
	,,	Chandrakanta	18	... City School.
	,,	Chandrasekhar	17	... Calcutta Training Acadamy.
	,,	Debendranath	16-2	... Allahabad Zilla School.
230	,,	Debendranath	18	... Deoghur Zilla School.
	,,	Durgadas	17	... General Assembly's Institution.
	,,	Girindranath	17	... Hare School.
	,,	Girischandra	17	... Baidyobati English School.
	,,	Haridas	19	... Hare School.
	,,	Hemchandra	20	... Patna Collegiate School.
	,,	Hiralal	16	... Barrackpore School.
	,,	Indranarayan	20	... Bissenpore H. C. E. School.
	,,	Kailaschandra	20	... Khulna H. C. E. School.
	,,	Kedarnath	16	... Bankura Government School.
240	,,	Kuladaprasad	18	... Patna Collegiate School.
	,,	Loknath	21	... Sylhet Zilla School.
	,,	Manmathanath	16-3	... Useful Arts School.
	,,	Nagendrachandra	18	... L. M. S. Institution, Bhowanipore.
	,,	Nagendranath	17	... Ravenshaw College, Katak.
	,,	Nagendranath	16-6	... Hughli Branch School.
	,,	Narayandas	21	... South Baharoo School.
	,,	Nilkanta	18	... Purulia School.
	,,	Nilmani	17	... Oriental Seminary.
	,,	Nrisinhaprasad	18	... Banawaribad H. C. E. School.
250	,,	Purnachandra	22	... Burdwan E. School.
	,,	Rajanikanta	17-2	... Hughli Branch School.
	,,	Satischandra	16-6	... Krishnagur Collegiate School.
	,,	Satyajnan	18	... Mahespur H. C. E. School.
	,,	Sukumar	20	... Hare School.
	,,	Tinkari	17	... Searsole H. C. E. School.
	,,	Umacharan	17-6	... Garbhabanipur H. C. E. School.
	,,	Upendranath	17	... Indian Institution.
	Chaturbhuj		18	... C. M. High School, Mirat.
	Chaudhuri,	Bhudebchandra	17	... Baluti H. C. E. School.
	,,	Debendranath	17	... L. M. S. Institution, Baduria.
260	,,	Dwarkanath	20	... Maharaja's School, Comillah.
	,,	Gaganbihari	16	... Balasore Zilla School.
	,,	Girijasankar	15	... Dighapatia H. C. E. School.
	,,	Harakumar	21	... Sylhet Zilla School.
	,,	Haripada	20	... Jonye Training School.
	,,	Jaysankar	19	... Jagannath School.
	,,	Kasichandra	19	... Sylhet Zilla School.
	,,	Kumudnath	16	... Krishnagur Collegiate School.
	,,	Lalitkumar	16-5	... Hughli Collegiate School.
	,,	Mohananda	17	... Jagannath School.
270	,,	Prankrishna	18-6	... Sylhet Zilla School.
	,,	Ramnarayan	18	... Jenkins' School, Cooch Behar.
	,,	Surendranath	18	... Ranchi Zilla School.
	,,	Svamacharan	19	... Khulna H. C. E. School.
	,,	Umeschandra	18	... Krishnagur Collegiate School.
	Chitnis,	Gangadhar Madhan	18	... Private student.
	Chitty,	J. M.	17	... Wesley College, Colombo.
	Clarke,	E.	17-6	... Boy's High School, Allahabad.
	Clement,	J. H.	18	... Batala Christian Boarding School.
	Dalal,	Ramcharn	18-5	... Metropolitan Institution, S. Branch.
280	Das,	Balaichandra	18	... Free Church Institution, Calcutta.
	,,	Balaram	19-3	... Nizamut School, Moorshedabad.
	,,	Baldeo	18	... Lahore Government School.
	,,	Bhagaban	15	... Benares Collegiate School.
	,,	Bhagwan	19	... Mirzapur Zilla School.
	,,	Bishan	18	... Amritsar District School.
	,,	Brajanath	17	... Dacca Collegiate School.
	,,	Chintaharan	18	... Comillah Zilla School.
	,,	Gobindachandra	19	... Ruplal Rughunath School.
	,,	Guruprasad	18	... Katak Acadamy
290	,,	Harischandra	17	... Maharaja's School, Udipur.
	,,	Jagannath	17	... Puri Zilla School.
	,,	Jagannath	18	... Gonda High School.
	,,	Jagannath	18	... Dighapatia School.
	,,	Jnanchandra	17	... L. M. S. Institution, Bhowanipur.
	,,	Jogendranath	19	... Doveton College.
	,,	Kailaschandra	19	... Comillah Zilla School

	Das,	Kailaschandra	20	... Ananda School, Brahmanbaria.
	,,	Kalikaprasad	18	... Cachar Zilla School.
	,,	Kishen	19	... Gurdaspur High School.
300	,,	Manmathalal	17-6	... Metropolitan Institution, S. Branch.
	,,	Manmohan	17	... Dacca Collegiate School.
	,,	Nabinchandra	18	... Barisal Zilla School.
	,,	Nilkanta	19	... Nawab Abdul Guny's Free School.
	,,	Narayan	19	... Bareilly High School.
	,,	Parbaticharan	21	... Sylhet Zilla School.
	,,	Parbaticharan	19	... Benares Collegiate School.
	,,	Parmeswari	18	... Allahabad Zilla School.
	,,	Piyarimohan	17-6	... Sylhet Zilla School.
	,,	Prahladcharan	18	... Cachar Zilla School.
310	,,	Radhakanta	19	... Barpeta H. C. E. School.
	,,	Raicharan	21	... Furreedpur Zilla School.
	,,	Raicharan	19	... Calcutta Free Church Institution.
	,,	Ramcharan	20	... Mattra Zilla School.
	,,	Ramsaran	22	... C. M. High School, Mirat.
	,,	Rasbihari	19	... Dacca School.
	,,	Sadasib	18	... Ravenshaw College, Katak.
	,,	Srinath	20	... Dacca Collegiate School
	,,	Suryyakanta	20	... Jenkins' School, Cooch Behar.
	,,	Udaychandra	21	... Noakhally Zilla School.
320	,,	Udaynarayan	20	... Balasore Zillah School.
	Das Gupta,	Basantakumar	15	... L. M. S. Institution, Bhowanipur.
	,,	Saratchandra	19	... Suburban School, Kalighât.
	Datta,	Amritalal	18-3	... Benares Collegiate School.
	,,	Arunaday	18	... Bankura Government School.
	,,	Atulkrishna	16	... Oriental Seminary.
	,,	Baradacharan	18-6	... Barisal Zilla School.
	,,	Binaykrishna	22	... Moharaja Narendra Krishna's H. C. E. School Hatugunge.
	,,	Brajabhushan	18	... Krishnaghur Collegiate School.
	,,	Debendranath	14	... Naral H. C. E. School.
330	,,	Gobindalal	18-3	... Hare School.
	,,	Gokulchandra	18	... Badla School.
	,,	Gopijanaballabh	18-6	... Beerhboom Zilla School.
	,,	Harischandra	21	... Chittagong Collegiate School.
	,,	Kaliprasana	20	... Barisal Zilla School.
	,,	Kedarnath	17	... Hare School.
	,,	Kshetramohan	18	... L. M. S. Institution, Bhowanipore.
	,,	Mahabharat	16	... Kandee School.
	,,	Narasinhachandra	18	... Oriental Seminary.
	,,	Piyarimohan	19	... Goalpara Zilla School.
340	,,	Purnachandra	16	... Konnogur H. C. E. School.
	,,	Radhikacharan	17	... Calcutta Institution.
	,,	Ramgobinda	18	... Santosh Janhabi School.
	,,	Saradacharan	18	... Hughli Branch School.
	,,	Saradakumar	19	... Chittagong Collegiate School.
	,,	Saradaprasad	19	... Balasore Zilla School.
	,,	Saratchandra	17	... City School.
	,,	Srischandra	15	... Hughli Branch School.
	,,	Syamlal	17	... Naral H. C. E. School.
	De,	Adharchandra	21-11	Palamow Government School.
350	,,	Akshaykumar	22	... Indian Institution.
	,,	Gopalchandra	17-3	... Zilla School, Monghyr.
	,,	Hemchandra	16-7	... Hare School.
	,,	Jaynarayan	18	... Sylhet Zila School.
	,,	Jotilal	17	... Albert School.
	,,	Kailaschandra	19	... Naserabad Entrance School.
	,,	Krishnakisor	16-2	... Hindu School.
	,,	Narayandas	17	... Ditto.
	,,	Nagendranath	21	... Hare School.
	,,	Panchkari	16-6	... Chinsurah Free Church Institution.
360	,,	Pannalal	17	... Hindu School.
	,,	Prasannakumar	17-2	... Sylhet Zilla School.
	,,	Ramanath	19	... Naserabad Entrance School.
	,,	Ramnath	17-10	Hughli Collegiate School.
	,,	Sidheswar	17	... Chundernagur School.
	Deb,	Anandakumar	20	... Hindu School.
	,,	Hiralal	18	... Barrakpore School.
	,,	Manindranarayan	16	... Indian Institution.

	DeKretser, J.	20	...	Private student.
	DeRozario, J.	16	...	St. Joseph's School.
370	Deshpande, Sankar Ganes	17	...	City School, Nagpur.
	Despande Damodar Pandurang	22	...	Dhar High School.
	deZilva, D. L.	20	...	Wesley College, Colombo.
	Dighay, Narayankrishna	21	...	Free Church Institution, Nagpur.
	Dipchand	18	...	Pertabgarh High School.
	Dobe, Sibaram Tanba	18	...	City School, Nagpur.
	Donald, J. S.	18	...	Bishop Cotton School.
	Dracott, W.	16-9	...	Residency College, Indore.
	Drieberg, C.	18	...	Trinity College, Kandy.
	Dude, Banimadhab	17	...	Unao High School.
380	,, Ganpat Deweshwar	19-4	...	High School, Jubbulpur.
	,, Guruprasad	19	...	Mirzapore Zilla School.
	,, Harisankar	19	...	High School, Jubbulpur.
	,, Purnachandra	18	...	Berhampore Collegiate School.
	Dwarkanath	17	...	Lakhimpur High School.
	Dwarkaprasad	17	...	Muttra Zilla School.
	,,	18	...	High School, Jubbulpur.
	,,	19	...	Furrakbad Zilla School.
	Eric, M. D.	17	...	Bogra Zilla School.
	Faquir Hussen	19	...	Bhagulpur Zilla School.
390	Farrant, R. A.	17	...	Bishop Cotton School.
	Fateh Chand	20	...	Ludiana Mission School.
	Fazl Hosain Khan	18	...	M. A. O. College, Aligarh.
	Ferdinands, H. J.	17-8	...	LaMartiniere College, Calcutta.
	Fozlul Azim	17-5	...	Hughli Collegiate School.
	Gangopadhyay, Benimadhab	18	...	General Assembly's Institution.
	,, Bidhubhushan	17	...	Nabadwip Hindu School.
	,, Bishnupada	16	...	Free Church Institution, Calcutta.
	,, Harkumar	19	...	Noakhali Zilla School.
	,, Khirendranath	19	...	Calcutta Free Church Institution.
400	,, Rasikkanta	17	...	Noakhali Zilla School.
	,, Saradaprasad	16-4	...	Purnea Zilla School.
	,, Sasibhushan	21	...	General Assembly's Institution.
	,, Satkari	17-3	...	Hughli Branch School.
	,, Upendranath	20	...	Sibpur H. C. E. School.
	Ganes Bux	21	...	Unao High School.
	Ganeshilal	19	...	Canning College, Lucknow.
	Gastand, M. M.	18-10		LaMartiniere College, Calcutta.
	Gaurisankar	20-6	...	District School, Delhi.
	Gangaprasad	17	...	Christ Church School, Cawnpur.
410	Gayaprasad	17	...	Arrah Zilla School.
	Ghatak, Adheswar	18	...	Mudressa-i-Unwaria.
	,, Baidyanath	17	...	Purulia School.
	,, Kaliprasanna	17	...	Jagannath School.
	Ghasita Ram	19	...	Ludiana Mission School.
	Gholam Muhammad	20	...	Fyzabad High School.
	Ghosh, Abinaschandra	19	...	Chinsurah F. C. Institution.
	,, Akshaykumar	17	...	Hare School
	,, Asutosh	18	...	Harinabhi N. S. School.
	,, Basantakumar	20	...	Nizamut School, Moorshedabad.
420	,, Bhubanmohan	20	...	Goalpara Zilla School.
	,, Bidhubhushan	18-8	...	Magura H. C. E. School.
	,, Biharilal	18	..	Julpigori Zilla School.
	,, Binodbihari	20-6	...	Pogose School, Dacca.
	,, Brajanath	18	...	Balasore Zilla School.
	,, Debendranath	19	...	Metropolitan Institution.
	,, Gangaprasanna	18	...	Canning College, Lucknow.
	,, Gopalchandra	17	...	Howrah School.
	,, Haridas	16		Oriental Seminary.
	,, Hiralal	18	...	Hare School.
430	,, Jaminakanta	18-10		Utterparah School.
	,, Jyotiprasad	17	...	Metropolitan Institution.
	,, Kedarnath	16	...	Zilla School, Monghyr.
	,, Kumadindu	20	...	Nizamut School, Moorshedabad.
	,, Nagendranath	18	...	Albert School
	,, Nibaranchandra	17	...	Indian Institution.
	,, Raimohan	19	...	Comillah Zilla School.
	,, Ramanath	22	...	City School.
	,, Rasiklal	20	...	Pogose School, Dacca.
	,, Rudranarayan	17	...	Canning College, Lucknow.
440	,, Sasibhushan	18	...	Hare School.

	Ghosh, Satischandra	16	...	Hindu School.
	,, Surendrachandra	17	...	Ditto.
	,, Surendrakrishna	17	...	Hare School.
	,, Syamacharan	16	...	Chupra Zilla School.
	,, Ditto	16-7	...	Lahore Government School.
	,, Taraprasad	17-4	...	Hughli Collegiate School.
	,, Tinkarimohan	17	...	Cawnpur Zilla School.
	,, Trityagopal	18-4	...	Kandee School.
	,, Umacharan	18	...	L. M. S. Institution, Baduria.
450	,, Nagendranath	18	...	Canning College, Lucknow.
	,, Sitalchandra	17	...	Hamilton's School, Tamlook.
	Ghulam Muhammad	20	...	Zilla School, Banda.
	,, Murtaza	20	...	Ludiana Mission School.
	Gilbert, G.	16	...	Bishop Cotton School.
	Giri, Sribari	18	...	Balasore Zilla School.
	Girijaprasad	18	...	Fyzabad High School.
	Gokhale, Krishnaji Kasinath	19	...	City School, Nagpur.
	Goonetilleke, A. F.	18-10	...	Trinity College, Kandy.
	Gooni Lal	18	...	Patna Collegiate School.
460	Gorakprasad	18	...	Mozufferpur Zilla School.
	Goswami, Syamsundar	20	...	Naserabad Entrance School.
	Guha, Atulchandra	16	...	Ruplal Raghunath School.
	,, Jageschandra	16	...	Ditto.
	,, Jogendranath	16	...	Dacca Collegiate School.
	,, Srischandra	18	...	Bagirhat H. C. E. School.
	,, Umeschandra	18	...	Rajshahye Colligeate School.
	Guin, Abinaschandra	19	...	General Assembly's Institution.
	,, Prasaddas	20	...	Hindu School.
	Gupta, Amritalal	17	...	Metropolitan Institution Shampukar Branch.
470	,, Annadacharan	23	...	Pogose School, Dacca.
	,, Dwarkanath	18	...	Calcutta Institution.
	,, Dwijendrasankar	16	...	Kalia H. C. E. School.
	,, Kailaschandra	18	...	Comillah Zilla School.
	,, Karunamay	18	...	City School.
	,, Pransankar	17	...	Kalia H. C. E. School.
	,, Srinath	19	...	Jenkin's School, Cooch Behar.
	,, Srischandra	18	...	Albert School
	,, Taraprasanna	16	...	Jaynagur Institution.
	,, Upendranath	17	...	Purnea Zilla School.
480	Haldar, Abhayacharan	18	...	Beraset School.
	,, Haridas	21	...	Krishnaghor Anglo-Vernacular School.
	,, Sitalchandra	18-10	..	Khulna H. C. E. School.
	,, Sukumar	17	...	Ranchi Zilla School.
	Hamidullah	20	...	Zilla School, Allahabad.
	Hardayal	17	...	Maharaja's College, Jaypur.
	Harnarayan	19-4	..	District School, Delhi.
	Hazra, Upendrachandra	17	...	Kuchiakol Radhaballabh Institution.
	Hazrika, Kalinath	18	...	Shebsagar Zilla School.
	Hogan, J.	18	...	St. Xavier's College.
490	Holder, E.	16	...	Bishop Cotton School.
	Hunt, J.	16	...	Doveton College.
	Inayatullah	16	...	Batala Christian Boarding School.
	Ismail Hassain	17	...	Calcutta Madrassa.
	Jacobs, P.	17	...	St. Xavier's College.
	Jacobson, A. R.	16-8	...	La Martiniere College.
	Jagadisnarayan	17	...	Chupra Zilla School.
	Jagannath	18	...	Bareilly High School.
	Jameeluddin Mahammed	17	...	Ravenshaw College, Katak.
	Jankiprasad	19	...	C. M. High, Meerut.
500	Jeotshee, Kamalapati	19	...	Bareilly High School.
	Jharkhandiprasad	18	...	Bhagulpur Zilla School.
	Johnson, H.	16	...	Bishop Cotton's School, Simla.
	Jordan, J. C.	20	...	Armenian Philanthropic Academy.
	Joshi, Bishnu Ramchandra	17-6	...	High School, Jubbulpur.
	,, Durgadatta	19	...	Almora Mission School.
	,, Keshub Vinayak	18	...	City School, Nagpur.
	,, Ramchandra Sridhar	20	...	Ditto ditto.
	Joti Mohabishnu	17	...	Maharajah's School, Burdwan.
	Jualadas	20	...	Jhang District School.
510	Kahali, Kaminikumar	20	...	Noakhali Zilla School.
	Kante, Raghunath Narayan	21	...	Teacher.
	Kar, Atulchandra	19-4	...	Metropolitan Institution, Shampukur Branch.

	Karmakar, Chandrakanta	19	Noakhali Zilla School.
	Katoki, Kamaleswar	17	Nowgong Zilla School.
	Kema, J. M.	17-3	St Francis DeSales School, Nagpur.
	Khadilker, Bulwant Purushottum	19-10-14	Zoroastrian School, Mhow.
	Khaja, Basiruddin Ahmed	18	Benares Collegiate School.
	Kherawal, Baldeo	17-9	High School, Jubbulpur.
	Khurshed Ali	21	Chuadangah H. C. E. School.
520	Kirpanarayan	18	St. Stephen's High School, Delhi.
	Knight, W.	14-9	La Martiniere College, Lucknow.
	Kshetriya Debidyal	16	Benares Collegiate School.
	Kuar Bahadur	21	High School, Fyzabad.
	Kubirnath	21	Victoria College, Gazipore.
	Kumar, Prasannalal	19-6	Hare School.
	Kundu, Abinaschandra	22	L. M. School, Khagra.
	,, Binodbihari	17	Calcutta Training Academy.
	,, Narayanchandra	17	Howrah School.
	Kunhialal	19	Lakhimpur High School.
530	Kunjabihari	16	Canning College, Lucknow.
	Lahiri, Manmathanath	19	Barisal Zilla School.
	,, Tarinicharan	18	Shambhunath's School, Chatmoher.
	Lal, Kunjabihari	19	M. A. O. College, Allighur.
	,, Kunjabihari	18 3	High School, Jubbulpur.
	,, Bakhtawar	20	Hurdui High School.
	,, Bankabihari (I)	17	Agra Collegiate School.
	,, Chandu	18-8	Maharajah's College, Jeypur.
	,, Chote	16-2	Agra Collegiate School.
	,, Chotey	20	Maharajah's College, Jeypur.
540	,, Giridhari	17	Private Student.
	,, Karhoon	21	Patna Collegiate School.
	,, Radhay	18	Allighur Zilla School.
	,, Rajbahadur	17	Benares Collegiate School.
	,, Seocharan	17	Bareilly High School.
	,, Sheonandon	19-2	High School, Jubbulpur.
	,, Shibbon	17	St. Peter's College, Agra.
	,, Sudamacharitra	17	Private Student.
	,, Sundar	18	High School, Jubbulpur.
	Lala, Krishnasahay Singh	21	Benares Collegiate School.
550	,, Sibabharos	20	C. M. High School, Jubbulpur.
	,, Balaknath	18-3	Beerbhoom Zilla School.
	,, Gopilal	18	Mission School, Gazipur.
	,, Magun Mul	17	Durbar High School, Jodhpur.
	,, Sukhdeb Narayan	20	Mission School, Gazipur.
	Lalchand	18-9	Jhang District School.
	Linton, C. H.	16	Doveton College.
	Lultaprasad	19	Rai Bareilly Zilla School.
	Lynam, J.	17-7	St. Xavier's College.
	Madge, E. W.	15-7	Doveton College.
560	Madhoprasad	19	Bhagulpur Zilla School.
	Mahabirprasad	19	Ditto.
	Mahaishnarayan	19	Pertabgurh High School.
	Mahendraprasad	21	Motihari Zilla School.
	Mahtah, Jnanchand	16 6	Guzrat Government School.
	Maji, Nayanchandra	19-6	Searsole H. C. E. School.
	Majumdar, Annadachurn	17-10	Benares Collegiate School.
	,, Bhubanmohan	20	Nawab Abdul Gunny's Free School, Dacca.
	,, Bijaylal	18	Calcutta Free Church Institution.
	,, Charuchandra	16-5	Hughli Collegiate School.
570	,, Jagatchandra	20	Kustea School.
	,, Kedarnath	19	Pabna Zilla School.
	,, Madhabchandra	18	Pogose School, Dacca.
	,, Mohimchandra	18	Jenkins' School, Cooch Behar.
	,, Mathurakanta	19	Naserabad Entrance School.
	,, Purnachandra	22	C. M. High School, Jubbulpur.
	,, Rajanikanta	19	Nabadwip Hindu School.
	,, Saratchandra	17-6	Kumarcally H. C. E. School.
	,, Surendrannath	16	Bhagulpur Zilla School.
	Mal, Malawa	20	Ludiana Mission School.
580	Mallik, Bankimcharan	20	Chinsurah Free Church Institution.
	,, Brajalal	21	Calcutta Free Church Institution.
	,, Gaurcharan	17	Hare School.
	Mandal, Anandachandra	18	Serampur College.
	,, Krishnaprasanna	19	Sanskrit College.

	Mandal, Parbaticharan	18	Metropolitan Institution.
	,, Tinkari	17-6	Hughli Collegiate School.
	Mannath, Pandit	19	Jullundar Mission School.
	Margenout, W. W.	18	Trinity College, Kandy.
	Marik, Amritalal	17	Barrackpur School.
590	Maulik, Purnachandra	18	Jhenida H. C. E. School.
	McCue, John A. B.	17-4	St. Francis DeSales School, Nagpur.
	McLean, P	16	St. Peter's College, Agra.
	Misra, Brindanbachandra	19	Putia H. C. E. School.
	,, Kedarnath	19	Canning College, Lucknow.
	,, Ramdayal	16	Lahraich Zilla School.
	,, Sasibhusan	18	Kuchiakol Radhaballabh Institution.
	,, Syambihari	16	Pertabgarh High School.
	,, Trilochan	23	Teacher.
	Mitchell, W. J. F.	1 -3 8	Calcutta High School.
600	Mitra, Akshaykumar	18	Metropolitan Institution.
	,, Amarkrishna	17	Hare School.
	,, Annadaprasad	17	Garden Reach School.
	,, Autkrishna	18	Jaynoghur Institution.
	,, Benimadab	18	Canning College, Lucknow.
	,, Fanibhusan	21	General Assembly's Institution.
	,, Girischandra	20	Albert School.
	,, Gobindachandra	18	Jaynarain's College, Benares.
	,, Hariakumar	16-1	Hare School.
	,, Kunjabihari	18	Bankura Government School.
610	,, Lalitchandra	18	Santosh Janhabi School.
	,, Rajanikanta (II)	19	Pogose School, Dacca.
	,, Rajendralal	18	Balagor School.
	,, Sambhuchandra	19	Private Student.
	,, Sasadhar	19	Calcutta Training Academy.
	,, Suratchandra	19	Metropolitan Institution, Shampukur Branch.
	,, Tripandeswar	18	Hindu School.
	,, Umacharan	19-4	Noral H.C.E. School.
	Mohitkar, Gangaram Pilba	20	F. C. Institution, Nagpur.
	Moore, F.	16	St. Paul's School, Darjeeling.
620	Moung Hpo Illah	17-9	Rangoon Government High School.
	,, Tao	16-3	Ditto ditto ditto.
	Mubarak Husain	17-4	Zilla School, Allahabad.
	Muhammad Abdar Rahim	18	Calcutta Madrassa.
	,, Abdul Haq	20	High School, Jubbulpur.
	,, Abdur Rasheed Khan	17	M. A. C. College, Allighur.
	,, Anwar Ali Hosain	19	C. M. High School, Jubbulpur.
	,, Azimuddin	17	F. C. Institution, Nagpur.
	,, Fazalullah	17	M. A. O. College, Allighar.
	,, Husain	18	Canning College, Lucknow.
630	,, Hussain	22	Private Student.
	,, Ishfak	18	Calcutta Madrassa.
	,, Israel	16-2	Barisal Zilla School.
	,, Ziaul Haq	18	Calcutta Madrassa.
	Mukhopadhyay, Aghornath	17	Jehanabad H. C. E. School.
	,, Annadprasad	19	Barrackpur School.
	,, Asminikumar	17	Santosh Janhabi School.
	,, Asutosh (C.)	19	L. M. S. Institution, Bhowanipur.
	,, Asutosh (B.)	17	Ditto ditto.
	,, Binodbihari	16	Behala Mission School.
640	,, Bipinbihari	20	Ruplal Raghunath School.
	,, Charuchandra	18	City School.
	,, Dharanidhar	18 5	City School, Monghyr.
	,, Durgapada	19	Bengalitolla Preparatory School.
	,, Gaurhari	18	Calcutta Free Church Institution.
	,, Girindrachandra	18	Oriental Seminary.
	,, Gopalchandra	18-10	Jonye Training School.
	,, Gopinath	18	General Assembly's Institution.
	,, Haralal	16	Maharajah's School, Kalna.
	,, Haridas	18	Albert School.
650	,, Haripada	16	S. P. Institution, Chakdeghee.
	,, Hariprasanna	17	Rajshahye Collegiate School.
	,, Hiralal	18	Calcutta Training Academy.
	,, Jnanendranath	17-3	Zilla School, Allahabad.
	,, Jogendrachandra	19	Beerbhoom Zilla School.

	Mukhopadhyay,	Jogendranath	20	... Bengalitolla Preparatory School.
	,,	Jotindranath	19	... Metropolitan Institution, S. Branch.
	,,	Jyotirmay	18	... Gosain Durgapur School.
	,,	Kalidas	16-7	... Hughli Collegiate School.
	,,	Kedarnath	17	... Agurpara H. C. E. School.
660	,,	Khagendranath	17	... Kuchiakol Radhabullbh Institution.
	,,	Kirendranath	18	... Calcutta Free Church Institution.
	,,	Lalmohan	18	... Serampore College.
	,,	Madhusudan	17	... Midnapore Collegiate School.
	,,	Mohendranath	17	... Kuchiakol Radhabulbh Institution.
	,,	Mohendranath	18	... Khulna H. C. E. School.
	,,	Matilal	17	... Bengalitollah Preparatory School.
	,,	Natabar	19	... Kuchiakol Radhabulbh Institution.
	,,	Nrityalal	19	.. Zilla School, Allahabad.
	,,	Panchanan	18	... Barrackpur School.
670	,,	Pramathanath	16-6	... Hindu School.
	,,	Radharaman	20	... Bhastara School.
	,,	Rajanikanta	17	... Ravenshaw College, Katak.
	,,	Rajendralal	16-8	.. Canning College, Lucknow.
	,,	Rakhaldas	17	... Krishnaghur A. V. School.
	,,	Saratchandra	17	... Cutwa English School.
	,,	,,	18-1	... Utterpara School.
	,,	,,	16-2	... Zilla School, Allahabad.
	,,	Sasibhushan	18	... Gya Zilla School.
	,,	Satischandra	19	... L. M. S. Institution, Bhowanipur.
680	,,	Sibchandra	19	... Sanskrit College.
	,,	Srikrishna	16	... City School.
	,,	Srischandra	20	... Jessore Zilla School.
	,,	Surendranth	17-6	... Berhampur Collegiate School.
	,,	,,	18	... Hare School.
	,,	Sureschandra	16-9	... Maharajah's College, Jeypur.
	,,	Syamalananda	17-7	... Beerbhoom Zilla School.
	,,	Udaychandra	20	... Ranaghat School.
	Mularam		18	... Lahore Government School.
	Munnulal		19	... Teacher.
790	Mustaphi,	Haridas	18	... Hindu School.
	Nabi,	Baksh	19	... High School, Hurdui.
	Nag,	Saratchandra	19	... Jagunnath School.
	,,	Umacharan	20	... Maharajah's School, Commilla.
	Nandakisore		19	... Rai Bareilly Zilla School.
	Nandan,	Debaki	23	... Teacher.
	Nandi,	Amritalal	17	... Indian Institution.
	,,	Girishchandra	20	... Calcutta Training Academy.
	,,	Mathuranath	18	... Mymensingh Zilla School.
	,,	Rajaninath	18-10	... Sylhet Zilla School.
700	,,	Ramprasad	18	... Zilla School, Balasore.
	Nath,	Narindar	16	... Lahore Government School.
	Narmadaprasad		21	... Cawnpore Zilla School.
	Nihal	Chand	20	... Agra Collegaite School.
	Nilakhe,	Balwant Raghunath	19	... City School, Nagpur.
	Niyogi,	Dwijendrachandra	16	... Santosh Janhabi School.
	Nurul	Alam	23	... Calcutta Madrassa
	Patally,	Waman Madhava	21	... F. C. Institution, Nagpur.
	Pal,	Chandranath	18	... L. M. S. Institution, Bhowanipur.
	,,	Krishnagopal	16	... L. M. School, Midnapur.
710	,,	Narayandas	18	... Metropolitan Institution.
	,,	Trailokyanath	18	... Bankura Government School.
	Paladhi,	Haridas	19	... L. M. High School, Benares.
	Palit,	Banabihari	16	... Ravenshaw College, Katak.
	Pande,	Jaidatta	19	... Almora Mission School.
	Pandit,	Ramchandra Anant	22	... Dhar High School.
	,,	Surajnarayan	20	... Canning College, Lucknow.
	Pannalal		17	... Christ Church School, Cawnpore.
	Pant,	Sromani	18	... Almora Mission School.
	Parameswari	Dayal	20	... High School, Fyzabad
720	Passe,	W. A.	20	... Welesley College, Colombo.
	Pathak,	Beniprasad	20	... Hurdui High School.
	,,	Kisorimohan	19-7	... Utterpara School.
	Patnaik,	Damodar	19	... Ravenshaw College, Katak.
	,,	Gopabandhu	20	... Ditto. ditto.
	Pendherker,	Vinaik Antaji	15-6	... High School, Jubbulpur.
	Philip,	S.	22-3	... Mission High School, Bareilly.
	Pramanik,	Adharchandra	21	... Indian Institution.
	,,	Madhabchandra	23	... Albert School.

	Prasad,	Baldeo	16	... Bareilly High School.
730	,,	Binda	21	... Arrah Zilla School.
	,,	Jogendranath	16-2	... C. M. High School, Azimghur.
	Purohit,	Sridhar Ramchandra	18	... High School, Jubbulpur.
	Purves,	E.	16	... LaMartiniere College, Lucknow.
	Qamaruddin		20	... Mission High School, Bareilly.
	Quinn,	T.	17	... St. Xavier's College.
	Raghunath	Prasad	21	... Benares Collegiate School.
	Raha,	Basantakumar	17	... Pabna Zilla School.
	Raheem	Bakhsh	18	... Jullundar Mission School.
	Rajendra	Prasad	16	... C. M. High School, Azimghur.
740	Rakshit,	Bamapada	17	... City School.
	,,	Nityananda	18-6	... Gya Zilla School.
	Ramchandra		23	... High School, Ulwar.
	Ramdayal		20	... Shajehanpur High School.
	,,		18	... Canning College, Lucknow.
	Ramlal		21	... St. Stephen's High School, Delhi.
	Ramnarayan		19	... District School, Delhi.
	Ramprakaslal		16	... Dumraon Maharajah's School.
	Ramraksha		19	... Gurdaspur High School.
	Rao,	S. Bhasker	18	... F. C. Institution, Nagpur.
750	Ratanchand		20-6	... Hushiarpur District School.
	Ratneswar Sarma,	Mohanta	16	... Ganhati Zilla School.
	Ray,	Ajodhyanath	18	... Purulia School.
	,,	Akshaykumar	23-7	... Ranchi Zilla School.
	,,	Asutosh	16-6	... P. Gupinathpur School.
	,,	Bhabanisankar	20	... Bogra Zilla School.
	,,	Bhupendrakumar	17	... Hindu School.
	,,	Biswanath	17	... Mymensingh Zilla School.
	,,	Chandrakanta	19	... Bengalitolla Preparatory School.
	,,	Chandrakumar	19	... Barisal Zilla School.
760	,,	Dakshinamohan	17	... L. M. Institution, Bhowanipur.
	,,	Damodar	18	... Pachamba H. C. School.
	,,	Dewan Daulat	19	... Lahore Government School.
	,,	Dulah	20	... Bareilly High School.
	,,	Gurudas	17	... Midnapur Collegiate School.
	,,	Gurudayal	21	... Benares Collegiate School.
	,,	Harachandra	19	... Jalpaigori Zilla School.
	,,	Haridas	18	... Barrackpur School.
	,,	Hemnath	18-8	... Hindu School.
	,,	Jagadischandra	16-5	... L. M. School, Khagra.
770	,,	Jogendranath	18	... Suburban School, Kalighat.
	,,	Kalinath	19	... Kuchiakol Radhabulbh Institution.
	,,	Kaminikumar	20	... Rungpur Zilla School.
	,,	Kulachandra	17	... City School.
	,,	Madhabchandra	18	... Kustea School.
	,,	Madhusudan	16	... Puri Zilla School.
	,,	Mahendrachandra	18	... Nawab Abdool Gunny's Free School, Dacca.
	,,	Manmathanath	18	... Calcutta Training Academy.
	,,	Parbaticharan	17-6	... Krishnaghur A. V. School.
	,,	Priyanath	18	.. Calcutta Institution.
780	,,	Pramathanath	18	... Berhampur Collegiate School.
	,,	Purnachandra	18	... Santosh Janhabi School.
	,,	Radhaballabh	17	... Banwaribad H. C. E. School.
	,,	Rajkumar	20-3	... Noakhaly Zilla School.
	,,	Rakhaldas	17	... Suburban School, Kalighat.
	,,	Sambhunath	17	... Midnapur Collegiate School.
	,,	Saratchandra	18	... Barahanagar Hindu School.
	,,	Sasibhushan	21	... Chinsurah F. C. Institution.
	,,	Sibchandra	18	... Shillong Zilla School.
	,,	Surendrakisor	19	... M. A. O. College, Alligurh.
790	,,	Surendranath	17	... Utterparah School.
	,,	Taranath	18	... Serajgunge H. C. E. School.
	,,	Taraprasanna	21	... Santosh Janhabi School.
	,,	Umagati	16	... Rungpur Zilla School.
	Raychrudhuri,	Jotindranath	17	... Hare School.
	Rogers,	W. J.	16	.. Bishop Cotton's School, Simla.
	Ropes,	P.	19	... Wesley College, Colombo.
	Ross,	A.	17	... St. Peter's College, Agra.
	Rostan,	J.	17	... St. Xavier's College.
	Sa,	Syamlal	19-4	... Useful Arts School.
800	Safarali		22	... Noakhali Zilla School.

	Saha, Bijaygobinda	20	...	Pabna Zilla School.
	,, Durganath	19	...	City School.
	,, Rajanikanta	18	...	Calcutta Free Church Institution.
	Sahay, Bhagabat	18	...	Arrah Zilla School.
	,, Bhagabat	16	...	Gya Zilla School.
	,, Chaturbhuj	16	...	Raj School, Durbhanga.
	,, Chinta	19	...	Bareilly High School.
	,, Debi	18	...	Ditto.
	,, Gangagobinda	20	...	Arrah Zilla School.
810	,, Gobinda	18	...	Bareilly High School.
	,, Hanuman	19	...	Moradpur School, Bankipur.
	,, Krishna	22	..	Moradabad School.
	,, Mahanand	18	...	Arrah Zilla School.
	,, Raghubans	18	...	Bareilly High School.
	,, Raghubansa	22	...	Sultanpur High School.
	,, Raghubar	20	...	Maharajah's College, Jeypur.
	,, Ramji	21	...	Bankipur Training Academy.
	,, Sheonandan	18	...	Patna Collegiate School.
	Sankataprasad	19	...	Rai Bareilly Zilla School.
820	Sansarchand	17	...	Ajmere Collegiate School.
	Sanyal, Bholanath	18	...	Jenkins' School, Cooch Behar.
	,, Hrishikes	17	...	Putia H. C. E. School.
	,, Jyotisprasad	19	...	Pabna Zilla School.
	,, Krishnadas	17	...	Indian Institution.
	,, Nilmani	23	...	Rajshahye Collegiate School.
	,, Prasannakumar	21	...	Putia H. C. E. School.
	Sapray, Lakshmanrao	18-3	...	High School, Jubbulpur.
	Sarbadhikari, Abinaschandra	18	...	Dighapatia School.
	Sarkar, Banischandra	20	...	Pabna Zilla School.
830	,, Bijaykrishna	18-2-3		Metropolitan Institution, S. Branch.
	,, Bipinbihari	19	...	Garden Reach School.
	,, Bipinbihari	18	...	Bandgorah H. C. E. School.
	,, Gobindachandra	20	...	Loknath School, Balasore.
	,, Jogendrachandra	20	...	Oriental Seminary.
	,, Jogendrakumar	16-6	...	Hindu School.
	,, Lalitmahan	17	...	Faridpur Zilla School.
	,, Mahendranath	19	...	Bhagulpur Zilla School.
	,, Mukundalal	19	...	Faridpur Zilla School.
	,, Nilkanta	20	...	Shajahanpur High School.
840	,, Purnachunder	21-2	...	Ukhra Kunjalal Institution.
	,, Syamlal	16-8	...	Hare School.
	Sarma, Gurucharan	17	...	Cachar Zilla School.
	Sarnakar, Mahendranath	18	...	Nabadwip Hindu School.
	Sarup, Bishan	17	...	District School, Delhi.
	,, Jotish	18	...	C. M. High School, Meerut.
	Sarupnarayan	18	...	Hume's High School, Etawah.
	Sarvate, Raoji Sridhar	19	...	High School, Jubbulpur.
	Satyanarayan	19	...	Victoria College, Agra.
	Satyanarayan	17	...	Allahabad American High School.
850	Saul, Nayak	18	...	Balasore Zilla School.
	Savielle, A.	19	...	St. Xavier's College.
	Sayed Wali Hosan	18	...	Allahabad City Anglo-Vernacular School.
	Selot, Premsankar	19-8	...	High School, Jubbulpur.
	Sen, Asutosh	18	...	Metropolitan Institution.
	,, Baradakanta	17	...	Pogose School, Dacca.
	,, Basantakumar	18	...	Digapatia School.
	,, Bipinchandra	17-6	...	Pogose School, Dacca.
	,, Bishnugopal	18	...	Arrah Zilla School.
	,, Chintamani	19	...	L. M. S. Institution, Bhowanipur.
860	,, Grindralal	18	...	Santipur Municipal School.
	,, Gopalchandra	20	...	Barisal Zilla School.
	,, Gurucharan	19	...	Ditto.
	,, Jagadischandra	17	...	Dacca Collegiate School.
	,, Janakinath	18	...	Barisal Zilla School.
	,, Jnanadacharan	17	...	Tezpur Zilla School.
	,, Kaminikumar	20	...	Noakhaly Zilla School.
	,, Karunakumar	20	...	Commillah Zilla School.
	,, Kunjabihari	19	...	Oriental Seminary.
	,, Kunwar	17-3	...	Hume's High School, Etawah.
870	,, Lalitchandra	19	...	Jagunnath School.
	,, Mahendrachandra	15	...	Suburban School, Kalighat.

	Sen, Maniklal	19-10	...	Hare School.
	,, Mohimchandra	20	...	Noakhaly Zilla School.
	,, Mohitlal	16-6	...	Albert School.
	,, Priyanath	16-3	...	Hindu School.
	,, Rajchandra	18	...	Chittagong Collegiate School.
	,, Rohininath	17	...	Jagunnath School.
	,, Saratchandra	17	...	Residency College, Indore.
	,, Srischandra	18	...	Berhampur Collegiate School.
880	,, Taraprasanna	20	...	Annada School, Brahmunbaria.
	,, Tarinikanta	19	...	Maharajah's School, Comillah.
	Set, Girijabhushan	17	...	Hindu School.
	Sewakram	22	...	Mission School, Shaharunpur.
	Seymour, W. E.	16	...	LaMartiniere College.
	Shafiuddin Ahmed	17	...	Dacca Collegiate School.
	Shaik, Heramutulla	17	...	Bogra Zilla School.
	Sorkel, Haricharan	17	...	L. M. S. Institution, Baduria.
	Sibanandanprasad	17	...	Benares Collegiate School.
	Siddhagopal	17	...	Ditto ditto.
890	Sil, Harischandra	21	...	Chinsurah Free Church Institution.
	,, Maniklal	18	...	Metropolitan Institution.
	,, Sidheswar	19	...	Chinsurah Free Church Institution.
	Simpi, Ramkrishna Mankoji	17 8-15	...	Zoroastrian School, Mhow.
	Singh, Dalip	19	...	District School, Dehli.
	,, Dhanwant	21	...	Kaphortala School.
	,, Gurudayal	18	...	M. A. O. College, Alligarh.
	,, Irfan	18	...	Lahore Government School.
	,, Kalika	17	...	Canning College, Lucknow.
	,, Kharga	16-6	...	Bareilly High School.
900	,, Nanneh	20-9	...	High School, Jabalpur.
	,, Narayan	18	...	Bareilly High School.
	,, Nathu	19	...	Ditto.
	,, Parmeswar	28	...	Teacher.
	,, Uttam	19	...	Almora Mission School.
	Singha, Uttam	18	...	Alligarh Zilla School.
	Sinha, Aspuran	18	...	Chupra Zilla School.
	,, Baijnath	18	...	Benares Collegiate School.
	,, Damodardebnarayan	16	...	Chupra Zilla School.
	,, Gobindapada	19	...	Hugli Collegiate School.
910	,, Jogendranath	19	...	Goburdangah School.
	,, Kisorilal	21-4	...	Beerbhoom Zilla School.
	,, Krishnalal	16-1	...	Maheshpur H. C. E. School.
	,, Manilal	17-2	...	Ranchi Zilla School.
	,, Nagendranath	18	...	Dacca Collegiate School.
	,, Ramgati	16	...	Kandee School.
	,, Rasamay	19	...	Hamilton's School, Tumlook.
	,, Saratchandra	19	...	L. M. S. Institution, Bhowanipur.
	,, Trishitanath	17	...	Hughli Collegiate School.
	Smith, A.	15-6	...	St. Paul's School, Darjeeling.
920	Smith, J. A.	16-4	...	LaMartiniere College.
	Som, Rakhaldas	17	...	Hughli Collegiate School.
	Srimani, Bholanath	20	...	Andool School
	Sriram	18	...	Thakur School, Ulwar.
	Stalkartt, C. E. G.	15	...	Wood's Academy.
	Sukul, Mahabir Sahay	21	...	Bahraich Zilla School.
	Sur, Matilal	18	...	Hughli Branch School.
	Suryyaprasad	16	...	Benares Collegiate School.
	Sutf, Rahman	17	...	Maharajah's School, Burdwan.
	Swift, E. L.	16	...	Gugranwallah Mission School.
930	Swift, E. M.	17	...	Ditto.
	Syamlal	19	...	Moradadad School.
	Syed, Abrar Husain	18	...	Lakhimpur High School.
	,, Ahmad	20	...	Hurdui High School.
	,, Ahmed	17	...	Nizamut School, Moorshedabad.
	,, Ali Nogun	17	...	Maharajah's School, Kulna.
	Syed-uddin Khan	20	...	Rajshahye Collegiate School.
	Tahmid-uddin Ahmed	16	...	St. Xavier's College.
	Tarafdar, Rakhaldas	20-6	...	London Mission School, Khagra.
	Tewari, Bisweswarnath	20	...	High School, Hurdui.
	,, Ramananda	19	...	Sultanpur High School.
940	,, Ramharsha	19	...	Benares Collegiate School.

	Tewari, Srigopal	20 ...	High School, Jubbulpur.
	Thakur, Indramohun	17 ...	Bhagulpur Zilla School.
	Thomas, .	19-2...	St. John's College, Agra.
	Umaprasad (D.)	19-9...	High School, Jubbulpur.
	Vardan, A. D.	19 ...	St. Xavier's College.
	Vithal Ganes (N.)	19 ...	High School, Jubbulpur.
	Wahuddin	20 ...	Bareilly High School.
	Weerapperume, S. A.	20 ...	High School, Gaul.
950	White, J. T.	16-1...	Rangoon Government High School.
	Wilks, M.	17 ..	St. Xavier's College.
952	Williams, Michael	17-3...	St. Francis DeSales School, Nagpur.

THIRD DIVISION.

In Alphabetical Order.

	Abu Said Abul Hafiz	17 ...	Sylhet National Institution.
	Acharyya, Kedarnath	16-5...	Beerbhoom Zilla School.
	Ain, Ramkumar	18 ...	Nasirabad Entrance School.
	Baburam	17 ...	Bareilly High School.
	Badhe, Jagannath Ganes	19 ...	City School, Nagpur.
	Badridas	22 ...	Moradabad Government High School.
	Badrinath, Pandit	18 ...	Gya Zilla School.
	Baksi, Purnachandra	19-1 ...	Ukhra Kunjalal Institution.
	Bandyopadhyay, Bhagabanchandra	18 ...	General Assembly Institution.
10	,, Bhagabaticharan	18 ...	Badla School.
	,, Girischandra	18 ...	Bishenpur H. C. E. School.
	,, Haridas	22 ...	Bandgorah H. C. E. School.
	,, Kalinath	20 ...	Noral H. C. E. School.
	,, Mahendranath	18 ...	General Assembly Institution.
	,, Pramathanath	16-11...	Magura H. C. E. School.
	,, Raimohan	18 ...	L. M. S. Institution, Baduria.
	,, Rajendrachandra	19-10...	Dinapur Aided School.
	,, Sitanath	16 ...	Banawaribad H. C. E. School.
	Bardoloi, Gopinath	17 ...	Debrugarh Zilla School.
20	Bansidhar	20 ...	Zilla School, Cawnpur.
	Bartholomeusz, F.	16-9 ...	Trinity College, Kandy.
	Basak, Girischandra	16 ...	Hindu School.
	Basu, Amritalal	18 ...	Metropolitan Institution.
	,, Basantakumar	17 ...	Ditto ditto.
	,, Brajagopal	19 ...	Teghoria School
	,, Chandicharan	18 ...	Hindu School.
	,, Chhutilal	21 ...	Jessore Zilla School.
	,, Kunjabihari	21 ...	Private Student.
	,, Madanmohan	19 ...	Commilla Zilla School.
30	,, Nagendranath	17-6 ...	Hugbli Branch School.
	,, Saratchandra	17 ...	Ruplal Raghunath School.
	,, Surendrachandra	17 ...	Metropolitan Institution.
	Batabyal, Hemchandra	19 ...	Ditto ditto.
	Benisankar	22 ...	L. M. School, Mirzapore.
	Bhattacharyya, Hemlal	19 ...	Ditto, Midnapore.
	,, Prasannakumar	18 ...	Jenkins' School, Cooch Behar.
	Bhaumik, Satischandra	20 ...	Krishnaghur Anglo-Vernacular School.
	Bhaya, Bijaygobinda	16 ...	Rajshahye Collegiate School.
	Bishnuchandra	22 ...	Benares Collegiate School.
40	Biswas, Ibrahim	17-9 ...	Berhampur Collegiate Scho
	,, Rashbihari	21 ...	Seal's Free College.
	Buxy, H. D.	17-6...	St. Francis DeSales School.
	Byas, Rupram	18 ...	Darbar High School, Jodhpur.
	Chakrabati, Bhabasankar	18 ...	Joynagor Institution.
	,, Chandrasekhar	22 ...	General Assembly Institution.
	,, Hemchandra	20 ...	Konnogor H. C. E. School.
	,, Jadunath	23 ...	Mahespur ditto.
	,, Nilkanta	18 ...	Baharoo School.
	,, Nilmani	18 ...	Harinabhi A. S. School.
50	,, Panchanan	18 ...	Albert School.
	,, Priyanath	19 ...	Behala Mission School.
	Chattopadhyay, Bipinbihari	19 ...	Dacca Collegiate School.
	,, Chandicharan	17 ...	Banawaribad H. C. E. School.
	,, Debendranath	19-6 ...	Ukhra Kunjalal Institution.
	,, Haraprasad	14-9 ...	Krishnaghur Collegiate School.
	,, Hemantakumar	18 ...	Chuadangha H. C. E. School.
	,, Jadunath	19-6...	South Baharoo School.

	Chattopadhyay, Jagadis	16-10...	Noral H. C. E. School.
	,, Rashbihari	17 ...	Barrackpur School.
60	,, Saratgopal	20 ...	Krishnaghur Collegiate School.
	,, Syamacharn	16 3 ...	Hughli Branch School.
	Chaudhuri, Abdul Goffer	18-4 ...	Beerbhoom Zilla School.
	,, Ambikacharan	18 ...	Private Student.
	,, Gangadas	18 ...	Bengalitola Preparatory School, Benares.
	,, Haridas	18 ...	Hughli Collegiate School.
	,, Hemendralal	18 ...	Suburban School, Kalighat.
	,, Kartikprasad	21 ...	Training Academy, Bankipur.
	,, Mohinimohan	18 ...	Pabna Zilla School.
	Chaudhuri, Satischandra	18 ...	Nabadwip Hindu School.
70	Chunnilal	20-2 ...	Zilla School, Allahabad.
	Coinre, Brajalal	18 ...	Hare School.
	Dan, Haridas	17 ...	Ditto.
	,, Harinarayan	16 ...	Baranagor Hindu School.
	Das, Baikunthanath	18 ...	Balasore Zilla School.
	,, Gangacharan	18 ...	Dacca Pogose School.
	,, Kaminimohan	17 ...	Rungpur Zilla School.
	,, Kunjabihari	19 ...	L. M. School. Midnapur.
	,, Mahendranath	16 ...	Sibpur H. C. E. School.
	,, Nabinchandra	19 ...	Chittagong Collegiate School.
80	,, Parbaticharan	19 ...	Dacca Pogose School.
	,, Ramchandra	15-10...	Chittagong Collegiate School.
	,, Rasananda	18 ...	Ravenshaw College, Katak.
	,, Umeschandra	19 ...	Noral H. C. E. School.
	Datta, Bhagabaticharan	20 ...	Ruplal Raghunath School.
	,, Bhubanchandra	19 ...	Chinsurah Hindu School.
	,, Binodbihari	20 ...	Private Student.
	,, Chitteswar	17 ...	Hare School.
	,, Harigopal	16-2 ...	Hughli Collegiate School.
	,, Jaharlal	18 ...	General Assembly Institution.
90	,, Khirodbihari	20 ...	Private Student.
	,, Prasannakumar	21 ...	L. M. School, Midnapur.
	,, Ramlal	18 ...	Sanskrit College.
	,, Sasibhushan	18 ...	L. M. S. Institution, Bhowanipur.
	,, Umacharan	17 ...	Metropolitan Institution.
	,, Umeschandra	18 ..	Teacher
	Dayal, Hurso	18 ...	Arrah Zilla School.
	De, Bholanath	17 ...	Hughli Collegiate School.
	De, Debendranath	19 ...	Simla Bengal Academy.
	,, Tarinicharan	19 ...	Calcutta Institution.
100	,, Tarinipresad	17 ...	Puri Zilla School.
	DeSilva, C. M.	18 ...	St. Thomas College, Colombo.
	Dinanath, P. Sheoprasad	19 ...	F. C. Institution, Nagpur.
	Drieberg, J. B.	19 ...	St. Thomas College, Colombo.
	Eaqub Ali	23 ...	Dacca Pogose School.
	Emin, J.	18 ...	St. Xavier's College
	Fernando, H.	21 ...	Prince of Wales' Collegiate School, Colombo.
	Gangadin	18-4...	Dinapore Aided School.
	Gangopadhyay, Prabhaschandra	20 ...	Jessore Zilla School.
	Ghosh, Anandalal	16 6 ..	Kandy School.
110	,, Benimadhab	16-2...	Hindu School.
	,, Bipinbihari	17-9...	Beerbhoom Zilla School.
	,, Brajaballabh	17 ...	Ravenshaw College, Katak.
	,, Brajalal	20 ...	Noral H. C. E. School.
	,, Debendranath	18 ...	L. M. S. Institution, Baduria.
	,, Dwarkanath	20 .	Nizamut School.
	,, Isanchandra	19 ...	Mymensing Zilla School.
	,, Maniklal	17 ...	General Assembly's Institution.
	,, Pranballabh	19 ...	Hitampur School.
	,, Prasannakumar	19 ...	Kolikisore School, Hashara.
	,, Purnachandra	17-6...	Seal's Free College.
120	,, Rajendranath	18 ...	Ilsoba Mondlye School.
	,, Rasiklal	21 ...	Lakhipasa H. C. E. School.
	,, Satkari	18 ...	Metropolitan Institution.
	,, Umeschandra	17 ...	Ditto ditto.
	,, Upendranath	18 ...	General Assembly's Institution.
	Gobindaprasad	18 ...	Farakabad Zilla School.
	Gosavi, Krishnaji Bishnu	18 ...	City School, Nagpur.
	Goswami, Manmatha	16 ...	Utterparah School
	Guha, Nibaranchandra	18 ...	Dacca Collegiate School.

130	Gupta, Chandicharan	18	...	Kalia H. C. E. School.
	,, Kalipada	16 6	...	Krishnaghur Anglo-Vernacular School.
	,, Nandalal	17	..	Albert School.
	,, Narayanchandra	17	...	Baidyabati English School.
	Haldar, Ambikacharan	18	...	Zilla School, Deoghur.
	,, Haridás	17	...	Canning College, Lucknow.
	Hodges, F.	17	...	LaMartiniere College, Lucknow.
	Imam Uddin	19	...	Lahore Government School.
	Inamul Haq	18	...	Calcutta Madrassa.
	Inam-ul-kabir	18	...	Ditto.
140	Jamait, Rai	26	...	Mission School, Saharanpur.
	Jha, Madanlal	18	...	Bhagulpur Zilla School.
	Joardar, Kedarnath	18	...	Metropolitan Institution, Shampookur Branch.
	Joshi, Krishaji Raghunath	18	...	City School, Nagpur.
	Kalicharan	19	...	L. M. High School, Benares.
	Kamtaprasad	20-6	...	Hume's High School, Etawa.
	Kanhayalal	17	...	Matora Zilla School.
	Karan, P N.	22	...	C. M. School, Monghyr.
	Karmakar, Madhabchandra	17-3	...	Bogra Zilla School.
	Khaja, Muhammad Zaffer	19	...	Benares Collegiate School.
150	Krishnadas	18	...	Ditto ditto.
	Kshetriya, Baldebprasad	20	...	Ditto ditto.
	Kundu, Lakshminarayan	19	..	F. C. Mission School, Culna.
	Lahiri, Jagadischandra	18	...	Hare School.
	,, Radhikamohan	19	...	Bengalitola Preparatory School, Benares.
	,, Srischandra	17-9	...	C. M. School, Calcutta.
	Lal, Anguri	22-6	..	L M. High School, Benares.
	,, Banawari	20	...	Farakabad Zilla School.
	,, Bankabihari (2)	17	...	Agra Collegiate School.
	,, Ramdhan	18	...	Training Academy, Bankipur
160	,, Sohan	21	...	Zilla School, Cawnpur.
	,, Sukhpal	21	...	Mission School, Saharunpur.
	Laltaprasad	19	...	Gonda High School.
	Maihar, Ramnarayan	19	...	Zilla School, Cawnpur.
	Maitra, Girindrachandra	17	...	Ranaghat School.
	,, Ramkamal	17	...	Krishnaghur Collegiate School.
	Majumdar, Amarchandra	18	...	Zilla School, Cawnpur.
	,, Debnath	21	...	Puthea H. C. E. School.
	,, Gobindachandra	17-6	...	Hare School.
	,, Hridaynath	20-9	...	Kumarcolly H. C. E. School.
170	,, Jaygopal	17	...	Jessore Zilla School.
	,, Priyanath	19	...	General Assembly Institution.
	,, Ramlal	16	...	Maharajah's School, Burdwan.
	Mandal, Hiralal	18	...	Seal's Free College.
	,, Manmathanath	16-2	...	Hindu School.
	Mathuraprasad	18	...	Government School, Palamow.
	Misra, Dibyasinha	17	...	Puri Zilla School.
	,, Saligram	21	..	Patna Collegiate School.
	Mitra, Akshay Kumar	17	...	Calcutta Institution.
	,, Ambikacharan	17	...	City School.
180	,, Ausutosh	17	...	Chundernogar School.
	,, Binodbihari	19	...	Nabadwip Hindu School.
	,, Haramohan	17	...	Hare School.
	,, Kedareswar	18	..	Krishnaghur Collegiate School.
	,, Kunjabihari	17	...	General Assembly Institution.
	,, Makshadadas	17	...	Benares Collegiate School.
	,, Narendranath	18 9	...	Hindu School.
	,, Piyarilal	20	...	Midnapur Collegiate School.
	,, Ramendralal	16	...	Metropolitan Institution.
	Mohapatra, Sasibhushan	22	...	Private Student.
190	Mohun, B. P.	20	...	Zilla School, Allahabad.
	Muhammad Abdul Jalil	18	...	Benares Collegiate School.
	,, Eshak	18	...	Rajshahye Collegiate School.
	,, Haider Ashruff	20	...	Jaynarayan's College.
	,, Husain	17	...	Benares Collegiate School.
	,, Masih-uz-zaman	17	...	Calcutta Madrassa.
	Mukhopadhyay, Chunilal	17	...	Howrah School.
	,, Girijaprasad	17	..	Patna Collegiate School.
	,, Harischandra	19	...	Behala Mission School.
200	,, Harischandra	21	...	Noral H. C. B. School.
	,, Kalipada	19	...	Dacca Collegiate School.
	,, Kalipada	21	...	F. C. Mission School, Culna.

	Mukhopadhyay, Kumarishchandra	19	...	Bhagulpur Zilla School.
	,, Lakshminarayan	20	...	Hetampur School.
	,, Narayanchandra	18 4	...	Private Student.
	,, Natabar	16-4	...	Kandy School.
	,, Priyanath	17	...	Konnogar H. C. E. School.
	,, Sureschandra	16-10-22	...	Hugli Collegiate School.
	Mushanaf Husen	18	...	Zilla School, Mirzapur.
	Nag, Baradakanta	17	...	Aryan School.
210	Nandi, Haricharan	21	...	Sanskrit College.
	Nandkishore	16	...	Patna Collegiate School.
	Ojha, Durgaprasad	19	...	Mission School, Gazeepur.
	Pal, Asutosh	17	...	Hughli Branch School.
	,, Bipinchandra	19	...	Pabna Zilla School.
	,, Jyotiprasad	16-1	...	Useful Arts School.
	Pant, Haridatta	19	...	Almora Mission School.
	Pantaone Sitaram Baloram	20	...	F. C. Institution, Nagpur.
	Phani, Bisheswar	18	...	L. M. H. School, Benares.
	Raha, Saradacharan	19	...	Comillah Zilla School.
220	Rajbahadur	17	...	L. M. School, Mirzapur.
	Ramchandra	17	...	Agra Collegiate School.
	Ramdayal	21	...	Sittapur High School.
	Ramkisor	16	...	Canning College, Lucknow.
	Ray, Anukulchandra	17	...	Mymensing Zilla School.
	,, Binodbihari	24	...	Dacca Pogose School.
	,, Harikisor	17	...	Nasirabad Entrance School.
	,, Jagadischandra	18	...	Krishnaghur Collegiate School.
	,, Jnanadasankar	19	...	Dacca Collegiate School.
	,, Jnanendranarayan	19	...	Krishnaghur Collegiate School.
230	,, Kedarnath	19	...	Free Church Institution, Calcutta.
	,, Krishnalal	16	...	Suburban School, Kalighat.
	,, Lalitmohan	18	...	Mymensing Zilla School.
	,, Manindrachandra	16-4	...	Beerbhoom Zilla School.
	,, Nobinchandra	18	...	Sanskrit College.
	,, Nobinkrishna	17-6	...	Krishnaghur Collegiate School.
	,, Nripendrachandra	17	...	Ruplal Raghunath School.
	,, Rajanikanta	17-4-18	...	Berhampur Collegiate School.
	,, Rajkumar	19	...	Pabna Zilla School.
	,, Sureschandra	16-6	...	Garbhabanipur H. C. E. School.
240	,, Upendrachanra	16-4	...	Bengalitola Preparatory School, Benares.
	,, Upendranath	17-3	...	Hindu School.
	Saha, Bhagabanchandra	19	...	Indian Institution.
	,, Lalmohan	17	...	General Assembly Institution
	,, Pranbandhu	18	...	Free Church Institution, Calcutta.
	Sahay, Bhagabat	20	...	Palamow Government School
	Salardin	19	...	Sultanpur H. School.
	Santlal	20	...	C. M. H. School, Goruckpur.
	Sanyal, Banichandra	17	...	Pabna Zilla School.
	,, Sadananda	16	...	Shampookur Preparatory School.
250	Sanyal, Sarnath	18	...	L. M. H. School, Benares.
	Saparay, Narharinarayan	21	...	Teacher.
	Sarkar, Adyanath	17	...	Moragacha School.
	,, Baradakanta	16	...	Bhagulpur Zilla School.
	,, Bhabataran	16-6	...	Bankura Government School.
	,, Hiralal	17	...	Canning College, Lucknow.
	,, Isanchandra	17	...	Indian Institution.
	,, Jogeschandra	19	...	Pachamba H. C. E. School.
	,, Manindranarayan	17	...	Bandgora H. C. E. School.
	,, Munindranath	17	...	Hare School.
260	,, Purnananda	19	...	Calcutta Institution.
	,, Ramkanai	22	...	Seal's Free College.
	,, Sureschandra	18	...	L. M. S. Institution, Bhowanipur.
	Sasmal, Rameschandra	17	...	Shampookur Preparatory School.
	Schumacher, J. W.	21	...	Welesley College, Colombo.
	Sen, Amritalal	17	...	Howrah School.
	,, Basantakamal	19-5	...	Magura H. C. E. School.
	,, Gobindachandra	18	...	Rungpur Zilla School.
	,, Kaliprasanna	20	..	Nabab Abdool Guny's Free School.
	,, Mathuranath	17	...	Hindu School.
270	,, Ujjalchandra	16-8	..	Monghyr Zilla School.
	Servati, Jayramkesab	20	...	Private Student.
	Shaikh Hedayethullah	17	...	L. M. S. Institution, Bhowanipur.
	Sikdar, Kshetramohan	19-7	...	Hindu School.
	Sil, Anupkrishna	19	...	Metropolitan Institution.
	Sahay Singh, Baijnath	20	...	H. C. E. School, Behar.

	Singh, Baladionarayan	19	... C. M. School, Azimgarh.
	Sinha, Hiralal	16	... City School.
	,, Iswarchandra	16	... Barari H. C. E. School.
	,, Lakshram	18	... Dumraon Maharajah's School.
280	,, Upendrachandra	18	... Bankura Government School.
	Slane, H.	15-6	... LaMartiniere College, Lucknow.
	St. Romaine, L. R.	17	... St. Xavier's College.
	Stalkartt, W. H. S.	15	... Wood's Academy.
	Swaries, W. J.	15-4	... Calcutta High School.
	Swaris, J. H.	19	... Welesley College, Colombo.
	Syamalal	17-6	... Gya Zilla School.
	Syed Muhammad Mujtaha	19	... Agra Collegiate School.
	Tafazzul Hosain	21	... Benares Collegiate School.
	,, ,,	20	... Gya Zilla School.
290	Thakur, Chandramohan	19	... Bhagulpur Zilla School.
	Thakurdayal	16	... Arrah Zilla School.
	Tulasiprasad	18	... Dumraon Maharajah's School.
	Vias, Futteh Sanker	20	... Benares Collegiate School.
	Wahid Ali	19	... C. M. H. School, Azimgarh.
	Wijeyesakere, W.	20	... Private Student.
296	Yalayer, Khan	17	... Dacca Collegiate School.

SENATE HOUSE,
The 5th January 1881.

CHARLES H. TAWNEY,
Registrar.

Madras School of Agriculture.

The undersigned is prepared to admit a class of students into the above-named institution in April next. The conditions of entry are as follows :—

Candidates must be between sixteen and twenty-four years of age, and must produce the following certificates with their applications for admission—

(*a*) Certificate of age.
(*b*) Certificate of character.
(*c*) Certificate of physical fitness.*

Students who have passed the Matriculation, General Test or Middle School (in the first class) Examinations are eligible for admission without further examination. When there is a greater number of these candidates than there are vacancies to fill, a selection will be made of the most promising at the discretion of the Superintendent.

When there are more vacancies to fill than there are candidates qualified, as stated in the preceding paragraph, an entrance examination will be held, and the standard will be the same as that adopted for the Middle School, and only those who would be placed in the first class will be accepted.

Stipendiary Studentships.

At the close of the first year of training stipends tenable for two years of the value of

Rs. 10 per mensem for six months
,, 12 ditto ditto
,, 14 ditto ditto
,, 16 ditto ditto

will be awarded in proportion to the number of students who join the class. The number of stipends being five for a class of thirty students, the number being increased or decreased proportionately according to the strength of the class.

Scholarships.

One scholarship, of the value of Rs. 10 per mensem, and tenable for two years, will be given to the student who, at the end of the first year of training, secures the largest number of marks, and who, in other respects, has given satisfaction. This scholarship is to be held under the same general conditions as are applicable to stipends.

Agricultural Certificate.

At the conclusion of the course of training, students who are found to possess the necessary knowledge, and whose conduct has been satisfactory, will be entitled to certificates, certifying to their qualifications as agriculturists.

Applications must be sent in before March next. For prospectus and forms of application apply to—

W. R. ROBERTSON, M.R.A.C.,
Supdt., Govt. Farms.

GOVERNMENT FARMS' OFFICE;
SAIDAPET,
The 23rd December 1880.

* Should state that the candidate has been vaccinated.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 7th February 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed *before the 15th of January 1881*. Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

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

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

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

S. F. DOWNING,
Principal, Govt. Engrg. College, Howrah.
The 8th December 1880.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.
SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows :—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar :

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 2,000, at Re. 1-12 each.

Gashidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road :

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway :

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.
2nd ,, ,, 1 ,, ,,
Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.
BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج ٗ

يهه دوا کوئيناڤين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنی کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ٗ

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ٗ

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه ٗ

GOVERNMENT RESERVE TREASURY.

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

The 6th Jan. 1881 ... Rs. 71,63,834-13-8.

J. WESTLAND,
Offg. Comptroller General.
CALCUTTA,
The 7th January 1881.

COMPTROLLER GEN

No. 1991.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to Aug. 1879.	April to Aug. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	8,030,375	7,688,303	...	342,072
II.—Tributes	698,000	279,204	288,681	9,477	...
III.—Forest	688,400	142,869	167,670	24,801	...
IV.—Excise on Spirits and Drugs	2,782,000	1,143,919	1,259,059	115,140	...
V.—Assessed Taxes	535,000	519,403	332,316	...	187,087
VI.—Provincial Rates	2,764,000	1,013,053	984,238	...	28,815
VII.—Customs	2,175,000	837,904	920,780	82,876	...
VIII.—Salt	7,541,000	2,774,646	2,884,881	110,235	...
IX.—Opium	9,410,000	4,094,443	4,033,037	...	61,406
X.—Stamps	3,194,000	1,407,010	1,481,848	74,838	...
XI.—Registration	265,000	105,630	133,760	28,130	...
XII.—Mint	196,000	106,810	54,131	...	52,679
XIII.—Post Office	1,008,000	405,832	456,815	50,983	...
XIV.—Telegraph	463,100	123,642	219,307	95,665	...
XV.—Minor Departments	61,700	23,135	23,219	84	...
XVI.—Law and Justice	680,000	252,824	267,307	14,483	...
XVII.—Police	232,000	89,481	100,740	11,259	...
XVIII.—Marine	226,000	58,900	78,313	19,413	...
XIX.—Education	137,000	60,478	65,593	5,115	...
XX.—Medical	38,200	22,509	11,530	...	10,979
XXI.—Stationery and Printing	45,000	19,205	24,295	5,090	...
XXII.—Interest	641,000	329,602	218,282	...	111,320
XXIII.—Pensions	291,700	60,504	54,494	...	6,010
XXIV.—Miscellaneous	262,000	108,338	97,855	...	10,483
XXX.—Gain by Exchange	237,000	—12,936	56,732	69,668	...
TOTAL	56,633,100	21,996,780	21,903,186	...	93,594
XXIX.—Army	800,200	396,527	403,869	7,342	...
XXVII.—Other Public Works	456,700	140,316	176,140	35,824	...
XXVI.—Irrigation and Navigation	860,200	122,740	192,810	70,070	...
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	4,080,380*	2,779,474	...	1,300,906
XXV.—State Railways	4,720,000	477,890	2,121,190	1,643,300	...
XXVIII.—Provincial and Local Deficits	247,200	18,725	13,796	...	4,929
TOTAL	71,217,400	27,233,358	27,590,465	357,107	...
England, including Army, Public Works Ordinary, &c.	203,800	100,082	121,444	21,362	...
GRAND TOTAL	71,421,200	27,333,440	27,711,909	378,469	...

* Includes £1,438,227 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 7th January 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

ERAL'S OFFICE.

Fifth month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April to Aug. 1879.	April to Aug. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	1,374,520	1,352,999	...	21,521
2.—Interest on Service Funds	398,400	92,618	83,637	...	8,981
3.—Refunds and Drawbacks	318,000	152,474	143,004	...	9,470
4.—Land Revenue	2,994,400	1,210,002	1,202,860	...	7,142
5.—Forests	527,600	127,094	135,244	8,150	...
6.—Excise	111,000	51,905	55,064	3,159	...
7.—Assessed Taxes	20,000	16,005	9,317	...	6,688
8.—Provincial Rates	53,000	17,257	17,113	...	144
9.—Customs	204,000	82,286	81,843	...	443
10.—Salt	368,000	144,333	148,248	3,915	...
11.—Opium	2,159,500	1,343,823	1,266,101	...	77,722
12.—Stamps	77,500	34,004	34,151	147	...
13.—Registration	166,000	59,943	74,541	14,598	...
14.—Mint	91,500	34,375	32,295	...	2,080
15.—Post Office	1,043,800	417,193	525,620	108,427	...
16.—Telegraph	380,900	148,135	146,494	...	1,641
17.—Administration	1,245,500	529,871	514,855	...	15,016
18.—Minor Departments	415,100	134,249	139,177	4,928	...
19.—Law and Justice	3,350,900	1,349,160	1,331,261	...	17,899
20.—Police	2,513,000	980,672	1,018,919	38,247	...
21.—Marine	419,000	132,512	146,669	14,157	...
22.—Education	1,015,800	379,668	393,808	14,140	...
23.—Ecclesiastical	158,600	63,198	63,801	603	...
24.—Medical	701,400	252,723	256,763	4,040	...
25.—Stationery and Printing	415,700	126,146	164,039	37,893	...
26.—Political	393,000	158,758	156,332	...	2,426
27.—Allowances	1,824,900	553,496	614,592	61,096	...
28.—Civil Furlough and Absentee Allowances	3,000	1,378	1,646	268	...
29.—Superannuation	646,300	293,213	378,971	85,758	...
30.—Miscellaneous	243,300	111,998	109,680	...	2,318
31.—Famine Relief	5,000	10,892	122	...	10,770
37.—Loss by Exchange	3,411,000	1,127,308	1,311,500	184,192	...
TOTAL	29,044,200	11,511,209	11,910,666	399,457	...
36.—Army	15,171,900	5,703,176	7,035,893	1,332,717	...
34.—Other Public Works	4,216,500	920,259	799,771	...	120,488
33.—Irrigation and Navigation	1,026,800	344,709	345,448	739	...
32.—Working Expenses (Guaranteed Railways)	4,675,000	1,705,472*	1,337,561	...	367,911
32.—Surplus Profits paid to Railway Companies	450,300	192,071	33,808	...	158,263
32.—Guaranteed Interest in India	9,000	5,855	3,754	...	2,101
32.—Land and Supervision	69,500	25,687	20,716	...	4,971
32.—State Railways	1,630,200	477,589	1,992,990	1,515,401	...
35.—Provincial and Local Surpluses	129,400	1,335,502	1,393,741	58,239	...
TOTAL	56,422,800	22,221,529	24,874,348	2,652,819	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	6,131,001	6,144,604	13,603	...
TOTAL	71,002,400	28,352,530	31,018,952	2,666,422	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	926,816	1,152,523	225,707	...
Ditto ditto in England	966,000	187,179	231,145	43,966	...
TOTAL	3,312,000	1,113,995	1,383,668	269,673	...
GRAND TOTAL	74,314,400	29,466,525	32,402,620	2,936,095	...

* Includes £455,013 as working expenses of East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Dec. 27	...	...	...	1,897	29,26,557	15,61,179
,, 28	...	1,06,288	1,826	21	29,28,737	14,54,808
,, 29	...	1,21,541	...	21	29,29,008	13,30,944
,, 30	...	1,21,443	...	21	29,29,361	12,07,213
,, 31	...	1,23,209	21	...	29,20,038	10,81,634
1881.						
Jan. 1	Holiday					

CALCUTTA MINT, *The 3rd Jan. 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
179	... D 14—42305 ...	20	Khuda Bux and Shabrati Farukhabad.
180	... D 18—61297 ...	100	Soonder Lall, Agra.
	,, —61298 ...	100	

ALLAHABAD, *The 5th January 1881.*

W. T. PIERCY, *A.A.-G., In charge of Paper Currency Office.*

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W1	... M 46—46966 ...	50	A. W. Bailie, Munmad.
W2	... M 9—81806 ...	5	Gopal Sewram, Chinchum.
	,, —89889 ...	5	

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H171	... M 54—07460 ...	10	J. Geeks, Jubbulpore.
	,, —07616 ...	10	
	M 52—66909 ...	10	
	M 51—80640 ...	10	
H172	... M 36—54766 ...	100	J. C. Lucas, Bombay.
1881.			
H1	... M 48—76973 ...	10	G. Medley, Bombay.
	,, —76974 ...	10	
	,, —76975 ...	10	
H2	... M 43—78962 ...	100	J. C. Mascarenhas, Mhow.
H3	... M 53—50210 ...	20	Ruttonshaw Edulji, Dakor.
	M 51—12048 ...	10	
	M 49—71182 ...	10	
H4	... M 32—19258 ...	10	Lingamah Nursi, Kamptee.
M1	... M 46—47979	50	Nusserwanji Karsetji Tata, Bombay.
	,, —47972		

BOMBAY, *The 4th January 1881.*

C. E. CRAWLEY, *Asst. Accountant-General.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
322	... O 69—53855 ...	100	Shaik Juffer.
323	... O 32—05660 ...	50	Babu Sreeramchunder Pattra.
324	... O 15—13193 ...	10	Abdul Kabir.
	O 75—09127 ...	10	
	O 80—20447 ...	10	
326	... O 31—57427 ...	50	Ramdyal Bhimraj.
	,, —23937 ...	50	
328	... O 74—35378 ...	1,000	Noormahamed Shadee.
329	... O 30—95579 ...	50	Inspector J. Costello.
330	... O 78—52133 ...	10	The Treasury Officer, Cawnpore.
	O 80—85707 ...	10	
	O 61—73688 ...	20	
331	... O 67—09903 ...	100	The Officiating Collector Cuttack.
	O 82—20167 ...	10	
	O 79—04250 ...	10	
	L 63—30837 ...	20	
332	... O 66—95807 ...	100	Babu Umachurn Mozoomdar.
	L 66—49340 ...	50	
	O 59—14399 ...	20	
	O 53—92436 ...	10	
	O 75—92832 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
322	... L 32—08675 ...	10	Babu Ramchunder Dutt.
323	... O 69—52868 ...	100	Babu Lal Gopal Mukerjee.
	O 91—63132 ...	10	
	O 54—25553 ...	10	
324	... O 3—38122 ...	20	Babu Bhoobunmohun Guie.
325	... O 40—61888 ...	10	Babu Rajanikant Chakravarti.
326	... O 31—67415 ...	50	Mr. W. F. Pownes.
211	... L 59—51303	10	Messrs. Naharchunder Shaw & Co.
	,, —51306		
212	... O 36—76840	5	Prag Sookul.
	,, —76842		
214	... O 83—02851	10	Mr. F. Crawford.
	,, —02850		

CALCUTTA, *The 7th January 1881.*

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

Report of a Deserter from the 2-4th Regiment of Foot, dated at Colaba, Bombay, this 30th day of December 1880.

Number, Rank, and Name,—No. 2132, Private John Carroll *alias* Thos. Lane.
Age,—29 years.
Size,—5 feet 7 inches.
Color of—
Complexion, fresh; Hair, dark brown; Eyes, dark blue.
Date of Desertion,—26th December 1880.
Place of Desertion,—Colaba, Bombay, East Indies.
Date of Enlistment,—13th December 1870.
At what Place Enlisted,—Liverpool, England.
Parish and County in which Born,—Vauxhall, Lancashire, Liverpool.
Marks,—Tattoo-marks on arm.
Trade,—Labourer.
Coat or Jacket,—White, regimental clothing.
Waistcoat,—*Nil.*
Breeches or Trowsers,—White, regimental clothing.
REMARKS,—*Nil.*
Under 6 years' service.

C. V. STOKES, *Lieut.-Col., Comdg. 2-4th Regt. of Foot.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 31st December 1880.

No. 10714.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, MADRAS.

Mr. W. G. Wright, Postmaster, Calicut, has been appointed to act as Superintendent of Post Offices, Coorg Division.

Mr. H. Smith has been appointed to act as Examiner of Post Office Accounts.

G. J. HYNES, *Asst. Dir. Genl. of the Post Office of India.*

The 3rd January 1881.

It has already been intimated that the Overland Mail Steamer will leave Bombay for Suez at 5 P.M. on Thursdays in the fair season and on Tuesdays in the south-west monsoon.

2. This arrangement will commence with effect from February 10th, 1881.

3. The last steamer, under the existing arrangement of a Saturday evening departure from Bombay, will be that leaving Bombay on Saturday the 5th February.

4. The first steamer, under the revised running, will be that leaving Bombay on Thursday the 10th February.

The 4th January 1881.

The contract made by the British Post Office with the Union Steam Ship Company, for the conveyance of mails between Zanzibar and the Cape of Good Hope, will cease on the 8th February next, and the last voyage under this contract will be by the steamer leaving Zanzibar on the 5th February 1881.

2. The contract packet quitting Bombay on the 15th January will be the last despatch from India to South Africa by this route.

3. After that date correspondence to Natal, the Cape of Good Hope and other places in South Africa can only be sent by the weekly Peninsular and Oriental Steamers *viâ* Brindisi, through the United Kingdom, at the rates given below :—

		Each letter per ½ oz.	Each post-card.	PRINTED PAPERS, INCLUDING BOOKS, &C.		LEGAL AND COMMERCIAL DOCUMENTS EACH PACKET.		SAMPLES EACH PACKET.
				Each Newspaper per 4 oz.	Each packet pe 2 oz.	Not exceeding 4 oz.	Per 2 oz. additional.	Per 2 oz.
		A.	A.	A.	A.	A.	A.	A.
Cape of Good Hope and Natal (South Africa, British)—								
Vid Brindisi, through United Kingdom.	11	9	...	2	2	4	2	2

4. Weekly communication exists between England and South Africa, the mails leaving London for Natal every Thursday night.

5. The existing four-weekly communication with Zanzibar *viâ* Bombay and through Aden still continues.

FRED. R. HOGG, *Offg. Dir. Genl. of the Post Office of India.*

The 4th January 1881.

Notice has been received from the Italian Post Office that the laws of Italy authorise the confiscation of any precious article, or anything liable to customs duty, or any letter relating to foreign lotteries forwarded through the Post to any place in Italy.

2. The public are therefore warned not to put any such enclosures in letters for Italy.

M. GOLDMANN, *Offg. Asst., Foreign Post Branch.*

The 7th January 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	15th Jan.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 ,,	10th ,,	Str. *Ethiopia.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 ,,	11th ,,	From Bombay.
Foreign Mails *viâ* Bombay	6 ,,	12th ,,	From Bombay.*
Do. Book Post and Pattern Packets	6 ,,	11th ,,	From Bombay.
Rangoon, Moulmein and Straits	6 ,,	13th ,,	Str. *Mecca.*
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6 ,,	14th ,,	Str. *Medina.*
Madras, Ceylon, Batavia, Singapore and China	6 ,,	8th ,,	Fr. Str. *Meinam.*
Straits and Hong-Kong	6 ,,	14th ,,	Strs. *Moray* and *Japan.*
Persian Gulf	6 ,,	8th ,,	From Bombay.

* Also *vid* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Be and Réunion can be forwarded by this opportunity.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 7th January 1881.

Albert, W.
Alexander, L.
Amos, Miss.
Anderson, Mrs.
Baptist, G. M.
Blanchard, Mrs. Sarah.
Bali, Mrs.
Campbell, H. M.
Cowley, T. C.
Chamberlain, R. P.
Clinton, C.
Corza, Mrs. Matilda.
D'Silva, Mrs. M.
D'Cruz, Miss J.
Day, Miss Lizzie.
Elias, John.
Fairbrather, Lt. W. T.
Forbes, Mrs. G. T.
Fleming, E. W.
Gobby, T.
Garrick, G.
Gray, Mrs. M. A.
Graham, Miss.
Harvey, Mrs. A.
Innis, C.
Jenkins, J. D.
Johnson, Mrs. W. H.
Jacob, S. E.
Lane, T.
Martin, W.
Miller, A. J.
Marshall, W. K.
Money, Mrs.
Preston, Lieutenant J. E.
Scott, G.
Smith, R.
Stuart, Miss Julia.
Spence, Mrs.
Shelstone, R. W.
Simpson, A. B.
Smith, Geo. A. E.
Stubbs, H. C.
Thorn, J.
Taylor, Graham.
Touch, W.
Ward, J.

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

Adels, E.
Allen, Louis M.
Amey, Mrs. A. W.
Arnot, Miss J. T.
Ashton, Captain Sam.
Bell, Mrs. Urzee.
Bennet, J.
Boswell, W. A.
Bradshaw, John.
Byron, E. C. A.
Burton, Miss Marie.
Canham, John.
Caupier, Arthur H.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coote, Walter.
Crairer, Geo.
Chatterjee, Beresver.
Coats, D.
Cooper, W. T.
Doyne, Capt. R. G.
Dunsford, R. C.
Durham, Mrs. P.
Faley, Mr.
Gibbons, E. J.
Gibbons, Rev. B.
Gilbert, Benju. (Gunner.)
Godlu, Francis.
Harford, J.
Hastings, C. G. W.
Hay, G.
Heyworth, Mrs.
Jackson, R. A.
John, George.
Joseph, Monsieur A.
Kaiser, Mr.
"Kitty."
L. H.
Landfield, F.
Linutesay, Harris M.
Little Robert, Mrs.
Lewis, S.
Mecredy, James McG.
Mitchell, Mrs. Murray.
Moolla, Monsieur N. J.
Montgomery, Miss.
M. K. W.
Retallick, Lt. J. M. A.
Sandford, J. R.
Schore, T. C.
Sheldrake, Miss.
Sinclair, J. L.
Stevens, C.
Shelverton, Mrs. Rebecca
Stock, C.
Tapper, J.
Terry, B. H.
Thomas, Miss.
Tregido, S.
Warde, Mrs.
Wilson, Alex. S.

Newspapers.

Buchanan, Beverley.
Byron, E. C. A.
Miller, Captain William.
Moolla, Monsieur N. J.
Sale, M.

Registered Letters.

Bleach, J. W.
Kay, T. W.
Parkinson, W.
Paxwell, Ed.
Rosa, Lorenzo.

E. C. GEORGE, *Presidency Post Master.*

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

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

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CALCUTTA, SATURDAY, JANUARY 15, 1881.

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Notifications by High Court, Comptroller General, &c.

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HIGH COURT—Original Side.

NOTIFICATIONS.

Calcutta, the 20th December 1880.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed William James Berriman Tippetts, Esq., of 4, Great Saint Thomas Apostle Queen Street, Cheapside, London, E. C., Solicitor, a Commissioner within all parts of England for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

The 11th January 1881.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed William Daniel Henry Oehme, Esq., of No. 167, Gresham House, Old Broad Street, London, and of Brighton, in the County of Sussex, Solicitor, a Commissioner, within all parts of England, for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,
R. BELCHAMBERS,
Registrar.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 11th January 1881.

No. 29.—With reference to Government of India, Public Works Department, Notifications No. 434, dated 30th December 1880, and No. 11, dated 8th January 1881, Mr. J. H. Lane, Director, is appointed to perform the duties of the Traffic Branch, and Mr. W. R. Brooke, Officiating Director, is appointed to perform the duties of the Construction Branch of the Telegraph Department.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D., Buildings and Roads Branch.

NOTIFICATION.

Indore, the 8th January 1881.

No. 1.—Mr. C. Von Ahn, Assistant Engineer, 1st Grade, reposted to Northern Road Division

in Central India Notification No. 27, dated 11th ultimo, reported his arrival at Morar on the afternoon of 10th December 1880.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

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

NOTIFICATION.

Indore, the 8th January 1881.

No. 1.—Sirdar Dharm Sing Sain, Assistant Engineer, 3rd Grade, Bhopal State Railway, having passed the examination prescribed in Public Works Code, Chapter II, Section i, paragraphs 16 and 18, is promoted to the rank of Assistant Engineer, 2nd Grade, from 3rd December 1880.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Camp Bundi, the 5th January 1881.

No. 18.—The following is the list of holidays to be observed by the Courts and Offices in the Ajmere-Merwara District during the year 1881 :—

No.	Name of Holidays.	Dates.	No. of Days.	Days of the Week.
	Christian Holidays.			
		1881.		
1	New Year's Day	1st Jan.	1	Saturday.
2	Ash Wednesday	2nd Mar.	1	Wednesday.
3	Good Friday	15th Apl.	1	Friday.
4	Empress' Birthday	24th May	1	Tuesday.
5	Christmas	25th to 31st Dec.	7	Sunday to Saturday.
			11	
	Hindu Holidays.			
1	Vasant Panchmi	3rd Feb.	1	Thursday.
2	Shio Ratri	26th Feb.	1	Saturday.
3	Holi	14th to 16th Mar.	3	Monday to Wednesday.
4	Ram Noumi	8th Apl.	1	Friday.
5	Baisakhi Fair	13th & 14th May	2	Friday & Saturday.
6	Balaji Fair	3rd Aug.	1	Wednesday.
7	Janum Ashtmi	16th & 17th Aug.	2	Tuesday & Wednesday.
8	Anant Chowdas	7th Sept.	1	Wednesday.
9	Duschra	15th to 17th Sept.	3	Thursday to Saturday.
10	Dipmalka (Dewali)	22nd Oct.	1	Saturday.
11	Pushkar Fair	2nd to 7th Nov.	6	Wednesday to Monday.
			22	
	Mahomedan Holidays.			
1	Bara Wafat	11th Feb.	1	Friday.
2	Urs Khwaja Sahib	1st to 4th June	4	Wednesday to Saturday.
3	Shaba-barat	14th July	1	Thursday.
4	Id-ul-Fitar	27th Aug.	1	Saturday.
5	Id-ul-Juha	3rd Nov.	1	Thursday.
6	Moharrum	1st to 3rd Dec.	3	Thursday to Saturday.
			11	

General Holidays.

1. For English and Vernacular Offices when there are no arrears of work, the last Saturday in every month.
2. Mahomedan holidays depend on the moon being visible, and fall on the day following such event.
3. Hindu holidays on account of eclipse of the sun fall on the day of such eclipse, but when they are for eclipse of the moon, they fall on the day following.
4. Local holidays may be granted for great festivals or fairs at the discretion of Heads of Offices when there are no arrears of work.
5. The Civil Court vacations commence on the 1st August and end on 30th September. No fresh suit can then be instituted, but the Courts will be open for the purpose of clearing off arrears if any exist.

By Order,
A. C. TALBOT,
1st Asst. to the Chief Commr.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Doogaree, the 7th January 1881.

No. 34*G.*—LEAVE.—Surgeon D. Ffrench Mullen, M.D., in medical charge of the Meywar Bhil Corps, is granted eighty-five days' privilege leave, with effect from the 5th November 1880.

This Office Notification No. 1454 G., dated 3rd November 1880, is hereby cancelled.

By Order,
A. C. TALBOT,
1st Asstt. Agent, Govr. Genl.

COMMISSIONER, INLAND CUSTOMS.

NOTIFICATIONS.

Agra, the 7th January 1881.

No. 12.—Mr. F. Ashton, Assistant Commissioner, made over charge of the Office of Assistant Commissioner, Internal Branch, Upper Division, to Mr. Tregear, Inspector, Agra Circle, on the 3rd January, afternoon.

No. 13.—Mr. W. Lyon resumed charge of the Office of Assistant Commissioner, Sambhar, from Mr. W. Synnott on 3rd January 1881, afternoon.

The 8th January 1881.

No. 14.—Mr. Bradford, Assistant Commissioner, assumed charge of the Office of the Punjab Mines Division from Mr. J. Bolster on the 4th January 1881, afternoon.

W. S. HALSEY,
Commissioner, Inland Customs.

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

The undermentioned Students have passed the First Examination in Arts :—

FIRST DIVISION.

In order of Merit.

1	Ray, Mahendranath	... Presidency College.
2	Set, Gobindalal	... Ditto.
3	Mitra, Akshaykumar	... Ditto.
3	Basu, Nrityagopal	... Metropolitan Institution.
5	Sil, Brajendranath	... General Assembly's Institution.
6	Sen, Chandrabhushan	... Hughli College.
7	Lahiri, Mohinimohan	... Presidency College.
8	Barat, Surendranath	... Sanskrit College.
9	Bhattacharyya, Manmathanath	... Ditto.
10	Mohanlal Hukhu	... Muir Central College.
11	Bandyopadhyay, Pareschandra	... Presidency College.
12	Sarkar, Saradaprasad	... Free Church Institution.
13	Mukhopadhyay, Purnachandra	... Canning College.
13	Ray, Harimohan	... Jabbulpore High School.
15	Bandyopadhyay, Syamacharan	... Presidency College.
15	Chakrabarti, Umeschandra	... Ditto.
15	Jiya Ram	... Lahore College.
18	Ghosh, Kalipada	... Hughli College.
19	Bandyopadhyay, Trailokyanath	... Metropolitan Institution.
20	Chakrabarti, Baikunthakisor	... Presidency College.
21	Dutt, Jogenchunder	... Ditto.
22	Datti Lal	... Muir Central College.
23	Fozlol Koreem	... Chittagong College.
23	Madhuprasad	... Ajmere College.
25	Datta, Girischandra	... Dacca College.
26	Lahiri, Gopalgobinda	... Cathedral Mission College.
27	Basu, Jagatchandra	... Metropolitan Institution.
28	Das, Jaminimohan	... Dacca College.
28	McLeod, H.	... Doveton College.
30	Chakrabarti, Manmohan	... Ravenshaw College.
30	Nand Kumar	... Agra College.
32	Datta, Bhairabchandra	... Presidency College.
32	Ghosh, Nanilal	... Ditto.
34	Gupta, Bipinbihari	... General Assembly's Institution.
35	Chattopadhyay, Kalipada	... Metropolitan Institution.
36	Bandyopadhyay, Umacharan	... Dacca College.
37	Joala Parshad	... Canning College.

SECOND DIVISION.

In Alphabetical Order.

	Abdul Hakim	... Patna College.
	Abdul Latif	... M. A. O. College, Aligarh.
	Abdur Rahman	... Hughli College.
	Aich, Lakshmikanta	... Presidency College.
	Asgar Ali Khan	... Patna College.
	Babson, J.	... La Martiniere College, Calcutta.
	Bandyopadhyay, Baradakanta	... Dacca College.
	,, Haridhan	... Free Church Institution.
	,, Jogendranath	... Krishnaghar College.
10	,, Lalitmohan	... Metropolitan Institution.
	,, Srischandra	... Ditto.
	,, Sureschandra	... General Assembly's Institution.
	Barik, Nilmadhab	... Patna College.
	Basu, Amulyacharan	... Presidency College.
	,, Chandramukhi	... Free Church Normal School.
	,, Hemendranath	... Dacca College.

	Basu, Jogindranath	... Sanskrit College.
	„ Kshetramohan	... Hughli College.
	„ Sasikumar	... General Assembly's Institution.
20	„ Sripati	... Metropolitan Institution.
	„ Upendranath	... Benares College.
	Beatson, A. M.	... St. Xavier's College.
	Bhadhuri, Atalbihari	... Metropolitan Institution.
	„ Bhutnath	... Ditto.
	Bhagirath Prasad	... Jabbulpore High School.
	Bhattacharyya, Banikantha	... Metropolitan Institution.
	„ Bishnucharan	... Dacca College.
	Biswas, Girindranath	... General Assembly's Institution.
	Chakrabarti, Maheswar	... Ditto.
30	Champati, Atulchandra	... Jabbulpore High School.
	Chattopadhyay, Abinaschandra	... Serampore College.
	„ Ambikacharan	... General Assembly's Institution.
	„ Bhutnath	... Metropolitan Institution.
	„ Jogindranath	... Sanskrit College.
	„ Madhabchandra	... Hughli College.
	„ Ramlal	... General Assembly's Institution.
	„ Sasibhushan	... Dacca College.
	„ Satyahari	... Metropolitan Institution.
	„ Umeschandra	... Ditto.
40	Chaudhuri, Gokulananda	... Ravenshaw College.
	„ Kisorimohan	... Rajshahye College.
	„ Prasannakumar	... Dacca College.
	Das, Brahmananda	... Ravenshaw College.
	„ Gangaprasad	... L. M. S. Institution, Bhowanipore.
	„ Harisaran	... Agra College.
	„ Kaliprasanna	... Metropolitan Institution.
	„ Prasannakumar	... Chittagong College.
	Datta, Dijendranath	... Teacher.
	„ Mahimchandra	... Dacca College.
50	„ Pareschandra	... Presidency College.
	„ Pratulchandra	... General Assembly's Institution.
	„ Ramanath	... Krishnaghar College.
	De, Bireswar	... Presidency College.
	„ Dinanath	... General Assembly's Institution.
	„ Lalbihari	... Hughli College.
	„ Saratchandra	... Metropolitan Institution.
	Dube, Kalidatta	... Muir Central College.
	Dwarkaprasad	... Agra College.
	Gangopadhyay, Radhikanath	... Presidency College.
60	Ghosh, Girischandra	... L. M. S. Institution, Bhowanipore.
	„ Haranchandra	... Presidency College.
	„ Harischandra	... Ravenshaw College.
	„ Jagadbandhu	... Metropolitan Institution.
	„ Pranchaitanya	... Doveton College.
	„ Suryyanarayan	... Metropolitan Institution.
	„ Umeschandra (I)	... Dacca College
	Gopal Brahmin	... Jabbulpore High School.
	Guha, Asminikumar	... Dacca College.
	„ Harendranarayan	... Presidency College.
70	Gupta, Mathuranath	... General Assembly's Institution.
	Hait Lal	... St. John's College, Agra.
	Hajra, Kedarnath	... Free Church Institution.
	Johnson, E.	... Bishop Cotton's School.
	Kanta Prasad	... M. A. O. College, Aligarh.
	Karta Krishen	... Muir Central College.
	Kewal Krishna	... Ditto.
	Kher, Kashinath Shirdhar	... Jabbulpore High School.
	Leslie, K. M.	... Doveton College.
	Madak, Priyanath	... Hughli College.
80	Maitra, Akshaykumar	... Rajshahye College.
	Majumdar, Hariprasanna	... General Assembly's Institution.
	„ Syamacharan	... Serampore College.

	Malaviya, Madanmohan	... Muir Central College.
	Misra, Gauriprasad	... Patna College.
	Mitra, Abhayacharan	... Ditto.
	„ Asutosh	... Presidency College.
	„ Asutosh (II)	... Metropolitan Institution.
	„ Narendrakrishna	... General Assembly's Institution.
	„ Sarbananda	... Ditto.
90	„ Upendranath	... Presidency College.
	Mukhopadhyay, Akshaykumar	... Metropolitan Institution.
	„ Bisweswar	... Patna College.
	„ Jogendranath	... Presidency College.
	„ Manmohan	... Patna College.
	„ Piyarilal	... Presidency College.
	„ Tariniprasad	... Hughli College.
	„ Upendranath	... Sanskrit College.
	Mukundabihari	... Agra College.
	Murhar, Sadasheo	... Jabbulpore High School.
100	O'Grady, George A.	... St. Francis DeSale School, Nagpore.
	Pal, Haridas	... Serampore College.
	Pande, Chunilal	... Canning College.
	Pandit Kishen Lal	... Lahore College.
	Prabhu Dayal	... Ditto.
	Prasad, L. Binda	... Jabbulpore High School.
	Ray, Bamacharan	... General Assembly's Institution.
	„ Bhabanath	... Presidency College.
	„ Dwijendralal	... Krishnaghar College.
	„ Hemendranath	... Metropolitan Institution.
110	„ Praphullachandra	... Ditto.
	„ Saratchandra	... Presidency College.
	„ Tarinimohan	... Ditto.
	Raychaudhuri, Abhaykumar	... Ditto.
	Roshan Lal	... M. A. O. College, Aligarh.
	Raghunath Sahay	... Muir Central College.
	Sadasheo Jeyram Dehad Rai	... Jabbulpore High School.
	Sahib Lal	... Muir Central College.
	Saiyid Hosein	... M. A. O. College, Aligarh.
	Sanyal, Nalinimohan	... Patna College.
120	Sarkar, Hridaynath	... Presidency College.
	„ Kailaschandra	... Rajshahye College.
	„ Purnachandra	... Midnapore College.
	„ Rajanikanta	... Hughli College.
	Sen, Ambikacharan	... Dacca College.
	„ Kshetramohan	... Presidency College.
	„ Nalininath	... Ditto.
	Sheikh Abdul Jabbar	... Hughli College.
	Shrikhande, Gopal Lakshmana	... Jabbulpore High School.
	Siebel, C. O.	... St. Thomas' College, Colombo.
130	Sinha, Debendranath	... Rajshahye College.
	„ Madhusudan	... Metropolitan Institution.
	„ Prabhachandra	... Presidency College.
	„ Ramabalamba	... Benares College.
	Srimani, Jogendranath	... General Assembly's Institution.
	Syam, Saradacharan	... Metropolitan Institution.
	Syed Husain Syed	... Canning College.
137	Thakur Madhaba Singh	... Jabbulpore High School.

THIRD DIVISION.

In Alphabetical Order.

	Abdul Hamid	... Patna College.
	Abdul Kader	... Dacca College.
	Abdur Rahim	... Doveton College.
	Baksi, Haridas	... Hughli College.
	Balak Ram	... Agra College.
	Bandyopadhyay, Abinaschandra	... Free Church Institution, Calcutta.
	„ Annadaprasad	... Presidency College.
	„ Kesablal	... Metropolitan Institution.
	„ Kiranchandra	... General Assembly's Institution.
10	„ Narayandas	... Ravenshaw College.
	„ Nibaranchandra	... Metropolitan Institution.
	„ Sitaram	... Canning College, Lucknow.
	„ Surendranath	... Doveton College.

	Basak, Debendranath	... Dacca College.
	Basu, Adwaitacharan	... Hughli College.
	„ Basantakumar	... Dacca College.
	„ Bishnucharan	... General Assembly's Institution.
	„ Biswanath	... L. M. S. Institution, Bhowanipore.
	„ Debendranath	... Free Church Institution, Calcutta.
20	„ Haridas	... Presidency College.
	„ Jnanendranath	... General Assembly's Institution.
	„ Kadambini	... Bethune Female School.
	„ Kalicharan	... Canning College, Lucknow.
	„ Kasinath	... L. M. S. Institution, Bowanipore.
	„ Nagendranath	... General Assembly's Institution.
	„ Piyaribaran	.. Canning College, Lucknow.
	„ Priyanath	... Metropolitan Institution.
	Bose Mallik, Baradaprasad	... General Assembly's Institution.
	Bhabani, Sitanath	... Teacher.
30	Bhaduri, Aghorchandra	... Presidency College.
	„ Jagatchandra	... Hughli College.
	Bhattacharyya, Debendranath	... Teacher.
	„ Krishnanath	... Rajshahye College.
	„ Mukundaram	... Metropolitan Institution.
	„ Tarasankar	... Dacca College.
	Bhaumik, Hridaynath	... General Assembly's Institution.
	Binack Prasad	... Patna College.
	Bishun Prasad	... Ditto.
	Biswas, Durgacharan	... Metropolitan Institution.
40	„ Harimohan	... General Assembly's Institution.
	„ Sureschandra	... Presidency College.
	Bobday, Rambhaoo Raghunath	... Jabbulpore High School.
	Chakrabarti, Debendranath	... Presidency College.
	„ Debendranath	... Muir Central College.
	„ Jnanadagobinda	... General Assembly's Institution.
	„ Udaynarayan	... Metropolitan Institution.
	Chandra, Kalikrishna	... Krishnaghar College.
	Chattopadhyay, Bholanath	... Benares College.
	„ Bhushanchandra	... General Assembly's Institution.
50	„ Debendranath	... Metropolitan Institution.
	„ Gopalchandra	... General Assembly's Institution.
	„ Hrishikes	... Ditto.
	„ Jogendranath	... Maharaja's College, Jeypore.
	„ Nilambar	... Presidency College.
	„ Pasupati	... Metropolitan Institution.
	„ Rajanikanta	... Sanskrit College.
	„ Srinath	... Dacca College.
	„ Umeschandra	... Hughli College.
	Chaudhuri, Akshaykumar	... Canning College, Lucknow.
60	„ Bhabendranarayan	... Rajshahye College.
	„ Chhediprasad	... Patna College.
	„ Jageschandra	... Presidency College.
	„ Janakimohan	... Dacca College.
	„ Jnanananda	... Presidency College.
	„ Ramchandra	... Benares College.
	Dales, J. B.	... Lahore College.
	Das, Abinaschandra	... Presidency College.
	„ Adharchandra	... General Assembly's Institution.
	„ Ambikacharan	... L. M. High School, Benares.
70	„ Baikuntheswar	... Dacca College.
	„ Basantakumar	... Ditto.
	„ Gopalballabh	... Ravenshaw College.
	„ Mahendralal	... Chittagong College.
	„ Narayan	... Patna College.
	„ Sasimohan	... Dacca College.
	Das Gupta, Gobindachandra	... Teacher.
	Dasrath Lal	... Patna College.
	Datta, Akshaykumar	... Metropolitan Institution.
80	„ Janakinath	... St. John's College, Agra.
	„ Lambodar	... Cathedral Mission College.
	„ Nabagopal	... Dacca College.
	De, Jaygopal	... General Assembly's Institution.
	„ Kanailal	... Ditto.
	„ Mathuranath	... Ditto.
	Deo, Sadasheo Purshotam	... Jabbulpore High School.

	Deodhar, Vishnu G.	... Jabbulpore High School.
	Dube, Mahananda	... Canning College, Lucknow.
	Gangaprasad	... Benares College.
	Gargari, Ramdas	... St. Xavier's College.
90	Ghosh, Akshaykumar	... Ravenshaw College.
	„ Apurbachandra	... General Assembly's Institution.
	„ Bipinbihari	... Ditto.
	„ Charuchandra	... Ditto.
	„ Girischandra	... Doveton College.
	„ Golaplal	... General Assembly's Institution.
	„ Mahendranath	... Ditto.
	„ Prankumar	... Midnapore College.
	„ Sagarchandra	... Metropolitan Institution.
	„ Sasinath	... Hughli College.
100	„ Surendranath	... Metropolitan Institution.
	Ghoshal, Anangamohan	... Sanskrit College.
	„ Kalinath	... Dacca College.
	Goswami, Satischandra	... Sanskrit College.
	Guha, Aswinikumar	... Metropolitan Institution.
	„ Baradakanta	... Dacca College.
	„ Gurucharan	... Ditto.
	„ Kaliprasanna	... Presidency College.
	„ Mathuranath	... Dacca College.
	„ Umeschandra	... General Assembly's Institution.
110	Gupta, Narayandas	... Metropolitan Institution.
	„ Upendrakrishna	... Ditto.
	Iswari Prasad	... M. A. O. College, Aligarh.
	Jagannath	... Maharajah's College, Jeypore.
	Jash, Bholanath	... Dacca College.
	Kashinath, Govind	... Jabbulpore High School.
	Kesho Das	... Lahore College.
	Kundu, Bhagabaticharn	... Hughli College.
	„ Gangadhar	... Teacher.
	„ Kedarnath	... Metropolitan Institution.
120	Laha, Nagendranath	... General Assembly's Institution.
	Maitra, Dwarkanath	... Rajshahye College.
	„ Harimohan	... Free Church Institution, Calcutta.
	Majumdar, Hridaynath	... Doveton College.
	„ Jogeschandra	... General Assembly's Institution.
	„ Rohinikumar	... Dacca College.
	„ Sasilochan	... General Assembly's Institution.
	„ Srinath	... Rajshahye College.
	Makhan Lal	... Ajmere College.
	Mallik, Kesablal	... Hughli College.
130	„ Priyalal	... Presidency College.
	Mitra, Achintyanath	... Hughli College.
	„ Akshahykumar	... Patna College.
	„ Baradakanta	... General Assembly's Institution.
	„ Charuchandra	... Ditto.
	„ Daibacharan	... Ditto.
	„ Gopalchandra	... Metropolitan Institution.
	„ Matilal	... General Assembly's Institution.
	„ Nagendranath	... Presidency College.
	„ Saratchandra	... Hughli College.
140	„ Surendralal	... Presidency College.
	Mohamed, Ainul Huq	... Patna College.
	M. Mubinul, Huque	... Hughli College.
	Mukhopadhyay, Abhilaschandra	... General Assembly's Institution.
	„ Asutosh	... Metropolitan Institution.
	„ Banawarilal	... General Assembly's Institution.
	„ Bishnucharan	... Ditto.
	„ Ghanasyam	... Metropolitan Institution.
	„ Girischandra	... Ditto.
	„ Jnanoddipan	... Teacher.
150	„ Jogindrachandra	... Ditto.
	„ Kailaschandra	... L. M. S. Institution, Bhowanipore.
	„ Kaminikumar	... Dacca College.
	„ Mahendrachandra	... L. M. S. Institution, Bhowanipore.
	„ Nagendranath	... Krishnaghar College.

	Mukhopadhyay, Sasibhushan (Sr.)	...	General Assembly's Institution.
	„ Satyaprasad	...	Cathedral Mission College.
	Murali, Dhar	...	Patna College.
	Nandi, Surendranath	...	General Assembly's Institution.
	Niyogi, Akshaykumar	...	L. M. High School, Benares.
160	„ Rajanikanta	...	General Assembly's Institution.
	Pal, Lalitmohan	...	Ditto.
	„ Mathuranath	...	Doveton College.
	Palit, Isanchandra	...	General Assembly's Institution.
	Pati, Radhanath	...	Midnapore College.
	Patnaik, Jagadananda	...	Ravenshaw College.
	Poddar, Gaganchandra	...	Chittagong College.
	Pramanik, Bidhubhushan	...	Canning College, Lucknow.
	Raghubar Dayal	...	Patna College.
	Raha, Mahendrachandra	...	Dacca College.
170	Rakshit, Jagatchandra	...	Chittagong College.
	Ramprasad	...	Lahore College.
	Ram Pratap	...	Maharajah's College, Jeypore.
	Ray, Asutosh	...	L. M. High School, Benares.
	„ Bhabanicharan	...	Krishnagar College.
	„ Bishnupada	...	Metropolitan Institution.
	„ Biswatosh	...	Dacca College.
	„ Charuchandra	...	Metropolitan Institution.
	„ Harinath	...	Krishnagar College.
	„ Kaliprasanna	...	Dacca College.
180	„ Kuladananda	...	Hughli College.
	„ Prasannanath	...	Presidency College.
	„ Purnachandra	...	Dacca College.
	„ Radhaballab	...	General Assembly's Institution.
	„ Ramanihar	...	L. M. High School, Benares.
	„ Rajanikanta	...	Presidency College.
	„ Saratchandra	...	Rajshahye College.
	„ Sasikanta	...	Free Church Institution, Calcutta.
	„ Satyanath	...	Krishnagar College.
	„ Taranarayan	...	Canning College, Lucknow.
190	„ Yageswar	...	L. M. High School, Benares.
	Raychaudhuri, Sibkrishna	...	Presidency College.
	„ Srischandra	...	Hughli College.
	Rudra, Bhupaticharan	...	Metropolitan Institution.
	Sahai Baladeo	...	Patna College.
	Samaddar, Nabakumar	...	General Assembly's Institution.
	Samir-ul-din, Ahmed	...	Presidency College.
	Sanyal, Durgananda	...	Rajshahye College.
	„ Satyendraprasad	...	Muir College, Allahabad.
	„ Taraknath	...	Benares College.
200	Sarkar, Amritalal	...	Metropolitan Institution.
	„ Tinkari	...	Presidency College.
	Sarma, Parbaticharan	...	Metropolitan Institution.
	Sawantha, Iswari Dyal	...	Canning College, Lucknow.
	Sen, Anandakumar	...	General Assembly's Institution.
	„ Haridas	...	Serampore College.
	„ Isanchandra	...	Dacca College.
	„ Rameschandra	...	General Assembly's Institution.
	„ Saratchandra	...	Metropolitan Institution.
	„ Syamlal	...	Presidency College.
210	Sil, Bhagabaticharan	...	Dacca College.
	„ Makhanlal	...	Hughli College.
	Sohani, Damodar Balkrishna	...	Jabbulpore High School.
	Sukul, Gadadhar Prasad	...	Canning College, Lucknow.
	Sur, Indrachandra	...	Teacher.
	„ Sasibhushan	...	General Assembly's Institution.
	Suraj Prasad	...	L. M. High School, Benares.
	Suryya Sahai	...	Canning College, Lucknow.
	Syed Ahmed Hossein	...	Patna College.
	Syeed Wajh Ulla	...	Doveton College.
220	Talukdar, Baradachandra	...	Rajshahye College.
	Tamhan, Keshab Gopal	...	Jabbulpore High School.
	Tapashwari Prasad	...	Patna College.
	Thakur, Brajendrasundar	...	Berhampore College.
224	Tribedi, Nrisinhaprasad	...	Krishnagar College.

The undermentioned Students have passed the Entrance Examination:—

FIRST DIVISION.

In Alphabetical order.

	Abdul Latif	18	...	Calcutta Madrassa.
	Acharyya, Prankrishna	18	...	Pabna Zilla School.
	„ Taraprasanna	17	...	Rajshahye Collegiate School.
	Adhya, Rasbihari	17	...	Howrah School.
	Agarwallah, Manmohanlal	17-6	...	Allanabad Zilla School.
	Aich, Gangadhar	16	...	Barrackpur School.
	Anthony, A. D.	16	...	Mussoorie School
	Attaullah	18	...	Bareilly High School.
	Babu, Lal	17	...	Meerut Government School.
10	Bagchi, Lalitmohan	18	...	Nasirabad Entrance School.
	Baidya, Dayalchand	16	...	Jaynagar Institution.
	Baksi, Nagendrachandra	17	...	Midnapur Collegiate School.
	Balgobinda	20	...	Lakhimpur High School.
	Bandyopadhyay, Abinaschandra	19	...	Albert School.
	„ Asutosh	21-7	...	Tikari H. C. E. School.
	„ Baradacharn	17	...	Dacca Collegiate School.
	„ Bireswar	17-8	...	Utterparah School.
	„ Dhirendranath	15	...	Hindu School.
	„ Dinanath	19	...	Pakur School.
20	„ Dwarkanath	17	...	Bankura Government School.
	„ Gobindachandra	20	...	Jagannath School.
	„ Harakanta	19	...	Ditto.
	„ Jnanchandra	17	...	Howrah School.
	„ Janendrachandra	18	...	Hare School.
	„ Jogneswar	20	...	Sanskrit College.
	„ Kaliprasanna	17	...	Jangipur H. C. E. School.
	„ Kisorimohan	16	...	L. M. School, Khagra.
	„ Nilratan	16-5	...	Berhampur Collegiate School.
	„ Nrityagopal	16	...	Sanskrit College.
30	„ Ramlal	19	...	Pakur School.
	„ Ramnarayan	19	...	F. C. Institution, Calcutta.
	„ Saratchandra	16-6	...	Bankoora Government School.
	„ Satyacharan	16	...	Hughli Branch School.
	„ Sisdheswar	17	...	Barrackpur School.
	Barai, Bishnucharan	19	...	Jagannath School.
	Barat, Narendranath	17-6	...	Sanskrit College.
	Barman, Lakshminarayan	17-5	...	Hindu School.
	Basak, Krishnalal	16	...	Ditto.
	„ Nrityakisor	16-5	...	Ditto.
40	„ Radhaballabh	16	...	Oriental Seminary.
	„ Rebatimohan	18	...	Jagannath School.
	Basu, Abhaypada	16-10	...	Canning College.
	„ Akshaykumar	18	...	Dacca Pogose School.
	„ Bhubaneswar	17	...	Calcutta Training Academy.
	„ Chandrakanta	19	...	Sylhet Zilla School.
	„ Jnanendranath	18	...	L. M. S. Institution, Bhowanipur.
	„ Kedarnath	19	...	Northbrook School.
	„ Purnachandra	16-3	...	Hindu School.
	„ Rajendranath	15	...	Suburban School, Kalighat.
50	„ Saratchandra (Senior)	17	...	Hare School.
	„ Saratchandra (Junior)	14	...	Ditto.
	„ Sidheswar	17 6	...	Hughli Branch School.
	„ Sitaram	17	...	Hare School.
	„ Sureschandra	16	...	City School.
	„ Syamacharan	18	...	Faridpur Zilla School.
	Batabyal, Sitanath	20	...	Madrassa-i-Unwariah.
	Bhaduri, Nabakrishna	18	...	Faridpur Zilla School.
	Bhar, Adharchandra	17-4	...	Hughli Collegiate School.
	Bhattacharyya, Amarnath	17	...	Krishnaghar Collegiate School.
60	„ Anandamohan	19	...	Mymensing Zilla School.
	„ Bipinbihari	18	...	Chatra H. C. E. School.
	„ Dwijendranath	17	...	Nabadwip Hindu School.
	„ Jadabchandra	18	...	Sambhunath School, Chatmohar.

	Bhattacharyya, Jadabchandra	19	...	Rajshahye Collegiate School.
	,, Mahimchandra	22	...	Ruplal Raghunath School.
	,, Srischandra	17	...	F. C. Institution, Chinsurah.
	,, Syamacharan	16	...	Berhampur Collegiate School.
	Billing, William	31	...	Teacher.
	Bindheswariprasad	20	...	Barabanki High School.
70	Biswas, Gurudas	19	...	Commillah Zilla School.
	,, Natakrishna	17	...	Hare School.
	Blanchett, Matilda		...	Girls' High School, Allahabad.
	Braide, G. W.	18	...	Mussoorie School.
	Branscombe, G. A. L.	17	...	Doveton College.
	Bunsi Lal	19	...	Patialla College.
	Camell, O.	13-7-18		St. Xavier's College.
	Cazalas, L. J.	16	...	Ditto.
	Cazalet, Julia		...	Girls' High School, Allahabad.
	Chaki, Banimadhab	18	...	Rajshahye Collegiate School.
80	Chakrabarti, Kartikchandra	18	...	Hare School.
	,, Kshetranath	20	...	Sanskrit College.
	,, Kumadbihari	17	...	Dacca Collegiate School.
	Chandra, Dinanath	18-5	...	Metropolitan Institution, Shampukur Branch.
	,, Naranarayan	17	...	F. C. Institution, Calcutta.
	Chattopadhyay, Amritalal	18	...	Kushtea School.
	,, Baradakanta	20	...	Naral H. C. E. School.
	,, Bholanath	18	...	L. M. S. Institution, Bhowanipur.
	,, Harigopal	17	...	Canning College.
90	,, Hariprasad	14-9	...	Krishnaghar Collegiate School.
	,, Jadunath	20	...	American Mission H. School, Allahabad.
	,, Jogendranath	18	...	F. C. Institution, Chinsurah.
	,, Kalimohan	18	...	Rup'al Raghunath School.
	,, Kushlal	16	...	Hindu School.
	,, Nilkanta	16	...	Faridpur Zilla School.
	,, Phelukanta	19	...	Ilsoba Mondlye School.
	,, Rajaninath	16-6-10		Gar Bhowbanipore H. C. E. School.
	,, Tarapada	17	...	Howrah School.
	,, Trailokyanath	17	...	Barrackpur School.
	,, Tribhubanchandra	17-3	...	Kandee School.
100	Chaudhuri, Gorachand	17-5	...	Beerbhoom Zilla School.
	,, Harendranarayan	17	...	Naral H. C. E. School.
	,, Nagendranath	19	...	Metropolitan Institution.
	,, Nisichandra	18-6	...	Chittagong Collegiate School.
	,, Radhagobinda	16	...	Purulia School.
	,, Rajaram	17	...	Bankura Government School.
	Chitaley, Parshuram Krishna	17	...	F. C. Institution, Nagpur.
	Coinre, Bireswar	17	...	Hare School.
	Connell, R.	17	...	LaMartiniere College, Lucknow.
	Cooper, B. H.	18	...	Doveton College.
110	Das, Akshaykumar (I)	17	...	Dacca Collegiate School.
	,, Akshaykumar (II)	17	...	Ditto.
	,, Bamacharan	18	...	Albert School.
	,, Chandicharan	20	...	Dacca Pogose School.
	,, Ganeschandra	15	...	L. M. S. Institution, Bhowanipur.
	,, Golakchandra	19	...	Mymensing Zilla School.
	,, Karunakumar	18	...	Rajshahye Collegiate School.
	,, Krishnagopal	18	...	Baraset School.
	,, Piyarilal	17	...	Dacca Collegiate School.
	,, Saratchandra	16	...	Oriental Seminary.
120	,, Sibapada	19-7	...	Utterparah School.
	,, Syamacharan	16	...	Santosh Janhabhi School.
	,, Syamlal	18	...	Hindu School.
	Datta, Asutosh	19	...	Hare School.
	,, Atulkrishna	18	...	Private Student.
	,, Dwarkanath	18	...	L. M. S. Institution, Bhowanipur.
	,, Jnanondranarayan	17	...	General Assembly's Institution.
	,, Maniklal	16-5	...	Hindu School.
	,, Pratapchandra	17	...	Annada School, Brahmanbaria.
130	,, Radhakrishna	17	...	Oriental Seminary.
	,, Rasbihari	17	...	General Assembly's Institution.
	,, Samatulchandra	16	...	Sanskrit College.
	,, Saradaprasad	17	...	Hughli Collegiate School.
	,, Saratsasi	17	...	Rungpore Zilla School.
	,, Sasikumar	18	...	Ruplal Raghunath School.
	,, Suresnath	19	...	Jagannath School.

	Datta, Suryyalal	16-6	...	Bankura Government School.
	D'Attaides, Paul	16-4	...	Government High School, Rangoon.
	De, Batakrishna	18	...	General Assembly's Institution.
	,, Durgacharan	19	...	Free Church Institution, Calcutta.
140	,, Girischandra	17	...	L. M. S. Institution, Bhowanipur.
	,, Isanchandra	17	...	Sylhet Zilla School.
	,, Kunjabihari	17	...	Kuchiakol Radhaballabh School.
	,, Mahendrachandra	19	...	Mymensing Zilla School.
	,, Nabinchandra	20-4	...	Sylhet Zilla School.
	,, Purnachandra	18-3	...	Utterparah School.
	,, Rajanikanta	18	...	Jagannath School.
	,, Trailokyanath	16-2	...	Hare School.
	Deb, Girischandra	18	...	Canning College.
	deDombal, L.	17-3	...	St. Paul's School, Darjeeling.
150	Desbruslais, C.	17-4	...	St. Mary's School, Chandernagore.
	Deshmuk, Trimbuck Nilkant	20	...	F. C. Institution, Nagpur.
	Deshpande, Krishnaji Gobind	19	...	City School, Nagpur.
	Dhar, Bharatchandra	18	...	Sylhet Zilla School.
	,, Manmohun	17	...	Maharajah's School, Burdwan.
	Dikshit, Ambikaprasad	18	...	Canning College.
	Dobson, C. A.	16	...	St. Xavier's College.
	Dwarkaprasad	18	...	Bareilly High School.
	Ferdinand	18	...	St. John's College, Agra.
	Fey, F. A.	16-3-11		Memorial School, Cawnpur.
160	Gangopadhyay, Birendranath	17	...	Rajshahye Collegiate School.
	,, Matilal	18	...	Barisal Zilla School.
	,, Srinath	20	...	Dacca Collegiate School.
	,, Trailokyanath	18	...	Hare School.
	Gaurisankar	17-5	...	Jabbulpur High School.
	Ghatak, Bhushanchandra	20	...	Ilsoba Mondlye School.
	Ghosh, Abinaschandra	17-0-2		Hughli Collegiate School.
	,, Abinaschandra	19	...	Cossipur Kasinath School.
	,, Isanchandra	15-5	...	Albert School.
	,, Kesabchandra	19	...	Madrassa-i-Unwariah.
170	,, Nagendranath	16	...	Hindu School.
	,, Nareschandra	17	...	Hare School.
	,, Rajaninath	17	...	Berhampur Collegiate School.
	,, Rajaninath	17	...	Hughli Branch School.
	,, Rakhalkrishna	20	...	Oriental Seminary.
	,, Rasiklal	15	...	Naral H. C. E. School.
	,, Saratchandra	17	...	Jagannath School.
	,, Sasikumar	17	...	Faridpur Zilla School.
	,, Sidheswar	17-2	...	Hughli Collegiate School.
	,, Sitalprasad	17	...	Benares Collegiate School.
180	,, Srischandra	19	...	Private Student.
	,, Umeschandra	18-4	...	Kandee School.
	Ghoshal, Hemendranath	16-5	...	Beerbhoom Zilla School.
	,, Jyotikumar	16	...	Sanskrit College.
	,, Kshetranath	18	...	Jenkins' School, Cooch Behar.
	,, Mahendranarayan	17	...	Allahabad Zilla School.
	Godfrey, J. B.	16	...	Doveton College.
	Gomes, W.	17	...	St. Xavier's College.
	Gopalprasad	17	...	St. John's College, Agra.
	Goswami, Bidhubhushan	19	...	Pakur School.
190	,, Harimohan	17-3	..	Jubbalpur High School.
	Gregory, S. M. G.	18	...	Armenian Philanthropic Academy.
	Guha, Jogeschandra	17	...	Dacca Collegiate School.
	Gupta, Anilchandra	16-4	...	Hindu School.
	,, Baradacharan	17	...	Annada School, Brahmanbaria.
	,, Syamlal	15	...	Hare School.
	Hall, E. A. W.	16	...	Mussoorie School.
	Hanby, W. A. E.	18-8	...	St. Xavier's College.
	Hargopal	17	...	St. Stephen's High School, Delhi.
	Harichand	20	...	Hushiarpur District School.
200	Harjiram	18	...	Gurudaspur High School.
	Harkishendas	17	...	Kapurthala School.
	Harsahay	18	...	Delhi District School.
	Hill, E.	15-9	...	Bishop Cotton School.
	Hindmarsh, E	18-6	...	LaMartiniere College, Lucknow
	Hogan, P.	15-9	...	St. Xavier's College.
	Hoskins, H. J.	16-9-17		Allahabad Boys' High School.
	Inayatullah	16-9		Amritsar District School.
	Iqbalkishen, Pandit	18-2	...	Canning College.

	Jayawickrama, H. S.	19	... High School, Golle.
210	Kabiraj, Baikunthanath	19	... Jagannath School.
	Kalia, Ramchandra Nayak	18	... Benares Collegiate School.
	Karmakar, Rasbihari	19	... Jagannath School.
	Kaul, Kameshurnath	18-3	... Lahore Government School.
	Kayesth, Bhagwatprasad	18	... Jabbulpur High School.
	Khan, Bhagabanchandra	18	... Jagannath School.
	Knight, W. E.	16	... LaMartiniere College, Lucknow.
	Kraal, G. A.	15-6	... Doveton College.
	Kumar, Bhabendra Narayan	17	... Jenkins' School, Cooch Behar.
	Kundu, Anandachandra	20	... Jagannath School.
220	Lahari, Binodbihari	16	... Hare School.
	,, Gopalchandra	19	... Rajshahye Collegiate School.
	,, Mahendramohan	16	... Nowgong Zilla School.
	Lajpat, Rai	16	.. Private Student.
	Lakshmiprasad	20	... Chupra Zilla School.
	Lal, Ramdhani	19	.. Bankipur Training Academy.
	Lemeur, F.	16-5	... St. George's College, Mussoorie.
	Loos, W.	24	... Serampore College.
	Luttaprasad	20	... C. M. High School, Meerut.
	MacCutchan, W. A.	20	... St. Xavier's College.
230	Mack, W. E.	20-11	Government High School, Rangoon.
	Madhaeprasad	19	... Aligarh Zilla School.
	Maiti, Mahendranath	18	... Free Church Institution, Calcutta.
	Maitra, Ramaprasad	15	... Berhampur Collegiate School.
	,, Trailokyanath	20	... Rajshahye Collegiate School.
	Majumdar, Abhayachandra	17-3	... Hughli Collegiate School.
	,, Bijaychandra	20	... Hughli Branch School.
	,, Akhilchandra	19-1	... Seal's Free College.
	,, Chandragati	20	... Rajshahye Collegiate School.
	,, Indubhushan	18	... Hindu School.
240	,, Kalachand	17	... Bishenpur H. C. E. School.
	,, Kaliprasanna	19	... Albert School.
	,, Mahananda	17-3	... Hare School.
	,, Manmathanath	17	... L. M. S. Institution, Bhowanipur.
	,, Ramdayal	16	... Sanskrit College.
	,, Sulabhchandra	17	... Hare School.
	Makar, Jugalbihari	20	... St. John's College, Agra.
	Makhanlal	16-8	... Delhi District School.
	Mangesh Shabaram	19	... Residency College.
	Mansingh	18-3	... Maharajah's College, Jeypur.
250	Maulik, Jagatchandra	21	... Jagannath School.
	Mayes, A.	15-9	... LaMartiniere College, Lucknow.
	McArthy, C.	16	... Bishop Cotton School.
	McHugh, P.	18	... St. Xavier's College.
	McLeod, N. C.	16-9	... St. George's College, Mussoorie.
	Mehta, Darasha Bezenji	16	... St. Francis DeSales' School.
	Millar, B. A.	16-3	... LaMartiniere College, Calcutta.
	Misra, Baladeb	16	... Chapra Zilla School.
	,, Dinakar Datta	19	... Arrah Zilla School.
	Mitra, Abhaycharan	16	... Hare School.
260	,, Atalbihari	19	... Hughli Collegiate School.
	,, Bipinbihari	18	... Naral H. C. E. School.
	,, Charuchandra	17	... Metropolitan Institution.
	,, Debendranath	17	... Sanskrit College.
	,, Dharaniswar	15-9	... Hindu School.
	,, Girischandra	16	... General Assembly's Institution.
	,, Harendranarayan	16	.. Dacca Collegiate School.
	,, Haridas	17-5	... Hindu School
	,, Jogneswar	17	... C. M. School, Calcutta.
	,, Kantibhushan	17	... Presidency School.
270	,, Lalitkisor	17	... Purulia School.
	,, Nibaranchandra	16	... Metropolitan Institution.
	,, Probodhchandra	18	... General Assembly's Institution.
	,, Rajanikanta (I)	22	... Dacca Pogose School.
	,, Ramchandra	17	... Hare School.
	,, Rasiklal	17	... Barisal Zilla School.
	,, Saratchandra	18	... City School.
	Molligode, J. R.	17	... St. Thomas College, Colombo.
	Monks, A.	18	... Wood's Academy.

	Moung Hpo Hpyoo	16-4	... Government High School, Rangoon.
280	Moung Kyin	18	... St. Xavier's College.
	Muhammad Abdul Latif	22	... M. A. O. College, Aligarh.
	,, Athar	17	... Shahjehanpur H. School.
	,, Mahdi	17	... Bareilly High School.
	,, Yakub	16	... Chupra Zilla School.
	,, Zaki	17	... Victoria School, Gazeepur.
	Mukhopadhyay, Aparaprasad	16-9	... Hughli Branch School.
	,, Asutosh	17	Midnapur Collegiate School.
	,, Bhupatinath	17-2	... Hughli Branch School.
	,, Bhutnath	17-8	... Utterparah School.
290	,, Biharilal	17	... Baraset School.
	,, Gopaldas	19	... L. M. S. Institution, Bhowanipur.
	,, Harakali	16	... Searsole H. C. E. School.
	,, Haribhushan	17	... Baranagar Hindu School.
	,, Hemchandra	18	... Utterparah School.
	,, Jagadis	17	... Jessore Zilla School.
	,, Jagadis	19	... Jagannath School.
	,, Jnanendrachandra	17	... Hare School.
	,, Kedareswar	17	... Daulatpur H. C. E. School.
	,, Kedarnath	18	... M. A. O. College, Aligarh.
300	,, Manmatha	19	... Baraset School.
	,, Matilal	23	... Free Church Institution, Calcutta.
	,, Narayanchandra	20	... Pandra H. C E. School.
	,, Narendranath	18	... Howrah School.
	,, Rajendranath	18	... Hughli Collegiate School.
	,, Ramaprasad	17	... Utterparah School.
	,, Ramchandra	16	... Indian Institution.
	,, Saratchandra	17	... Metropolitan Institution.
	,, Saratchandra	15-3	... Maharajah's College, Jeypur.
	,, Saratchandra	18	... City School.
310	,, Taraprasanna	17	... Hughli Collegiate School.
	,, Upendranath	18	... Jenkins' School, Cooch Behar.
	Mukundlal	19	... Ajmere Collegiate School.
	Munnajan	16	... Bareilly High School.
	Nag, Bangachandra	19	... Noakhali Zilla School.
	,, Girischandra	18-4	... Sylhet Zilla School.
	,, Nabinchandra	18	... Mymensing Zilla School.
	,, Sambhucharan	19	... Bishenpur H. C. E. School.
	Nagar, Balkrishna	18	... Residency College.
	Nanakchand	21	... Private Student.
320	Nandmal	18	... Ajmere Collegiate School.
	Nandi, Akshaykumar	18	... Hare School.
	,, Brindabanchandra	18	... City School.
	,, Prakaschandra	16	... Dacca Collegiate School.
	,, Purnachandra	16	... Hugli Branch School.
	Nathprasad	20	... C. M. H. School, Goruckpur.
	Nathuram	18	... Gurudaspur High School.
	Ollenbach, O. C.	18	... Mussoorie School.
	Pal, Akshaykumar	17-6	... Barisa H. C. E. School.
	,, Akshaychandra	20	... Gya Zilla School.
330	,, Bhishmadeb	19	... City School.
	Palit, Kesablal	16	... Hindu School.
	Piyarilal	18	... Shahjehanpur High School.
	Piyari Lal	20	... Ajmere Collegiate School.
	Pramanik, Bhushanchandra	17	... Canning College.
	Prussia, A.	17	... Bishop Cotton School.
	Rafiuddin Khan	19	... Jaora High School.
	Ramchandra	19	... Hushiarpur District School.
	Rameswarprasad	19	... Fyzabad High School.
	Ramnarayan	16-5	... Jabbulpur High School.
340	Ray, Akshaychandra	21	... Katak Academy.
	,, Baikunthanath	17	... Bankoora Government School.
	,, Dwijendranath	17	... Faridpur Zilla School.
	,, Girijaprasanna	18	... City School.
	,, Hiralal	16-3	... Berhampur Collegiate School.
	,, Jadunath	16-3	... Hughli Collegiate School.
	,, Krisnachandra	16	... Rajshahye Collegiate School.
	Ray, Mangobinda	17-6	.. Hughli Branch School.
	,, Pramadakisor	17	... Noakhali Zilla School.
	,, Satischandra	15-5	... Hare School.
	,, Sukdeb	21	... Allahabad Zilla School.
350	,, Surajmohan	18	... City School.
	Raychaudhuri, Upendranath	16-4	... Hindu School.

	Rochi Ram	18	...	Lahore Government School.
	Rudra, Manamathanath	16-7	...	Hindu School.
	Rupnarayan, Pandit	19	...	Sultanpur High School.
	Saha, Narayanchandra	18	...	Free Church Institution, Calcutta.
	Sahay, Bhubaneswari	15	...	Patna Collegiate School.
	,, Brijbansi	16	...	Gya Zilla School.
	Sajjad Mirza	19	...	St. Stephen's High School, Delhi.
360	Salaikchandra	16	...	Bareilly High School.
	Sanyal, Girischandra	18	...	Serajgunge H. C. E. School
	,, Hariprasanna	18	...	Utterparah School.
	Sarbadhikari, Krishnaprasad	16-6	...	Hare School.
	Sarkar, Jaychandra	19	...	Jagannath School.
	,, Purnachandra	17	...	Rajshahye Collegiate School.
	,, Sasibhushan	17	...	Albert School.
	Sarma, Sridhar	20	...	Agra Collegiate School.
	Sayyid, Zohadar Rahim	19-5	...	Beerbhoom Zilla School.
	Schoeneman, A.	16 8	...	St. George's College, Mussoorie.
370	Scolland, D.	16-2	...	Ditto ditto.
	Sen, Bhubanmohan	17	...	Dacca Collegiate School.
	,, Chandicharan	19	...	City School.
	,, Jnanendralal	15-9	...	Malda Zilla School.
	,, Jogendranath	17 6	...	Hare School.
	,, Kailaschandra	18-2	...	Barisal Zilla School.
	,, Kamini		...	Bethune Female School.
	,, Kedarnath	17	...	Pabna Zilla School.
	,, Mahimchandra	22	...	Barisal Zilla School.
	,, Nirodbihari	18	...	Howrah School.
380	,, Pramathanath	15	...	Malda Zilla School.
	,, Rebatimohan	16	...	Dacca Collegiate School.
	,, Tarinicharan	20	...	Dacca Pogose School.
	,, Tarinikrishna	17	...	Nasirabad Entrance School.
	,, Umeschandra	17	...	Rajshahye Collegiate School.
	Set, Nabinlal	16-7	...	Hindu School.
	Shadana, Rajkrishna	20	...	Pachamba H. C. E. School.
	Shamasuddin	20	...	C. M. School, Amritsar.
	Sheonath	16	...	Delhi District School.
	Shimbhunath	18	...	Meerut Government High School.
390	Simlai, Syamacharan	18	...	Mymensing Zilla School.
	Singh, Chhajju	19	...	Gurudaspur High School.
	Sinha, Atalbihari	16	...	Midnapore Collegiate School.
	,, Basanticharan	17	...	Mozufferpore School.
	,, Bishun	21	...	Arrah Zilla School.
	,, Jadunandan	20	...	Pandra H. C. E. School.
	,, Jadunath	20-2	..	Benares Collegiate School.
	,, Jogendrakumar	17	...	City School.
	,, Sibabadan	17	...	Allahabad Zilla School.
	,, Srinath	17-5	...	Hare School.
400	,, Uditnarayan	18	...	Victoria School, Gazipur.
	Smyth, D. H.	15-6	...	Doveton College.
	Som, Manmohan	17-9	...	Hughli Branch School.
	Srikhandi, Damodar Ramchandra	19	...	Jabbulpur High School.
	Stark, H. A.	17	...	Doveton College.
	Surajnarayan	20	...	Delhi District School.
	Syed Abdur Raoof	16	...	M. A. O. College, Aligarh.
	Syed Muhammad Ahsan	18	...	Allahabad Zilla School.
	Syed Muhammad Ali	18	...	M. A. O. College, Aligarh.
	Tafrez Ali Mallik	18	...	Konnogar H. C. E. School.
410	Thakurdas	19	..	Gurudaspur High School.
	Wadley, A.	16-6	...	LaMartiniere College, Lucknow.
	Walker, C.	17-3	...	St. Paul's School, Darjeeling.
	Wall, B.	15-3	...	LaMartiniere College, Lucknow.
	Wilkinson, E.	16-7	...	Ditto Calcutta.
	Zorab, Manook	16	...	St. Xavier's College.
416	Zorab, M. M.	18-6	...	Ditto.

SECOND DIVISION.

In Alphabetical Order.

Abdul Guffoor	19	...	Dacca Collegiate School.
Abdul Karim	22	...	Patna Collegiate School.
Abdullah, M.	17	...	Allahabad Zilla School.
Abdullah Amir Husain	21	...	Mirat High School.
Abdul Latif	18-8	...	Dinapore Aided School.

	Abdul Wajid	18	...	Dacca Collegiate School.
	Abdur Rahim	17	...	Rungpore Zilla School.
	Abdur Rahaman Khan	19	...	Patna Collegiate School.
	Acharyya, Jayhari	20	...	S. P. Institution, Chakdighee.
10	,, Karunakanta	19	...	Noakhally Zilla School.
	Adhya, Akshaykumar	18	...	Metropolitan Institution.
	Agacy, S. S.	17	...	St. Xavier's College.
	Ahmad Saied Khan	19	...	Jaora High School.
	Ahmeed Hosain Khan	16	...	M. A. O. College, Aligarh.
	Ajodhyaprasad	15-11	..	Ludhiana Mission School.
	Ali Hosain Khan	17	...	M. A. O. College, Aligarh.
	Amir Ali Khan	23	...	Chittagong Collegiate School.
	Amjad Ali	19	...	Shajehanpore High School.
	Andrews, H. A.	18	...	Noakhally Zilla School.
20	Atmaram	19	...	Gurudaspore High School.
	Augier, W. M.	18	...	St. Xavier's College.
	Avalay, Balajee Vithoba	18	...	Free Church Institution, Nagpore.
	Avasthi, Chandrasekhar	18	...	Cawnpore Zilla School.
	Aziz Ahmad	16	...	Gya Zilla School.
	Bagadade, Sheoram Dadaji	19	...	City School, Nagpore.
	Bagchi, Nandalal	17	...	Hindu School.
	,, Purnachandra	17	...	Rajshahye Collegiate School.
	,, Rakhaldas	20	...	L. M. S. Institution, Bhowanipore.
	Bagga Khan	18	...	Gurudaspore High School.
30	Baijnath	20	...	Fyzabad High School.
	Bajpai, Sitlaprasad	16	...	Canning College, Lucknow.
	Baksi, Baradakanta	17	...	L. M. S. Institution, Bhowanipore.
	,, Kenaram	17-5	...	Ukhra Kunjelal Institution.
	,, Satischandra	17	...	Ravenshaw College, Katak.
	Balkishan	19-10	...	Hume's High School, Etawah.
	Bandyopadhyay, Abinaschandra	20	...	Free Church Institution, Calcutta.
	,, Abinaschandra	18-2	...	Naral H. C. E. School.
	,, Adharchandra	17	...	Midnapore Collegiate School.
	,, Akshaykumar	18	...	Hughli Collegiate School.
40	,, Ambikacharan	17	...	Howrah School.
	,, Ambikacharan	20	...	Free Church Mission School, Mohanad.
	,, Anurupkrishna	15	...	Suburban School, Kalighât.
	,, Asutosh	18	...	Patna Collegiate School.
	,, Asutosh	19	...	L. M. High School, Benares.
	,, Bhagwanchandra	20-2	...	Nizamut School, Moorshedabad.
	,, Bholanath	17	...	Baraset School.
	,, Bhubanmohan	18-4	...	Utterparah School.
	,, Bidhubhusan	18	...	Suburban School, Kalighât.
	,, Biharilal	17	...	Jugadballabhpur H. C. E. School.
50	,, Bipinbihari	20-3	...	Hare School.
	,, Bipinbihari (I)	16-4	...	Hindu School.
	,, Chandicharan	19	...	L. M. S. Institution, Bhowanipore.
	,, Chaturanan	19-6	...	Goberdanga School.
	,, Chintaharan	20	...	Ilsoba Moudlye School.
	,, Chunilal	16	...	Hindu School.
	,, Daibachandra	18	...	Lakhipasa H. C. E. School.
	,, Durgacharan	18	...	Canning College.
	,, Gangacharan	18	...	Santosh Janhabi School.
	,, Haranchandra	18	...	L. M. School, Mirzapore.
60	,, Harendrabihari	18-5	...	Hindu School.
	,, Haripada	19	...	Calcutta Training Academy.
	,, Harisadhan	16-11	..	Metropolitan Institution, S. Branch.
	,, Hemchandra	17-1	...	Krishnaghur Collegiate School.
	,, Jadunath	20	...	City School.
	,, Jogendranath	17-6	...	Hughli Branch School.
	,, Jogendranath	18-9	...	Metropolitan Institution, S. Branch.
	,, Jurandhan	17	...	Sodepore H. C. E. School.
	,, Khudiram	17-6	...	Beerbhoom Zilla School.
	,, Kunjabihari	19	...	Dacca School.
70	,, Madhusudan	16	...	Kandee School.
	,, Madhusudan	19	...	Chinsurah Hindu School.
	,, Nagendranath	16	...	Kandee School.
	,, Nanilal	19	...	C. M. School, Calcutta.
	,, Narayandas	19	...	Hindu School.
	,, Nikhileswar	18	...	City School.
	,, Nityagopal	16	...	Zilla School, Monghyr.
	,, Pramathanath	19	...	Hare School.

	Bandyopadhyay,	Prasannakumar	19	Bankura Government School.
	,,	Purnachandra	16	Banda Zilla School.
80	,,	Raghupati	17	Bankura Government School.
	,,	Rajkrishna	19	Bhastara School.
	,,	Ramkamal	21	Behala Mission School.
	,,	Saradaprasad	17	M. A. O. College, Aligarh.
	,,	Sasthidas	18	Hare School.
	,,	Satischandra	16	Berhampore Collegiate School.
	,,	Satischandra	18	Lakhipasa H. C. E. School.
	,,	Satkari	15-2	Purneah Zilla School.
	,,	Satyendranath	18-4	Hindu School.
90	,,	Surendrachandra	17	Serampore College.
	,,	Syamacharan	16-6	L. M. School, Khagrah.
	,,	Tinkari	16-6	Hindu School.
	,,	Umacharan	18	Hare School.
	,,	Upendranath	15	St. Xavier's College.
	Bansidhar		18	Ranchi Zilla School.
	Baral, Satyanath		16	Gauhati School.
	Barari, Umbikacharan		17-6	Patna Collegiate School.
	Barman, Mahendranath		17	Free Church Institution, Calcutta.
	Barrow, Bhabakanta		16	Sibsagar Zilla School.
	Baruya, Kesabchandra Sonowal		18	Ditto.
100	,,	Mahendranath	16 9	Ditto.
	Basack, Debendranath		19	Dacca Collegiate School.
	,,	Radhikamohan	16-7	Hindu School.
	Basu, Akhilchandra		19	Hare School.
	,,	Amritalal	17	L. M. S. Institution, Bhowanipore.
	,,	Asutosh (Senior)	18	Kishnaghur Collegiate School.
	,,	Asutosh	20	City School.
	,,	Atuleswar	17	Mozufferpore Zilla School.
	,,	Binodbihari	18	City School.
	,,	Chandicharan	18	Patna Collegiate School.
110	,,	Grischandra	16-9	Hindu School.
	,,	Haricharan	17	Jamalpore H. C. E. School.
	,,	Hemnath	18	Albert School.
	,,	Hridaydhan	18	General Assembly's Institution.
	,,	Jibankrishna	19	Hare School.
	,,	Jnanendrachandra	19	Garden Reach School.
	,,	Jogendrachandra	17	Bhastara School.
	,,	Jogendranath	18	Kuchiakole Radhaballab Institution.
	,,	Jogneswar	16	Mahespore H. C. E School.
	,,	Kailaschandra	18	Suburban School, Kalighât.
120	,,	Khirodkrishna	18	Indian Institution.
	,,	Lalmohan	19	Jagannath School.
	,,	Mahendranath	17	High School, Jubbulpore.
	,,	Mahinimohan	18	Jamalpore H. C. E. School.
	,,	Makhangopal	17	Metropolitan Institution.
	,,	Manindranath	17	Oriental Seminary.
	,,	Nageudranath	18	L. M. S. Institution, Bhowanipore.
	,,	Nilkanta	18	Dashghara H. C. E. School.
	,,	Pasupati	19	Rajshahye Collegiate School.
	,,	Phakirchandra	17	Hamilton's School, Tamlook.
130	,,	Prasannakumar	19	Jenkins' School, Cooch Behar.
	,,	Priyagopal	17	Howrah School.
	,,	Rajendrakumar	19	Nizamut School. Moorshedabad.
	,,	Rakhaldas	18-6	Utterparah School.
	,,	Rameschandra	16	Hare School.
	,,	Rasbihari	20-6	Hughli Branch School.
	,,	Saradaprasad	18	General Assembly's Institution.
	,,	Saratchandra	16	C. M. High School, Azimgarh
	,,	Saratchandra	22	L. M. S. Institution, Bhowanipore.
	,,	Saratchandra	19	Free Church Mission School, Mohanad.
140	,,	Saratchandra	18	Presidency School.
	,,	Sasibhushan	18	Hare School.
	,,	Satyachandra	19-6	Albert School.
	,,	Subarnaprabha		Bethune Female School.
	Basudebnarayan		17-6	Mozufferpore Zilla School.
	Beechey, W.		16-9	St. George's College, Mussoorie.
	Bhagabatiprasad		17	Benares Collegiate School.
	Bhagat Ram		16	Lahore Government School.
	Bhaironprasad		17	High School, Jubbulpore.
	Bhar, Hariprasanna		19-9	Metropolitan Institution, S. Branch.
150	Bhargo, Nandkisor		21	Muttra Zilla School.

	Bhargu, Narayandas		19	Muttra Zilla School.
	Bhatta, Sasibhushan		17	Dacca Collegiate School.
	Bhattacharyya, Abinaschandra		17	Garden Reach School.
	,,	Annadacharan	17-9	Bogra Zilla School.
	,,	Asminikumar	18	Comillah Zilla School.
	,,	Benimadhab	22	Sanskrit College.
	,,	Bhagabaticharan	17	L. M. School, Midnapore.
	,,	Bishnuchandra	19	Krishnaghur A. V School.
	,,	Chandicharan	17	General Assembly's Institution.
160	,,	Girischandra	19	Maharaja's School, Comillah.
	,,	Gopalchandra	20	Agarpara H. C. E. School.
	,,	Kedarnath	18	Gosain Durgapur School.
	,,	Krishnakumar	20	Dacca Collegiate School.
	,,	Rajendrachandra	20	Sanskrit College.
	,,	Sasibhushan	18	Cossipur Kasinath School.
	,,	Sitanath	20	Naral H. C. E. School.
	,,	Suryyakumar	18	Purjana H. C. E. School.
	,,	Syamacharan	19	Andul School.
	,,	Syamakanta	20	Sanskrit College.
170	,,	Taranbandhu	18	Dinagepore Zilla School.
	Bhaya, Gopalchandra		16	Rajshahye Collegiate School.
	Bhunya, Jayharidas		18	Midnapore Collegiate School.
	Biggs, W.		15-9	La Martiniere, Lucknow.
	Birprasad		18	Mozufferpore Zilla School.
	Biswas, Aghornath		17-6	Krishnaghur Collegiate School.
	,,	Gaurhari	20	Hare School.
	,,	Haricharan	19	Bhagulpore Zilla School.
	,,	Harkisor	19	Mymensing Zilla School.
	,,	Hiralal	19	Free Church Mission School, Mohanad.
180	,,	Jadunath	19	Nabadip Hindu School.
	,,	Jogendrachandra	18	Furreedpore Zilla School.
	,,	Kailaschandra	18	Santosh Janhabi School.
	,,	Kedarnath	18	Hare School.
	,,	Krishnachandra	18	Dacca Collegiate School.
	,,	Kunjabihari	17	Krishnaghur A. V. School.
	,,	Loknath	20	Furreedpore Zilla School.
	,,	Ramtarak	20	Purulia School.
	,,	Umeschandra	20	Rowile School.
	Bowder, J.		17	LaMartiniere College, Lucknow.
190	Brajanath		17	Thakar School, Ulwar.
	Buchey, Krishna Sitaram		20	Free Church Institution, Nagpore.
	Bunltyens, E.		18	St Thomas College, Columbo.
	Buzlur Roheem		17	Noakhally Zilla School.
	Byas Sheo Bux		18	Durbar High School, Jodhpore.
	Chakrabarti, Biharilal		17	Barahanagur Hindu School.
	,,	Bijaychandra	19-2	Hughli Collegiate School.
	,,	Chandrakanta	16	Maharaja's School, Burdwan.
	,,	Debendranath	17	Suburban School, Kalighât.
	,,	Gobindachandra	18	Jagannath School.
200	,,	Gobindacharan	18	Ditto.
	,,	Herambanath	20	Ruplal Raghunath School.
	,,	Kailasnath	19	Jenkins' School, Cooch Behar.
	,,	Mathuranath	19	Naserabad Entrance School.
	,,	Narayanchand	18-7	Dinagepore Zilla School.
	,,	Nilmadhab	19	L. M. S. Institution, Bhowanipore.
	,,	Rebatimohan	17	Dacca Collegiate School.
	,,	Saratchandra	20	Jagannath School.
	,,	Satischandra	19	Dacca Collegiate School.
	,,	Syamacharan	25	Nowab Abdul Gunny's Free School.
210	,,	Taraprasanna	20	Jagannath School.
	Chaliha, Kaliprasad		17	Sibsagar Zilla School.
	Chan Htoon Oung		19	Doveton College.
	Chand, Ramanikanta		18	Mymensing Zilla School.
	Chandiprasad		21	Benares Collegiate School.
	Chandra, Priyanath		16	Hindu School.
	,,	Ramchandra	22	Chinsurah Grammar School.
	Chattopadhyay, Abinaschandra		18-4	Hugli Branch School.
	,,	Akshaykumar (Senior)	18-4	Metropolitan Institution, S. Branch.
	,,	Asutosh	17	Beerbhoom Zilla School.
220	,,	Bhabanath	17	Metropolitan Institution.
	,,	Bhagbatchandra	19	S. P. Institution, Ckakdighee.
	,,	Bhagbaticharan	20	Joynarayan's College, Benares.
	,,	Bijaygopal	17	Bankura Government School.

	Chattopadhyay,	Brajalal	17	... General Assembly's Institution.
	,,	Chandmohan	18	... Rajshahye Collegiate School.
	,,	Chandrakanta	18	... City School.
	,,	Chandrasekhar	17	... Calcutta Training Acadamy.
	,,	Debendranath	16-2	... Allahabad Zilla School.
	,,	Debendranath	18	... Deoghur Zilla School.
230	,,	Durgadas	17	... General Assembly's Institution.
	,,	Girindranath	17	... Hare School.
	,,	Girischandra	17	... Baidyobati English School.
	,,	Haridas	19	... Hare School.
	,,	Hemchandra	20	... Patna Collegiate School.
	,,	Hiralal	16	... Barrackpore School.
	,,	Indranarayan	20	... Bissenpore H. C. E. School.
	,,	Kailaschandra	20	... Khulna H. C. E. School.
	,,	Kedarnath	16	... Bankura Government School.
	,,	Kuladaprasad	18	... Patna Collegiate School.
240	,,	Loknath	21	... Sylhet Zilla School.
	,,	Manmathanath	16-3	... Useful Arts School.
	,,	Nagendrachandra	18	... L. M. S. Institution, Bhowanipore.
	,,	Nagendranath	17	... Ravenshaw College, Katak.
	,,	Nagendranath	16-6	... Hughli Branch School.
	,,	Narayandas	21	... South Baharoo School.
	,,	Nilkanta	18	... Purulia School.
	,,	Nilmani	17	... Oriental Seminary.
	,,	Nrisinhaprasad	18	... Banawaribad H. C. E. School.
	,,	Purnachandra	22	... Burdwan E. School.
250	,,	Rajanikanta	17-2	... Hughli Branch School.
	,,	Satischandra	16-6	... Krishnagur Collegiate School.
	,,	Satyajnan	18	... Maheşpur H. C. E. School.
	,,	Sukumar	20	... Hare School.
	,,	Tinkari	17	... Searsole H. C. E. School.
	,,	Umacharan	17-6	... Garbhabanipur H. C. E. School.
	,,	Upendranath	17	... Indian Institution.
	Chaturbhuj		18	... C. M. High School, Mirat.
	Chaudhuri,	Bhudebchandra	17	... Baluti H. C. E. School.
	,,	Debendranath	17	... L. M. S. Institution, Baduria.
260	,,	Dwarkanath	20	... Maharaja's School, Comillah.
	,,	Gaganbihari	16	... Balasore Zilla School.
	,,	Girijasankar	15	... Dighapatia H. C. E. School.
	,,	Harakumar	21	... Sylhet Zilla School.
	,,	Haripada	20	... Jonye Training School.
	,,	Jaysankar	19	... Jagannath School.
	,,	Kasichandra	19	... Sylhet Zilla School.
	,,	Kumudnath	16	... Krishnagur Collegiate School.
	,,	Lalitkumar	16-5	... Hughli Collegiate School.
	,,	Mohananda	17	... Jagannath School
270	,,	Prankrishna	18-6	... Sylhet Zilla School
	,,	Ramnarayan	18	... Jenkins' School, Cooch Behar.
	,,	Surendranath	18	... Ranchi Zilla School.
	,,	Syamacharan	19	... Khulna H. C. E. School.
	,,	Umeschandra	18	... Krishnagur Collegiate School.
	Chitnis,	Gangadhar Madhan	18	... Private student.
	Chitty,	J. M.	17	... Wesley College, Colombo.
	Clarke,	E.	17-6	... Boy's High School, Allahabad.
	Clement,	J. H.	18	... Batala Christian Boarding School.
	Dalal,	Ramcharn	18-5	... Metropolitan Institution, S. Branch.
280	Das,	Balaichandra	18	... Free Church Institution, Calcutta.
	,,	Balaram	19-3	... Nizamut School, Moorshedabad.
	,,	Baldeo	18	... Lahore Government School.
	,,	Bhagaban	15	... Benares Collegiate School.
	,,	Bhagwan	19	... Mirzapur Zilla School.
	,,	Bishan	18	... Amritsar District School.
	,,	Brajanath	17	... Dacca Collegiate School.
	,,	Chintaharan	18	... Comillah Zilla School.
	,,	Gobindachandra	19	... Ruplal Rughunath School.
	,,	Guruprasad	18	... Katak Acadamy
290	,,	Harischandra	17	... Maharaja's School, Udipur.
	,,	Jagannath	17	... Puri Zilla School.
	,,	Jagannath	18	... Gonda High School.
	,,	Jagannath	18	... Dighapatia School.
	,,	Jnanchandra	17	... L. M. S. Institution, Bhowanipur.
	,,	Jogendranath	19	... Doveton College.
	,,	Kailaschandra	19	... Comillah Zilla School

	Das,	Kailaschandra	20	... Ananda School, Brahmanbaria.
	,,	Kalikaprasad	18	... Cachar Zilla School.
	,,	Kishen	19	... Gurdaspur High School.
300	,,	Manmathalal	17-6	... Metropolitan Institution, S. Branch.
	,,	Manmohan	17	... Dacca Collegiate School.
	,,	Nabinchandra	18	... Barisal Zilla School.
	,,	Nilkanta	19	... Nawab Abdul Guny's Free School.
	,,	Narayan	19	... Bareilly High School.
	,,	Parbaticharan	21	... Sylhet Zi la School.
	,,	Parbaticharan	19	... Benares Collegiate School.
	,,	Parmeswari	18	... Allahabad Zilla School.
	,,	Piyarimohan	17-6	... Sylhet Zilla School.
	,,	Prahladcharan	18	... Cachar Zilla School.
310	,,	Radhakanta	19	... Barpeta H. C. E. School.
	,,	Raicharan	21	... Furreedpur Zilla School.
	,,	Raicharan	19	... Calcutta Free Church Institution.
	,,	Ramcharan	20	... Mattra Zilla School.
	,,	Ramsaran	22	... C. M. High School, Mirat.
	,,	Rasbihari	19	... Dacca School.
	,,	Sadasib	18	... Ravenshaw College, Katak.
	,,	Srinath	20	... Dacca Collegiate School
	,,	Suryyakanta	20	... Jenkins' School, Cooch Behar.
	,,	Udaychandra	21	... Noakhally Zilla School.
320	,,	Udaynarayan	20	... Balasore Zillah School.
	Das Gupta,	Basantakumar	15	... L. M. S. Institution, Bhowanipur.
	,,	Saratchandra	19	... Suburban School, Kalighât.
	Datta,	Amritalal	18-3	... Benares Collegiate School.
	,,	Arunaday	18	... Bankura Government School.
	,,	Atulkrishna	16	... Oriental Seminary.
	,,	Baradacharan	18-6	... Barisal Zilla School.
	,,	Binaykrishna	22	... Moharaja Narendra Krishna's H. C. E. School Hatugunge.
	,,	Brajabhushan	18	... Krishnaghur Collegiate School.
	,,	Debendranath	14	... Naral H. C. E. School.
330	,,	Gobindalal	18-3	... Hare School.
	,,	Gokulchandra	18	... Badla School.
	,,	Gopijanaballabh	18-6	... Beerhboom Zilla School.
	,,	Harischandra	21	... Chittagong Collegiate School.
	,,	Kaliprasana	20	... Barisal Zilla School.
	,,	Kedarnath	17	... Hare School.
	,,	Kshetramohan	18	... L. M. S. Institution, Bhowanipore.
	,,	Mahabharat	16	... Kandee School.
	,,	Narasinhachandra	18	... Oriental Seminary.
	,,	Piyarimohan	19	... Goalpara Zilla School.
340	,,	Purnachandra	16	... Konnogur H. C. E. School.
	,,	Radhikacharan	17	... Calcutta Institution.
	,,	Ramgobinda	18	... Santosh Janhabi School.
	,,	Saradacharan	18	... Hughli Branch School.
	,,	Saradakumar	19	... Chittagong Collegiate School.
	,,	Saradaprasad	19	... Balasore Zilla School.
	,,	Saratchandra	17	... City School.
	,,	Srischandra	15	... Hughli Branch School.
	,,	Syamlal	17	... Naral H. C. E. School.
	De,	Adharchandra	21-11	Palamow Government School.
350	,,	Akshaykumar	22	... Indian Institution.
	,,	Gopalchandra	17-3	... Zilla School, Monghyr.
	,,	Hemchandra	16-7	... Hare School.
	,,	Jaynarayan	18	... Sylhet Zila School.
	,,	Jotilal	17	... Albert School.
	,,	Kailaschandra	19	... Naserabad Entrance School.
	,,	Krishnakisor	16-2	... Hindu School.
	,,	Narayandas	17	... Ditto.
	,,	Nagendranath	21	... Hare School.
	,,	Panchkari	16-6	... Chinsurah Free Church Institution.
360	,,	Pannalal	17	... Hindu School.
	,,	Prasannakumar	17-2	... Sylhet Zilla School.
	,,	Ramanath	19	... Naserabad Entrance School.
	,,	Ramnath	17-10	Hughli Collegiate School.
	,,	Sidheswar	17	... Chundernagur School.
	Deb,	Anandakumar	20	... Hindu School.
	,,	Hiralal	18	... Barrakpore School.
	,,	Manindranarayan	16	... Indian Institution.

	DeKretser, J.	20	...	Private student.
	DeRozario, J.	16	...	St. Joseph's School.
370	Deshpande, Sankar Ganes	17	...	City School, Nagpur.
	Despande Damodar Pandurang	22	...	Dhar High School.
	deZilva, D. L.	20	...	Wesley College, Colombo.
	Dighay, Narayankrishna	21	...	Free Church Institution, Nagpur.
	Dipchand	18	...	Pertabgarh High School.
	Dobe, Sibaram Tanba	18	...	City School, Nagpur.
	Donald, J. S.	18	...	Bishop Cotton School.
	Dracott, W.	16-9	...	Residency College, Indore.
	Drieberg, C.	18	...	Trinity College, Kandy.
	Dude, Banimadhab	17	...	Unao High School.
380	„ Ganpat Deweshwar	19-4	...	High School, Jubbulpur.
	„ Guruprasad	19	...	Mirzapore Zilla School.
	„ Harisankar	19	...	High School, Jubbulpur.
	„ Purnachandra	18	...	Berhampore Collegiate School.
	Dwarkanath	17	...	Lakhimpur High School.
	Dwarkaprasad	17	...	Muttra Zilla School.
	„	18	...	High School, Jubbulpur.
	„	19	...	Furrakbad Zilla School.
	Eric, M. D.	17	...	Bogra Zilla School.
	Faquir Hussen	19	...	Bhagulpur Zilla School.
390	Farrant, R. A.	17	...	Bishop Cotton School.
	Fateh Chand	20	...	Ludiana Mission School.
	Fazl Hosain Khan	18	...	M. A. O. College, Aligarh.
	Ferdinands, H. J.	17-8	...	LaMartiniere College, Calcutta.
	Fozlul Azim	17-5	...	Hughli Collegiate School.
	Gangopadhyay, Benimadhab	18	...	General Assembly's Institution.
	„ Bidhubhushan	17	...	Nabadwip Hindu School.
	„ Bishnupada	16	...	Free Church Institution, Calcutta.
	„ Harkumar	19	...	Noakhali Zilla School.
400	„ Khirendranath	19	...	Calcutta Free Church Institution.
	„ Rasikkanta	17	...	Noakhali Zilla School.
	„ Saradaprasad	16-4	...	Purnea Zilla School.
	„ Sasibhushan	21	...	General Assembly's Institution.
	„ Satkari	17-3	...	Hughli Branch School.
	„ Upendranath	20	...	Sibpur H. C. E. School.
	Ganes Bux	21	...	Unao High School.
	Ganeshilal	19	...	Canning College, Lucknow.
	Gastand, M. M.	18-10		LaMartiniere College, Calcutta.
	Gaurisankar	20-6	...	District School, Delhi.
	Gangaprasad	17	...	Christ Church School, Cawnpur.
410	Gayaprasad	17	...	Arrah Zilla School.
	Ghatak, Adheswar	18	...	Mudressa-i-Unwaria.
	„ Baidyanath	17	...	Purulia School.
	„ Kaliprasanna	17	...	Jagannath School.
	Ghasita Ram	19	...	Ludiana Mission School.
	Gholam Muhammad	20	...	Fyzabad High School.
	Ghosh, Abinaschandra	19	...	Chinsurah F. C. Institution.
	„ Akshaykumar	17	...	Hare School.
	„ Asutosh	18	...	Harinabhi N. S. School.
	„ Basantakumar	20	...	Nizamut School, Moorshedabad.
420	„ Bhubanmohan	20	...	Goalpara Zilla School.
	„ Bidhubhushan	18-8	...	Magura H. C. E. School.
	„ Biharilal	18	...	Julpigori Zilla School.
	„ Binodbihari	20-6	...	Pogose School, Dacca.
	„ Brajanath	18	...	Balasore Zilla School.
	„ Debendranath	19	...	Metropolitan Institution.
	„ Gangaprasanna	18	...	Canning College, Lucknow.
	„ Gopalchandra	17	...	Howrah School.
	„ Haridas	16		Oriental Seminary.
	„ Hiralal	18	...	Hare School.
430	„ Jaminakanta	18-10		Utterparah School.
	„ Jyotiprasad	17	...	Metropolitan Institution.
	„ Kedarnath	16	...	Zilla School, Monghyr.
	„ Kumadindu	20	...	Nizamut School, Moorshedabad.
	„ Nagendranath	18	...	Albert School.
	„ Nibaranchandra	17	...	Indian Institution.
	„ Raimohan	19	...	Comillah Zilla School.
	„ Ramanath	22	...	City School.
	„ Rasiklal	20	...	Pogose School, Dacca.
	„ Rudranarayan	17	...	Canning College, Lucknow.
440	„ Sasibhushan	18	...	Hare School.

	Ghosh, Satischandra	16	...	Hindu School.
	„ Surendrachandra	17	...	Ditto.
	„ Surendrakrishna	17	...	Hare School.
	„ Syamacharan	16	...	Chupra Zilla School.
	„ Ditto	16-7	...	Lahore Government School.
	„ Taraprasad	17-4	...	Hughli Collegiate School.
	„ Tinkarimohan	17	...	Cawnpur Zilla School.
	„ Trityagopal	18-4	...	Kandee School.
	„ Umacharan	18	...	L. M. S. Institution, Baduria.
450	„ Nagendranath	18	...	Canning College, Lucknow.
	„ Sitalchandra	17	...	Hamilton's School, Tamlook.
	Ghulam Muhammad	20	...	Zilla School, Banda.
	„ Murtaza	20	...	Ludiana Mission School.
	Gilbert, G.	16	...	Bishop Cotton School.
	Giri, Srihari	18	...	Balasore Zilla School.
	Girijaprasad	18	...	Fyzabad High School.
	Gokhale, Krishnaji Kasinath	19	...	City School, Nagpur.
	Goonetilleke, A. F.	18-10	...	Trinity College, Kandy.
	Gooni Lal	18	...	Patna Collegiate School.
460	Gorakprasad	18	...	Mozufferpur Zilla School.
	Goswami, Syamsundar	20	...	Naserabad Entrance School.
	Guha, Atulchandra	16	...	Ruplal Raghunath School.
	„ Jageschandra	16	...	Ditto.
	„ Jogendranath	16	...	Dacca Collegiate School.
	„ Srischandra	18	...	Bagirhat H. C. E. School.
	„ Umeschandra	18	...	Rajshahye Colligeate School.
	Guin, Abinaschandra	19	...	General Assembly's Institution.
	„ Prasaddas	20	...	Hindu School.
	Gupta, Amritalal	17	...	Metropolitan Institution Shampukar Branch.
470	„ Annadacharan	23	...	Pogose School, Dacca.
	„ Dwarkanath	18	...	Calcutta Institution.
	„ Dwijendrasankar	16	...	Kalia H. C. E. School.
	„ Kailaschandra	18	...	Comillah Zilla School.
	„ Karunamay	18	...	City School.
	„ Pransankar	17	...	Kalia H. C. E. School.
	„ Srinath	19	...	Jenkin's School, Cooch Behar.
	„ Srischandra	18	...	Albert School.
	„ Taraprasanna	16	...	Jaynagur Institution.
	„ Upendranath	17	...	Purnea Zilla School.
480	Haldar, Abhayacharan	18	...	Baraset School.
	„ Haridas	21	...	Krishnaghor Anglo-Vernacular School.
	„ Sitalchandra	18-10	..	Khulna H. C. E. School.
	„ Sukumar	17	...	Ranchi Zilla School.
	Hamidullah	20	...	Zilla School, Allahabad.
	Hardayal	17	...	Maharaja's College, Jaypur.
	Harnarayan	19-4	...	District School, Delhi.
	Hazra, Upendrachandra	17	...	Kuchiakol Radhaballabh Institution.
	Hazrika, Kalinath	18	...	Shebsagar Zilla School.
	Hogan, J.	18	...	St. Xavier's College.
490	Holder, E.	16	...	Bishop Cotton School.
	Hunt, J.	16	...	Doveton College.
	Inayatullah	16	...	Batala Christian Boarding School.
	Ismail Hassain	17	...	Calcutta Madrassa.
	Jacobs, P.	17	...	St. Xavier's College.
	Jacobson, A. R.	16-8	...	La Martiniere College.
	Jagadisnarayan	17	...	Chupra Zilla School.
	Jagannath	18	...	Bareilly High School.
	Jameeluddin Mahammed	17	...	Ravenshaw College, Katak.
	Jankiprasad	19	...	C. M. High, Meerut.
500	Jeotshee, Kamalapati	19	...	Bareilly High School.
	Jharkhandiprasad	18	...	Bhagulpur Zilla School.
	Johnson, H.	16	...	Bishop Cotton's School, Simla.
	Jordan, J. C.	20	...	Armenian Philanthropic Academy.
	Joshi, Bishnu Ramchandra	17-6	...	High School, Jubbulpur.
	„ Durgadatta	19	...	Almora Mission School.
	„ Keshub Vinayak	18	...	City School, Nagpur.
	„ Ramchandra Sridhar	20	...	Ditto ditto.
	Joti Mohabishnu	17	...	Maharajah's School, Burdwan.
	Jualadas	20	...	Jhang District School.
510	Kahali, Kaminikumar	20	...	Noakhali Zilla School.
	Kante, Raghunath Narayan	21	...	Teacher.
	Kar, Atulchandra	19-4	...	Metropolitan Institution, Shampukur Branch.

	Karmakar, Chandrakanta	19	Noakhali Zilla School.
	Katoki, Kamaleswar	17	Nowgong Zilla School.
	Kema, J. M.	17-3	St Francis DeSales School, Nagpur.
	Khadilker, Bulwant Purushottum	19-10-14	Zoroastrian School, Mhow.
	Khaja, Basiruddin Ahmed	18	Benares Collegiate School.
	Kherawal, Baldeo	17-9	High School, Jubbulpur.
	Khurshed Ali	21	Chuadangah H. C. E. School.
520	Kirpanarayan	18	St. Stephen's High School, Delhi.
	Knight, W.	14-9	La Martiniere College, Lucknow.
	Kshetriya Debidyal	16	Benares Collegiate School.
	Kuar Bahadur	21	High School, Fyzabad.
	Kubirnath	21	Victoria College, Gazipore.
	Kumar, Prasannalal	19-6	Hare School.
	Kundu, Abinaschandra	22	L. M. School, Khagra.
	,, Binodbihari	17	Calcutta Training Academy.
	,, Narayanchandra	17	Howrah School.
	Kunbialal	19	Lakhimpur High School.
530	Kunjabihari	16	Canning College, Lucknow.
	Lahiri, Manmathanath	19	Barisal Zilla School.
	,, Tarinicharan	18	Shambhunath's School, Chatmoher.
	Lal, Kunjabihari	19	M. A. O. College, Allighur.
	,, Kunjabihari	18 3	High School, Jubbulpur.
	,, Bakhtawar	20	Hurdui High School.
	,, Bankabihari (I)	17	Agra Collegiate School.
	,, Chandu	18-8	Maharajah's College, Jeypur.
	,, Chote	16-2	Agra Collegiate School.
	,, Chotey	20	Maharajah's College, Jeypur.
540	,, Giridhari	17	Private Student.
	,, Karhoon	21	Patna Collegiate School.
	,, Radhay	18	Allighur Zilla School.
	,, Rajbahadur	17	Benares Collegiate School.
	,, Seocharan	17	Bareilly High School.
	,, Sheonandon	19-2	High School, Jubbulpur.
	,, Shibbon	17	St. Peter's College, Agra.
	,, Sudamacharitra	17	Private Student.
	,, Sundar	18	High School, Jubbulpur.
	Lala, Krishnasahay Singh	21	Benares Collegiate School.
550	,, Sibabharos	20	C. M. High School, Jubbulpur.
	,, Balaknath	18-3	Beerbhoom Zilla School.
	,, Gopilal	18	Mission School, Gazipur.
	,, Magun Mul	17	Durbar High School, Jodhpur.
	,, Sukhdeb Narayan	20	Mission School, Gazipur.
	Lalchand	18-9	Jhang District School.
	Linton, C. H.	16	Doveton College.
	Lultaprasad	19	Rai Bareilly Zilla School.
	Lynam, J.	17-7	St. Xavier's College.
	Madge, E. W.	15-7	Doveton College.
560	Madhoprasad	19	Bhagulpur Zilla School.
	Mahabirprasad	19	Ditto.
	Mahaishnarayan	19	Pertabgurh High School.
	Mahendraprasad	21	Motihari Zilla School.
	Mahtah, Jnanchand	16 6	Guzrat Government School.
	Maji, Nayanchandra	19-6	Scarsole H. C. E. School.
	Majumdar, Annadachurn	17-10	Benares Collegiate School.
	,, Bhubanmohan	20	Nawab Abdul Gunny's Free School, Dacca.
	,, Bijaylal	18	Calcutta Free Church Institution.
	,, Charuchandra	16-5	Hughli Collegiate School.
570	,, Jagatchandra	20	Kustea School.
	,, Kedarnath	19	Pabna Zilla School.
	,, Madhabchandra	18	Pogose School, Dacca.
	,, Mohimchandra	18	Jenkins' School, Cooch Behar.
	,, Mathurakanta	19	Naserabad Entrance School.
	,, Purnachandra	22	C. M. High School, Jubbulpur.
	,, Rajanikanta	19	Nabadwip Hindu School.
	,, Saratchrandra	17-6	Kumarcally H. C. E. School.
	,, Surendrannath	16	Bhagulpur Zilla School.
	Mal, Malawa	20	Ludiana Mission School.
580	Mallik, Bankimcharan	20	Chinsurah Free Church Institution.
	,, Brajalal	21	Calcutta Free Church Institution.
	,, Gaurcharan	17	Hare School.
	Mandal, Anandachandra	18	Serampur College.
	,, Krishnaprasanna	19	Sanskrit College.

	Mandal, Parbaticharan	18	Metropolitan Institution.
	,, Tinkari	17-6	Hughli Collegiate School.
	Mannath, Pandit	19	Jullundar Mission School.
	Margenout, W. W.	18	Trinity College, Kandy.
	Marik, Amritalal	17	Barrackpur School.
590	Maulik, Purnachandra	18	Jhenida H. C. E. School.
	McCue, John A. B.	17-4	St. Francis DeSales School, Nagpur.
	McLean, P	16	St. Peter's College, Agra.
	Misra, Brindanbachandra	19	Putia H. C. E. School.
	,, Kedarnath	19	Canning College, Lucknow.
	,, Ramdayal	16	Bahraich Zilla School.
	,, Sasibhusan	18	Kuchiakol Radhaballabh Institution.
	,, Syambihari	16	Pertabgarh High School.
	,, Trilochan	23	Teacher.
	Mitchell, W. J. F.	17-3-8	Calcutta High School.
600	Mitra, Akshaykumar	18	Metropolitan Institution.
	,, Amarkrishna	17	Hare School.
	,, Annadaprasad	17	Garden Reach School.
	,, Autkrishna	18	Jaynoghur Institution.
	,, Benimadab	18	Canning College, Lucknow.
	,, Fanibhusan	21	General Assembly's Institution.
	,, Girischandra	20	Albert School.
	,, Gobindachandra	18	Jaynarain's College, Benares.
	,, Hariakumar	16-1	Hare School.
	,, Kunjabihari	18	Bankura Government School.
610	,, Lalitchandra	18	Santosh Janhabi School.
	,, Rajanikanta (II)	19	Pogose School, Dacca.
	,, Rajendralal	18	Balagor School.
	,, Sambhuchandra	19	Private Student.
	,, Sasadhar	19	Calcutta Training Academy.
	,, Suratchandra	19	Metropolitan Institution, Shampukur Branch.
	,, Tripandeswar	18	Hindu School.
	,, Umacharan	19-4	Noral H.C.E. School.
	Mohitkar, Gangaram Pilba	20	F. C. Institution, Nagpur.
	Moore, F.	16	St. Paul's School, Darjeeling.
620	Moung Hpo Hlah	17-9	Rangoon Government High School.
	,, Tao	16-3	Ditto ditto ditto.
	Mubarak Husain	17-4	Zilla School, Allahabad.
	Muhammad Abdar Rahim	18	Calcutta Madrassa.
	,, Abdul Haq	20	High School, Jubbulpur.
	,, Abdur Rasheed Khan	17	M. A. O. College, Allighur.
	,, Anwar Ali Hosain	19	C. M. High School, Jubbulpur.
	,, Azimuddin	17	F. C. Institution, Nagpur.
	,, Fazalullah	17	M. A. O. College, Allighar.
	,, Husain	18	Canning College, Lucknow.
630	,, Hussain	22	Private Student.
	,, Ishfak	18	Calcutta Madrassa.
	,, Israel	16-2	Barisal Zilla School.
	,, Ziaul Haq	18	Calcutta Madrassa.
	Mukhopadhyay, Aghornath	17	Jehanabad H. C. E. School.
	,, Annadprasad	19	Barrackpur School.
	,, Asminikumar	17	Santosh Janhabi School.
	,, Asutosh (C.)	19	L. M. S. Institution, Bhowanipur.
	,, Asutosh (B.)	17	Ditto ditto.
	,, Binodbihari	16	Behala Mission School.
640	,, Bipinbihari	20	Ruplal Raghunath School.
	,, Charuchandra	18	City School.
	,, Dharanidhar	18-5	City School, Monghyr.
	,, Durgapada	19	Bengalitolla Preparatory School.
	,, Gaurhari	18	Calcutta Free Church Institution.
	,, Girindrachandra	18	Oriental Seminary.
	,, Gopalchandra	18-10	Jonye Training School.
	,, Gopinath	18	General Assembly's Institution.
	,, Haralal	16	Maharajah's School, Kalna.
	,, Haridas	18	Albert School.
650	,, Haripada	16	S. P. Institution, Chakdeghee.
	,, Hariprasanna	17	Rajshahye Collegiate School.
	,, Hiralal	18	Calcutta Training Academy.
	,, Jnanendranath	17-3	Zilla School, Allahabad.
	,, Jogendrachandra	19	Beerbhoom Zilla School.

	Mukhopadhyay, Jogendranath	20	...	Bengalitolla Preparatory School.
	,, Jotindranath	19	...	Metropolitan Institution, S. Branch.
	,, Jyotirmay	18	...	Gosain Durgapur School.
	,, Kalidas	16-7	...	Hughli Collegiate School.
	,, Kedarnath	17	...	Agurpara H. C. E. School.
660	,, Khagendranath	17	...	Kuchiakol Radhabullbh Institution.
	,, Kirendranath	18	...	Calcutta Free Church Institution.
	,, Lalmohan	18	...	Serampore College.
	,, Madhusudan	17	...	Midnapore Collegiate School.
	,, Mohendranath	17	...	Kuchiakol Radhabulbh Institution.
	,, Mohendranath	18	...	Khulna H. C. E. School.
	,, Matilal	17	...	Bengalitollah Preparatory School.
	,, Natabar	19	...	Kuchiakol Radhabulbh Institution.
	,, Nrityalal	19	...	Zilla School, Allahabad.
	,, Panchanan	18	...	Barrackpur School.
670	,, Pramathanath	16-6	...	Hindu School.
	,, Radharaman	20	...	Bhastara School.
	,, Rajanikanta	17	...	Ravenshaw College, Katak.
	,, Rajendralal	16-8	..	Canning College, Lucknow.
	,, Rakhaldas	17	...	Krishnaghur A. V. School.
	,, Saratchandra	17	...	Cutwa English School.
	,, ,,	18-1	...	Utterpara School.
	,, ,,	16-2	...	Zilla School, Allahabad.
	,, Sasibhushan	18	...	Gya Zilla School.
	,, Satischandra	19	...	L. M. S. Institution, Bhowanipur.
680	,, Sibchandra	19	...	Sanskrit College.
	,, Srikrishna	16	...	City School.
	,, Srischandra	20	...	Jessore Zilla School.
	,, Surendranth	17-6	...	Berhampur Collegiate School.
	,, ,,	18	...	Hare School.
	,, Sureschandra	16-9	...	Maharajah's College, Jeypur.
	,, Syamalananda	17-7	...	Beerbhoom Zilla School.
	,, Udaychandra	20	...	Ranaghat School.
	Mularam	18	...	Lahore Government School.
	Munnulal	19	...	Teacher.
790	Mustaphi, Haridas	18	...	Hindu School.
	Nabi, Baksh	19	...	High School, Hurdui.
	Nag, Saratchandra	19	...	Jagunnath School.
	,, Umacharan	20	...	Maharajah's School, Commilla.
	Nandakisore	19	...	Rai Bareilly Zilla School.
	Nandan, Debaki	23	...	Teacher.
	Nandi, Amritalal	17	...	Indian Institution.
	,, Girishchandra	20	...	Calcutta Training Academy.
	,, Mathuranath	18	...	Mymensingh Zilla School.
	,, Rajaninath	18-10	...	Sylhet Zilla School.
700	,, Ramprasad	18	...	Zilla School, Balasore.
	Nath, Narindar	16	...	Lahore Government School.
	Narmadaprasad	21	...	Cawnpore Zilla School.
	Nihal Chand	20	...	Agra Collegaite School.
	Nilakhe, Balwant Raghunath	19	...	City School, Nagpur.
	Niyogi, Dwijendrachandra	16	...	Santosh Janhabi School.
	Nurul Alam	23	...	Calcutta Madrassa.
	Patally, Waman Madhava	21	...	F. C. Institution, Nagpur.
	Pal, Chandranath	18	...	L. M. S. Institution, Bhowanipur.
	,, Krishnagopal	16	...	L. M. School, Midnapur.
710	,, Narayandas	18	...	Metropolitan Institution.
	,, Trailokyanath	18	...	Bankura Government School.
	Paladhi, Haridas	19	...	L. M. High School, Benares.
	Palit, Banabihari	16	...	Ravenshaw College, Katak.
	Pande, Jaidatta	19	...	Almora Mission School.
	Pandit, Ramchandra Anant	22	...	Dhar High School.
	,, Surajnarayan	20	...	Canning College, Lucknow.
	Pannalal	17	...	Christ Church School, Cawnpore.
	Pant, Siromani	18	...	Almora Mission School.
	Parameswari Dayal	20	...	High School, Fyzabad.
720	Passe, W. A.	20	...	Welesley College, Colombo.
	Pathak, Beniprasad	20	...	Hurdui High School.
	,, Kisorimohan	19-7	...	Utterpara School.
	Patnaik, Damodar	19	...	Ravenshaw College, Katak.
	,, Gopabandhu	20	...	Ditto. ditto.
	Pendherker, Vinaik Antaji	15-6	...	High School, Jubbulpur.
	Philip, S.	22-3	...	Mission High School, Bareilly.
	Pramanik, Adharchandra	21	...	Indian Institution.
	,, Madhabchandra	23	...	Albert School.

	Prasad, Baldeo	16	...	Bareilly High School.
730	,, Binda	21	...	Arrah Zilla School.
	,, Jogendranath	16-2	...	C. M. High School, Azimghur.
	Purohit, Sridhar Ramchandra	18	...	High School, Jubbulpur.
	Purves, E.	16	...	LaMartiniere College, Lucknow.
	Qamaruddin	20	...	Mission High School, Bareilly.
	Quinn, T.	17	...	St. Xavier's College.
	Raghunath Prasad	21	...	Benares Collegiate School.
	Raha, Basantakumar	17	...	Pabna Zilla School.
	Raheem Bakhsh	18	...	Jullundar Mission School.
	Rajendra Prasad	16	...	C. M. High School, Azimghur.
740	Rakshit, Bamapada	17	...	City School.
	,, Nityananda	18-6	...	Gya Zilla School.
	Ramchandra	23	...	High School, Ulwar.
	Ramdayal	20	...	Shajehanpur High School.
	,,	18	...	Canning College, Lucknow.
	Ramlal	21	...	St. Stephen's High School, Delhi.
	Ramnarayan	19	...	District School, Delhi.
	Ramprakaslal	16	...	Dumraon Maharajah's School.
	Ramraksha	19	...	Gurdaspur High School.
	Rao, S. Bhasker	18	...	F. C. Institution, Nagpur.
750	Ratanchand	20-6	...	Hushiarpur District School.
	Ratneswar Sarma, Mohanta	16	...	Gauhati Zilla School.
	Ray, Ajodhyanath	18	...	Purulia School.
	,, Akshaykumar	23-7	...	Ranchi Zilla School.
	,, Asutosh	16-6	...	P. Gupinathpur School.
	,, Bhabanisankar	20	...	Bogra Zilla School.
	,, Bhupendrakumar	17	...	Hindu School.
	,, Biswanath	17	...	Mymensingh Zilla School.
	,, Chandrakanta	19	...	Bengalitolla Preparatory School.
	,, Chandrakumar	19	...	Barisal Zilla School.
760	,, Dakshinamohan	17	...	L. M. Institution, Bhowanipur.
	,, Damodar	18	...	Pachamba H. C. School.
	,, Dewan Daulat	19	...	Lahore Government School.
	,, Dulah	20	...	Bareilly High School.
	,, Gurudas	17	...	Midnapur Collegiate School.
	,, Gurudayal	21	...	Benares Collegiate School.
	,, Harachandra	19	...	Jalpaigori Zilla School.
	,, Haridas	18	...	Barrackpur School.
	,, Hemnath	18-3	...	Hindu School.
	,, Jagadischandra	16-5	...	L. M. School, Khagra.
770	,, Jogendranath	18	...	Suburban School, Kalighat.
	,, Kalinath	19	...	Kuchiakol Radhabulbh Institution.
	,, Kaminikumar	20	...	Rungpur Zilla School.
	,, Kulachandra	17	...	City School.
	,, Madhabchandra	18	...	Kustea School.
	,, Madhusudan	16	...	Puri Zilla School.
	,, Mahendrachandra	18	...	Nawab Abdool Gunny's Free School, Dacca.
	,, Manmathanath	18	...	Calcutta Training Academy.
	,, Parbaticharan	17-6	...	Krishnaghur A. V. School.
	,, Priyanath	18	..	Calcutta Institution.
780	,, Pramathanath	18	...	Berhampur Collegiate School.
	,, Purnachandra	18	...	Santosh Janhabi School.
	,, Radhaballabh	17	...	Banwaribad H. C. E. School.
	,, Rajkumar	20-3	...	Noakhaly Zilla School.
	,, Rakhaldas	17	...	Suburban School, Kalighat.
	,, Sambhunath	17	...	Midnapur Collegiate School.
	,, Saratchandra	18	...	Barahanagar Hindu School.
	,, Sasibhushan	21	...	Chinsurah F. C. Institution.
	,, Sibchandra	18	...	Shillong Zilla School.
	,, Surendrakisor	19	...	M. A. O. College, Alligurh.
790	,, Surendranath	17	...	Utterparah School.
	,, Taranath	18	...	Serajgunge H. C. E. School.
	,, Taraprasanna	21	...	Santosh Janhabi School.
	,, Umagati	16	...	Rungpur Zilla School.
	Raychrudhuri, Jotindranath	17	...	Hare School.
	Rogers, W. J.	16	..	Bishop Cotton's School, Simla.
	Ropes, P.	19	...	Wesley College, Colombo.
	Ross, A.	17	...	St. Peter's College, Agra.
	Rostan, J.	17	...	St. Xavier's College.
	Sa, Syamlal	19-4	...	Useful Arts School.
800	Safarali	22	...	Noakhali Zilla School.

	Saha, Bijaygobinda	20	Pabna Zilla School.
	,, Durganath	19	City School.
	,, Rajanikanta	18	Calcutta Free Church Institution.
	Sahay, Bhagabat	18	Arrah Zilla School.
	,, Bhagabat	16	Gya Zilla School.
	,, Chaturbhuj	16	Raj School, Durbhanga.
	,, Chinta	19	Bareilly High School.
	,, Debi	18	Ditto.
	,, Gangagobinda	20	Arrah Zilla School.
810	,, Gobinda	18	Bareilly High School.
	,, Hanuman	19	Moradpur School, Bankipur.
	,, Krishna	22	Moradabad School.
	,, Mahanand	18	Arrah Zilla School.
	,, Raghubans	18	Bareilly High School.
	,, Raghubansa	22	Sultanpur High School.
	,, Raghubar	20	Maharajah's College, Jeypur.
	,, Ramji	21	Bankipur Training Academy.
	,, Sheonandan	18	Patna Collegiate School.
	Sankataprasad	19	Rai Bareilly Zilla School.
820	Sansarchand	17	Ajmere Collegiate School.
	Sanyal, Bholanath	18	Jenkins' School, Cooch Behar.
	,, Hrishikes	17	Putia H. C. E. School.
	,, Jyotisprasad	19	Pabna Zilla School.
	,, Krishnadas	17	Indian Institution.
	,, Nilmani	23	Rajshahye Collegiate School.
	,, Prasannakumar	21	Putia H. C. E. School.
	Sapray, Lakshmanrao	18-3	High School, Jubbulpur.
	Sarbadhikari, Abinaschandra	18	Dighapatia School.
	Sarkar, Banischandra	20	Pabna Zilla School.
830	,, Bijaykrishna	18-2-3	Metropolitan Institution, S. Branch.
	,, Bipinbihari	19	Garden Reach School.
	,, Bipinbihari	18	Bandgorah H. C. E. School.
	,, Gobindachandra	20	Loknath School, Balasore.
	,, Jogendrachandra	20	Oriental Seminary.
	,, Jogendrakumar	16-6	Hindu School.
	,, Lalitmahan	17	Faridpur Zilla School.
	,, Mahendranath	19	Bhagulpur Zilla School.
	,, Mukundalal	19	Faridpur Zilla School.
	,, Nilkanta	20	Shajahanpur High School.
840	,, Purnachunder	21-2	Ukhra Kunjalal Institution.
	,, Syamlal	16-8	Hare School.
	Sarma, Gurucharan	17	Cachar Zilla School.
	Sarnakar, Mahendranath	18	Nabadwip Hindu School.
	Sarup, Bishan	17	District School, Delhi.
	,, Jotish	18	C. M. High School, Meerut.
	Sarupnarayan	18	Hume's High School, Etawah.
	Sarvate, Raoji Sridhar	19	High School, Jubbulpur.
	Satyanarayan	19	Victoria College, Agra.
	Satyanarayan	17	Allahabad American High School.
850	Saul, Nayak	18	Balasore Zilla School.
	Savielle, A.	19	St. Xavier's College.
	Sayed Wali Hosan	18	Allahabad City Anglo-Vernacular School.
	Selot, Premsankar	19 3	High School, Jubbulpur.
	Sen, Asutosh	18	Metropolitan Institution.
	,, Baradakanta	17	Pogose School, Dacca.
	,, Basantakumar	18	Digapatia School.
	,, Bipinchandra	17-6	Pogose School, Dacca.
	,, Bishnugopal	18	Arrah Zilla School.
	,, Chintamani	19	L. M. S. Institution, Bhowanipur.
860	,, Grindralal	18	Santipur Municipal School.
	,, Gopalchandra	20	Barisal Zilla School.
	,, Gurucharan	19	Ditto.
	,, Jagadischandra	17	Dacca Collegiate School.
	,, Janakinath	18	Barisal Zilla School.
	,, Jnanadacharan	17	Tezpur Zilla School.
	,, Kaminikumar	20	Noakhaly Zilla School.
	,, Karunakumar	20	Commillah Zilla School.
	,, Kunjabihari	19	Oriental Seminary.
	,, Kunwar	17-3	Hume's High School, Etawah.
870	,, Lalitchandra	19	Jagunnath School.
	,, Mahendrachandra	15	Suburban School, Kalighat.

	Sen, Maniklal	19-10	Hare School.
	,, Mohimchandra	20	Noakhaly Zilla School.
	,, Mohitlal	16-6	Albert School.
	,, Priyanath	15-3	Hindu School.
	,, Rajchandra	18	Chittagong Collegiate School.
	,, Rohininath	17	Jagunnath School.
	,, Saratchandra	17	Residency College, Indore.
	,, Srischandra	18	Berhampur Collegiate School.
880	,, Taraprasanna	20	Annada School, Brahmunbaria.
	,, Tarinikanta	19	Maharajah's School, Comillah.
	Set, Girijabhushan	17	Hindu School.
	Sewakram	22	Mission School, Shaharunpur.
	Seymour, W. E.	16	LaMartiniere College.
	Shafiuddin Ahmed	17	Dacca Collegiate School.
	Shaik, Heramutulla	17	Bogra Zilla School.
	Sorkel, Haricharan	17	L. M. S. Institution, Baduria.
	Sibanandanprasad	17	Benares Collegiate School.
	Sidhagopal	17	Ditto ditto.
890	Sil, Harischandra	21	Chinsurah Free Church Institution.
	,, Maniklal	18	Metropolitan Institution.
	,, Sidheswar	19	Chinsurah Free Church Institution.
	Simpi, Ramkrishna Mankoji	17 8-15	Zoroastrian School, Mhow.
	Singh, Dalip	19	District School, Dehli.
	,, Dhanwant	21	Kaphortala School.
	,, Gurudayal	18	M. A. O. College, Alligarh.
	,, Irfan	18	Lahore Government School.
	,, Kalika	17	Canning College, Lucknow.
	,, Kharga	16-6	Bareilly High School.
900	,, Nanneh	20-9	High School, Jabalpur.
	,, Narayan	18	Bareilly High School.
	,, Nathu	19	Ditto.
	,, Parmeswar	28	Teacher.
	,, Uttam	19	Almora Mission School.
	Singha, Uttam	18	Alligarh Zilla School.
	Sinha, Aspuran	18	Chupra Zilla School.
	,, Baijnath	18	Benares Collegiate School.
	,, Damodardebnarayan	16	Chupra Zilla School.
	,, Gobindapada	19	Hugli Collegiate School.
910	,, Jogendranath	19	Goburdangah School.
	,, Kisorilal	21-4	Beerbhoom Zilla School.
	,, Krishnalal	16-1	Maheshpur H. C. E. School.
	,, Manilal	17-2	Ranchi Zilla School.
	,, Nagendranath	18	Dacca Collegiate School.
	,, Ramgati	16	Kandee School.
	,, Rasamay	19	Hamilton's School, Tumlook.
	,, Saratchandra	19	L. M. S. Institution, Bhowanipur.
	,, Trishitanath	17	Hughli Collegiate School.
	Smith, A.	15-6	St. Paul's School, Darjeeling.
920	Smith, J. A.	16-4	LaMartiniere College.
	Som, Rakhaldas	17	Hughli Collegiate School.
	Srimani, Bholanath	20	Andool School
	Sriram	18	Thakur School, Ulwar.
	Stalkartt, C. E. G.	15	Wood's Academy.
	Sukul, Mahabir Sahay	21	Bahraich Zilla School.
	Sur, Matilal	18	Hughli Branch School.
	Suryyaprasad	16	Benares Collegiate School.
	Sutf, Rahman	17	Maharajah's School, Burdwan.
	Swift, E. L.	16	Gugrauwallah Mission School.
930	Swift, E. M.	17	Ditto.
	Syamlal	19	Moradadad School.
	Syed, Abrar Husain	18	Lakhimpur High School.
	,, Ahmad	20	Hurdui High School.
	,, Ahmed	17	Nizamut School, Moorshedabad.
	,, Ali Nogun	17	Maharajah's School, Kulna.
	Syed-uddin Khan	20	Rajshahye Collegiate School.
	Tahmid-uddin Ahmed	16	St. Xavier's College.
	Tarafdar, Rakhaldas	20-6	London Mission School, Khagra.
	Tewari, Bisweswarnath	20	High School, Hurdui.
940	,, Ramananda	19	Sultanpur High School.
	,, Ramharsha	19	Benares Collegiate School.

	Tewari, Srigopal	20	High School, Jubbulpur.
	Thakur, Indramohun	17	Bhagulpur Zilla School.
	Thomas, [illegible].	19-2	St. John's College, Agra.
	Umaprasad (D.)	19-9	High School, Jubbulpur.
	Vardan, A. D.	19	St. Xavier's College.
	Vithal Ganes (N.)	19	High School, Jubbulpur.
	Wahuddin	20	Bareilly High School.
	Weerapperume, S. A.	20	High School, Gaul.
950	White, J. T.	16-1	Rangoon Government High School.
	Wilks, M.	17	St. Xavier's College.
952	Williams, Michael	17-3	St. Francis DeSales School, Nagpur.

THIRD DIVISION.

In Alphabetical Order.

	Abu Said Abul Hafiz	17	Sylhet National Institution.
	Acharyya, Kedarnath	16-5	Beerbhoom Zilla School.
	Ain, Ramkumar	18	Nasirabad Entrance School.
	Baburam	17	Bareilly High School.
	Badhe, Jagannath Ganes	19	City School, Nagpur.
	Badridas	22	Moradabad Government High School.
	Badrinath, Pandit	18	Gya Zilla School.
	Baksi, Purnachandra	19-1	Ukhra Kunjalal Institution.
	Bandyopadhyay, Bhagabanchandra	18	General Assembly Institution.
10	,, Bhagabaticharan	18	Badla School.
	,, Girischandra	18	Bishenpur H. C. E. School.
	,, Haridas	22	Bandgorah H. C. E. School.
	,, Kalinath	20	Noral H. C. E. School.
	,, Mahendranath	18	General Assembly Institution.
	,, Pramathanath	16-11	Magura H. C. E. School.
	,, Raimohan	18	L. M. S. Institution, Baduria.
	,, Rajendrachandra	19-10	Dinapur Aided School.
	,, Sitanath	16	Banawaribad H. C. E. School.
	Bardoloi, Gopinath	17	Debrugarh Zilla School.
20	Bansidhar	20	Zilla School, Cawnpur.
	Bartholomeusz, F.	16-9	Trinity College, Kandy.
	Basak, Girischandra	16	Hindu School.
	Basu, Amritalal	18	Metropolitan Institution.
	,, Basantakumar	17	Ditto ditto.
	,, Brajagopal	19	Teghoria School.
	,, Chandicharan	18	Hindu School.
	,, Chhutilal	21	Jessore Zilla School.
	,, Kunjabihari	21	Private Student.
	,, Madanmohan	19	Commilla Zilla School.
30	,, Nagendranath	17-6	Hughli Branch School.
	,, Saratchandra	17	Ruplal Raghunath School.
	,, Surendrachandra	17	Metropolitan Institution.
	Batabyal, Hemchandra	19	Ditto ditto.
	Benisankar	22	L. M. School, Mirzapore.
	Bhattacharyya, Hemlal	19	Ditto, Midnapore.
	,, Prasannakumar	18	Jenkins' School, Cooch Behar.
	Bhaumik, Satischandra	20	Krishnaghur Anglo-Vernacular School.
	Bhaya, Bijaygobinda	16	Rajshahye Collegiate School.
	Bishnuchandra	22	Benares Collegiate School.
40	Biswas, Ibrahim	17-9	Berhampur Collegiate School.
	,, Rashbihari	21	Seal's Free College.
	Buxy, H. D.	17-6	St. Francis DeSales School.
	Byas, Rupram	18	Darbar High School, Jodhpur.
	Chakrabati, Bhabasankar	18	Joynagor Institution.
	,, Chandrasekhar	22	General Assembly Institution.
	,, Hemchandra	20	Konnogor H. C. E. School.
	,, Jadunath	23	Mahespur ditto.
	,, Nilkanta	18	Baharoo School.
	,, Nilmani	18	Harinabhi A. S. School.
50	,, Panchanan	18	Albert School.
	,, Priyanath	19	Behala Mission School.
	Chattopadhyay, Bipinbihari	19	Dacca Collegiate School.
	,, Chandicharan	17	Banawaribad H. C. E. School.
	,, Debendranath	19-6	Ukhra Kunjalal Institution.
	,, Haraprasad	14-9	Krishnaghur Collegiate School.
	,, Hemantakumar	18	Chuadangha H. C. E. School.
	,, Jadunath	19-6	South Baharoo School.

	Chattopadhyay, Jagadis	16-10	Noral H. C. E. School.
	,, Rasbihari	17	Barrackpur School.
60	,, Saratgopal	20	Krishnaghur Collegiate School.
	,, Syamacharn	16 3	Hughli Branch School.
	Chaudhuri, Abdul Goffer	18-4	Beerbhcom Zilla School.
	,, Ambikacharan	18	Private Student.
	,, Gangadas	18	Bengalitola Preparatory School, Benares.
	,, Haridas	18	Hughli Collegiate School.
	,, Hemendralal	18	Suburban School, Kalighat.
	,, Kartikprasad	21	Training Academy, Bankipur.
	,, Mohinimohan	18	Pabna Zilla School.
	Chaudhuri, Satischandra	18	Nabadwip Hindu School.
70	Chunnilal	20-2	Zilla School, Allahabad.
	Coinre, Brajalal	18	Hare School.
	Dan, Haridas	17	Ditto.
	,, Harinarayan	16	Baranagor Hindu School.
	Das, Baikunthanath	18	Balasore Zilla School.
	,, Gangacharan	18	Dacca Pogose School.
	,, Kaminimohan	17	Rungpur Zilla School.
	,, Kunjabihari	19	L. M. School, Midnapur.
	,, Mahendranath	16	Sibpur H. C. E. School.
	,, Nabinchandra	19	Chittagong Collegiate School.
80	,, Parbaticharan	19	Dacea Pogose School.
	,, Ramchandra	15-10	Chittagong Collegiate School.
	,, Rasananda	18	Ravenshaw College, Katak.
	,, Umeschandra	19	Noral H. C. E. School.
	Datta, Bhagabaticharan	20	Ruplal Raghunath School.
	,, Bhubanchandra	19	Chinsurah Hindu School.
	,, Binodbihari	20	Private Student.
	,, Chitteswar	17	Hare School.
	,, Harigopal	16-2	Hughli Collegiate School.
	,, Jaharlal	18	General Assembly Institution.
90	,, Khirodbihari	20	Private Student.
	,, Prasannakumar	21	L. M. School, Midnapur.
	,, Ramlal	18	Sanskrit College.
	,, Sasibhushan	18	L. M. S. Institution, Bhowanipur.
	,, Umacharan	17	Metropolitan Institution.
	,, Umeschandra	18	Teacher.
	Dayal, Hurso	18	Arrah Zilla School.
	De, Bholanath	17	Hughli Collegiate School.
	De, Debendranath	19	Simla Bengal Academy.
	,, Tarinicharan	19	Calcutta Institution.
100	,, Tariniprasad	17	Puri Zilla School.
	DeSilva, C. M.	18	St. Thomas College, Colombo.
	Dinanath, P. Sheoprasad	19	F. C. Institution, Nagpur.
	Drieberg, J. B.	19	St. Thomas College, Colombo.
	Eaqub Ali	23	Dacca Pogose School.
	Emin, J.	18	St. Xavier's College.
	Fernando, H.	21	Prince of Wales' Collegiate School, Colombo.
	Gangadin	18-4	Dinapore Aided School.
	Gangopadhyay, Prabhaschandra	20	Jessore Zilla School.
	Ghosh, Anandalal	16-6	Kandy School.
110	,, Benimadhab	16-2	Hindu School.
	,, Bipinbihari	17-9	Beerbhoom Zilla School.
	,, Brajaballabh	17	Ravenshaw College, Katak.
	,, Brajalal	20	Noral H. C. E. School.
	,, Debendranath	18	L. M. S. Institution, Baduria.
	,, Dwarkanath	20	Nizamut School.
	,, Isanchandra	19	Mymensing Zilla School.
	,, Maniklal	17	General Assembly's Institution.
	,, Pranballabh	19	Hitampur School.
	,, Prasannakumar	19	Kolikisore School, Hashara.
	,, Purnachandra	17-6	Seal's Free College.
120	,, Rajendranath	18	Ilsoba Mondlye School.
	,, Rasiklal	21	Lakhipasa H. C. E. School.
	,, Satkari	18	Metropolitan Institution.
	,, Umeschandra	17	Ditto ditto.
	,, Upendranath	18	General Assembly's Institution.
	Gobindaprasad	18	Farakabad Zilla School.
	Gosavi, Krishnaji Bishnu	18	City School, Nagpur.
	Goswami, Manmatha	16	Uttarparah School
	Guha, Nibaranchandra	18	Dacca Collegiate School.

130	Gupta, Chandicharan	18 ...	Kalia H. C. E. School.
	,, Kalipada	16-6 ...	Krishnaghur Anglo-Vernacular School.
	,, Nandalal	17 ...	Albert School.
	,, Narayanchandra	17 ...	Baidyabati English School.
	Haldar, Ambikacharan	18 ...	Zilla School, Deoghur.
	,, Haridás	17 ...	Canning College, Lucknow.
	Hodges, F.	17 ...	LaMartiniere College, Lucknow.
	Imam Uddin	19 ...	Lahore Government School.
	Inamul Haq	18 ...	Calcutta Madrassa.
	Inam-ul-kabir	18 ...	Ditto.
140	Jamait, Rai	26 ...	Mission School, Saharanpur.
	Jha, Madanlal	18 ...	Bhagulpur Zilla School.
	Joardar, Kedarnath	18 ...	Metropolitan Institution, Shampookur Branch.
	Joshi, Krishaji Raghunath	18 ...	City School, Nagpur.
	Kalicharan	19 ...	L. M. High School, Benares.
	Kamtaprasad	20-6 ...	Hume's High School, Etawa.
	Kanhayalal	17 ...	Matora Zilla School.
	Karan, P. N.	22 ...	C. M. School, Monghyr.
	Karmakar, Madhabchandra	17-3 ...	Bogra Zilla School.
	Khaja, Muhammad Zaffer	19 ...	Benares Collegiate School.
150	Krishnadas	18 ...	Ditto ditto.
	Kshetriya, Baldebprasad	20 ...	Ditto ditto.
	Kundu, Lakshminarayan	19 ...	F. C. Mission School, Culna.
	Lahiri, Jagadischandra	18 ...	Hare School.
	,, Radhikamohan	19 ...	Bengalitola Preparatory School, Benares.
	,, Srischandra	17-9 ...	C. M. School, Calcutta.
	Lal, Anguri	22-6 ..	L. M. High School, Benares.
	,, Banawari	20 ...	Farakabad Zilla School.
	,, Bankabihari (2)	17 ...	Agra Collegiate School.
	,, Ramdhan	18 ...	Training Academy, Bankipur.
160	,, Sohan	21 ...	Zilla School, Cawnpur.
	,, Sukhpal	21 ...	Mission School, Saharunpur.
	Laltaprasad	19 ...	Gonda High School.
	Maihar, Ramnarayan	19 ...	Zilla School, Cawnpur.
	Maitra, Girindrachandra	17 ...	Ranaghat School.
	,, Ramkamal	17 ...	Krishnaghur Collegiate School.
	Majumdar, Amarchandra	18 ...	Zilla School, Cawnpur.
	,, Debnath	21 ...	Puthea H. C. E. School.
	,, Gobindachandra	17-6 ...	Hare School.
	,, Hridaynath	20-9 ...	Kumarcolly H. C. E. School.
170	,, Jaygopal	17 ...	Jessore Zilla School.
	,, Priyanath	19 ...	General Assembly Institution.
	,, Ramlal	16 ...	Maharajah's School, Burdwan.
	Mandal, Hiralal	18 ...	Seal's Free College.
	,, Manmathanath	16-2 ...	Hindu School.
	Matharaprasad	18 ...	Government School, Palamow.
	Misra, Dibyasinha	17 ...	Puri Zilla School.
	,, Saligram	21 ..	Patna Collegiate School.
	Mitra, Akshay Kumar	17 ...	Calcutta Institution.
	,, Ambikacharan	17 ...	City School.
180	,, Ausutosh	17 ...	Chundernogar School.
	,, Binodbihari	19 ...	Nabadwip Hindu School.
	,, Haramohan	17 ...	Hare School.
	,, Kedareswar	18 ..	Krishnaghur Collegiate School.
	,, Kunjabihari	17 ...	General Assembly Institution.
	,, Makshadadas	17 ...	Benares Collegiate School.
	,, Narendranath	18 9 ...	Hindu School.
	,, Piyarilal	20 ...	Midnapur Collegiate School.
	,, Ramendralal	16 ...	Metropolitan Institution.
	Mohapatra, Sasibhushan	22 ...	Private Student.
190	Mohun; B. P.	20 ...	Zilla School, Allahabad.
	Muhammad Abdul Jalil	18 ...	Benares Collegiate School.
	,, Eshak	18 ...	Rajshahye Collegiate School.
	,, Haider Ashruff	20 ...	Jaynarayan's College.
	,, Husain	17 ...	Benares Collegiate School.
	,, Masih-uz-zaman	17 ...	Calcutta Madrassa.
	Mukhopadhyay, Chunilal	17 ...	Howrah School.
	,, Girijaprasad	17 ...	Patna Collegiate School.
	,, Harischandra	19 ...	Behala Mission School.
200	,, Harischandra	21 ...	Noral H. C. B. School.
	,, Kalipada	19 ...	Dacca Collegiate School.
	,, Kalipada	21 ...	F. C. Mission School, Culna.

	Mukhopadhyay, Kumarishchandra	19 ...	Bhagulpur Zilla School.
	,, Lakshminarayan	20 ...	Hetampur School.
	,, Narayanchandra	18-4 ...	Private Student.
	,, Natabar	16-4 ...	Kandy School.
	,, Priyanath	17 ...	Konnogar H. C. E. School.
	,, Sureschandra	16-10-22 ...	Hugli Collegiate School.
	Mushanaf Husen	18 ...	Zilla School, Mirzapur.
	Nag, Baradakanta	17 ...	Aryan School.
210	Nandi, Haricharan	21 ...	Sanskrit College.
	Nandkishore	16 ...	Patna Collegiate School.
	Ojha, Durgaprasad	19 ...	Mission School, Gazeepur.
	Pal, Asutosh	17 ...	Hughli Branch School.
	,, Bipinchandra	19 ...	Pabna Zilla School.
	,, Jyotiprasad	16-1 ...	Useful Arts School.
	Pant, Haridatta	19 ...	Almora Mission School.
	Pantaone Sitaram Baloram	20 ...	F. C. Institution, Nagpur.
	Phani, Bisheswar	18 ...	L. M. H. School, Benares.
	Raha, Saradacharan	19 ...	Comillah Zilla School.
220	Rajbahadur	17 ...	L. M. School, Mirzapur.
	Ramchandra	17 ...	Agra Collegiate School.
	Ramdayal	21 ...	Sittapur High School.
	Ramkisor	16 ...	Canning College, Lucknow.
	Ray, Anukulchandra	17 ...	Mymensing Zilla School.
	,, Binodbihari	24 ...	Dacca Pogose School.
	,, Harikisor	17 ...	Nasirabad Entrance School.
	,, Jagadischandra	18 ...	Krishnaghur Collegiate School.
	,, Jnanadasankar	19 ...	Dacca Collegiate School.
	,, Jnanendranarayan	19 ...	Krishnaghur Collegiate School.
230	,, Kedarnath	19 ...	Free Church Institution, Calcutta.
	,, Krishnalal	16 ...	Suburban School, Kalighat.
	,, Lalitmohan	18 ...	Mymensing Zilla School.
	,, Manindrachandra	16-4 ...	Beerbhoom Zilla School.
	,, Nobinchandra	18 ...	Sanskrit College.
	,, Nobinkrishna	17-6 ...	Krishnaghur Collegiate School.
	,, Nripendrachandra	17 ...	Ruplal Raghunath School.
	,, Rajanikanta	17-4-18 ...	Berhampur Collegiate School.
	,, Rajkumar	19 ...	Pabna Zilla School.
	,, Sureschandra	16-6 ...	Garohabanipur H. C. E. School.
240	,, Upendrachanra	16-4 ...	Bengalitola Preparatory School, Benares.
	,, Upendranath	17-3 ...	Hindu School.
	Saha, Bhagabanchandra	19 ...	Indian Institution.
	,, Lalmohan	17 ...	General Assembly Institution.
	,, Pranbandhu	18 ...	Free Church Institution, Calcutta.
	Sahay, Bhagabat	20 ...	Palamow Government School.
	Salardin	19 ...	Sultanpur H. School.
	Santlal	20 ...	C. M. H. School, Goruckpur.
	Sanyal, Banichandra	17 ...	Pabna Zilla School.
	,, Sadananda	16 ...	Shampookur Preparatory School.
250	Sanyal, Sarnath	18 ...	L. M. H. School, Benares.
	Saparay, Narharinarayan	21 ...	Teacher.
	Sarkar, Adyanath	17 ...	Moragacha School.
	,, Baradakanta	16 ...	Bhagulpur Zilla School.
	,, Bhabataran	16-6 ...	Bankura Government School.
	,, Hiralal	17 ...	Canning College, Lucknow.
	,, Isanchandra	17 ...	Indian Institution.
	,, Jogeschandra	19 ...	Pachamba H. C. E. School.
	,, Manindranarayan	17 ...	Bandgora H. C. E. School.
	,, Munindranath	17 ...	Hare School.
260	,, Purnananda	19 ...	Calcutta Institution.
	,, Ramkanai	22 ...	Seal's Free College.
	,, Sureschandra	18 ...	L. M. S. Institution, Bhowanipur.
	Sasmal, Rameschandra	17 ...	Shampookur Preparatory School.
	Schumacher, J. W.	21 ...	Welesley College, Colombo.
	Sen, Amritalal	17 ...	Howrah School.
	,, Basantakamal	19-5 ...	Magura H. C. E. School.
	,, Gobindachandra	18 ...	Rungpur Zilla School.
	,, Kaliprasanna	20 ...	Nabab Abdool Guny's Free School.
	,, Mathuranath	17 ...	Hindu School.
	,, Ujjalchandra	16-8 ...	Monghyr Zilla School.
270	Servati, Jayramkesab	20 ...	Private Student.
	Shaikh Hedayethullah	17 ...	L. M. S. Institution, Bhowanipur.
	Sikdar, Kshetramohan	19-7 ...	Hindu School.
	Sil, Anupkrishna	19 ...	Metropolitan Institution.
	Sahay Singh, Baijnath	20 ...	H. C. E. School, Behar.

	Singh, Baladionarayan	19	... C. M. School, Azimgarh.
	Sinha, Hiralal	16	... City School.
	,, Iswarchandra	16	... Barari H. C. E. School.
	,, Lakshram	18	... Dumraon Maharajah's School.
280	,, Upendrachandra	18	... Bankura Government School.
	Slane, H.	15-6	... LaMartiniere College, Lucknow.
	St. Romaine, L. R.	17	... St. Xavier's College.
	Stalkartt, W. H. S.	15	... Wood's Academy.
	Swaries, W. J.	15-4	... Calcutta High School.
	Swaris, J. H.	19	... Welesley College, Colombo.
	Syamalal	17-6	... Gya Zilla School.
	Syed Muhammad Mujtaha	19	... Agra Collegiate School.
	Tafazzul Hosain	21	... Benares Collegiate School.
	,, ,,	20	... Gya Zilla School.
290	Thakur, Chandramohan	19	... Bhagulpur Zilla School.
	Thakurdayal	16	... Arrah Zilla School.
	Tulasiprasad	18	... Dumraon Maharajah's School.
	Vias, Futteh Sanker	20	... Benares Collegiate School.
	Wahid Ali	19	... C. M. H. School, Azimgarh.
	Wijeyesakere, W.	20	... Private Student.
296	Yalayer, Khan	17	... Dacca Collegiate School.

SENATE HOUSE,
The 5th January 1881.

CHARLES H. TAWNEY,
Registrar.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd ,, ,, 1 ,, ,,

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 5th January 1881.

No. 3.—With reference to Government of India, Public Works Department, Notification No. 37, dated 30th January 1880, Mr. E. LeLievre, C.E., Executive Engineer, was relieved of his duties in the Military Works Branch on the afternoon of 26th December 1880.

No. 4.—Captain N. Arnott, R.E., Executive Engineer, is transferred from the Presidency and Oudh Command, Military Works, to the Head-Quarters Staff of the Inspector General, Military Works, which he joined on the afternoon of 31st December 1880.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 10th January 1881.

No. 2.—Mr. G. Hiley, Store-keeper, 1st Grade, made over, and Major J. B. Sparks, S.C., Executive Engineer, 2nd Grade, received, charge of the Office of Port Store-keeper, State Railway Department, Bombay, on the afternoon of the 26th November 1880.

No. 3.—Mr. C. S. Warwick, Chief Store-keeper, made over, and Mr. G. Hiley, Store-keeper, 1st Grade, received, charge of the Office of Port Store-keeper, State Railway Department, Kurrachee, on the afternoon of the 28th December 1880.

The 11th January 1881.

No. 4.—CORRIGENDUM.—In Director General of Railways' Notification No. 9, dated 16th December 1880, intimating the grant to Mr. C. Thomson, Assistant Engineer, 1st Grade (now Executive Engineer, 3rd Grade), of an extension of leave, by Her Majesty's Secretary of State for India, *for* "ten and half months," *read* "eleven and half months."

The 12th January 1881.

No. 5.—Mr. H. Luckstedt, Assistant Engineer, 1st Grade, is, on return from furlough, placed at the disposal of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore.

No. 6.—Mr. E. R. S. Lloyd, Assistant Engineer, 2nd Grade, is posted to the Kandahar State Railway, Upper Section.

This cancels Director General's Notification No. 167, dated 23rd November 1880.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari, the 3rd January 1881.

No. 80.—With reference to Director General of Railways' Notification No. 48, dated 23rd March 1880, Babu Moti Lall Dey, Assistant Engineer, 1st Grade, is posted to the Nari Division.

No. 81.—Mr. E. R. S. Lloyd, Assistant Engineer, 2nd Grade, reported his departure on transfer to the Gwalior-Jhansi Survey, on the afternoon of the 21st December 1880.

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

PUNJAB NORTHERN STATE RAILWAY, Construction Sections.

NOTIFICATIONS.

Rawalpindi, the 5th January 1881.

No. 1.—In continuation of this Office Notification No. 37 of 7th October 1880, Mr. J. Hogan, Assistant Engineer, 1st Grade, joined Peshawar Division on the forenoon of 9th September 1880.

No. 2.—Mr. A. G. Kemp, Officiating Store-keeper, Pindi-Kohat Section, took over charge of the Pindi-Peshawar Section, Store Depôt, in addition to his duties, on the afternoon of 18th December 1880.

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

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATION.

Rawalpindi, the 8th January 1881.

No. 1.—ERRATUM.—*For* "3rd December," *read* "2nd December," in Manager's Notification No. 35, dated 9th December 1880.

E. L. MARRYAT, *Major, R.E.,*
Manager.

RAJPUTANA STATE RAILWAY. Manager's Office.

NOTIFICATIONS.

Ajmere, the 4th January 1881.

No. 1.—With reference to Government of India, Public Works Department, Notification No. 408, dated 9th December 1880, Lieutenant J. E. Dickie, R.E., Assistant Engineer, 2nd Grade, joined the Rajputana Railway, on the afternoon of the 29th December 1880.

The 7th January 1881.

No. 2.—With reference to Manager's Notification No. 26, dated 11th November 1880, Mr. J. E. P. Lincke, Executive Engineer, 4th Grade, reported his return from the one month and twenty-four days' privilege leave granted him in Manager's Notification No. 23 of the 2nd idem, on the forenoon of the 19th December 1880.

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

***STATEMENT** of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st December 1880.*

PARTICULARS.	3½ per cent. Loan of 1853-54	4 per cent Loans								4½ per cent. Loans				Transfer Loan of 1879, seven Shillings Sterling per cent. Portion.	5 per cent. Debenture for 15 years. Re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent Loan of 1859-60.	TOTAL AMOUNT.
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55	Transfer of 1865.	Reduced 4 per cent Loan of 1879.	Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.					
Balance of 15th December 1880	54,100	38,506	3,413	15,30,240	30,48,200	2,35,29,200	1,09,70,700	1,68,55,900	2,97,53,500	45,73,000	4,55,000	95,83,100	8,45,35,500	1,01,700	33,86,000	65,800	40,900	18,85 24,759
ADD—																		
Amount enfaced at Madras between 16th and 31st December 1880	...	...	...	...	...	1,000	...	3,000	2,000	...	...	...	2,000	...	...	...	...	8,000
Amount enfaced at Bombay between 16th and 31st December 1880	...	...	...	...	2,000	...	...	...	...	...	...	...	8,000	...	...	...	...	10,000
Amount enfaced at Calcutta between 16th and 31st December 1880	...	...	...	...	...	14,500	1,000	77,100	19,000	1,000	...	2,000	4,000	...	...	...	...	1,18,600
	54,100	38,506	3,413	15,30,240	30,50,200	2,35,44,700	1,09,71,700	1,69,36,000	2,97,74,500	45,74,000	4,55,000	95,85,100	8,45,49,500	1,01,700	33,86,000	65,800	40,900	18,86,61,359
Deduct—																		
Amount written off in the London Registers	...	...	...	...	2,700	1,36,500	...	50,900	4,200	...	...	2,000	12,000	...	...	...	27,500	2,35,800
Balance on 31st December 1880	54,100	38,506	3,413	15,30,240	30,47,500	2,34,08,200	1,09,71,700	1,68,85,100	2,97,70,300	45,74,000	4,55,000	95,83,100	8,45,37,500	1,01,700	33,86,000	65,800	13,400	18,84,25,559

NOTE.—From 9th June 1867 to 31st Oct. 1880, enfaced from India 3,972 lakhs; re-transferred from London, 3,437 lakhs.

,,	1st Nov. 1880	to 15th Nov.	,,	,,	,,	26	,,	,,	,,	15 ,,
,,	16th ,,	,,	to 30th	,,	,,	,,	13	,,	,,	,,	15 ,,
,,	1st Dec.	,,	to 15th	Dec.	,,	,,	5	,,	,,	,,	13 ,,
,,	16th ,,	,,	to 31st	,,	,,	,,	1	,,	,,	,,	2 ,,
							4,017 lakhs.				3,482 lakhs.
							3,482 ,,				
Balance against India							535 lakhs.				

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 8th January 1881.

R. HARDIE,
Secretary and Treasurer.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th January 1881.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Port Blair	Oct. 1880	Dec. 10, 1880
2	Coorg	Do. ,,	Do. 14, ,,
3	Military Works ...	Do. ,,	Do. 16, ,,
4	Bengal ... ... / North-Western Provinces and Oudh. / Assam	Do. ,,	Do. 20, ,,
7	Punjab ... ... / Rajputana	Do. ,,	Do. 22, ,,
9	Buildings under Quetta Agency.	Do. ,,	Do. 23, ,,
10	Hyderabad (Imperial) ... / Mysore ... ... / Berars (Hyderabad Assigned Districts.)	Do. ,,	Do. 24, ,,
13	Madras ... ... / Central Provinces ... / British Burmah ...	Do. ,,	Do. 27, ,,
16	Bombay	Do. ,,	Do. 28, ,,
17	Central India ...	Do. ,,	Do. 30, ,,
	TELEGRAPH DEPT.		
1	Indo-European ...	Oct. 1880	Dec. 30, 1880
2	Indian	Do. ,,	Jan. 3, 1881

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	Oct. 1880	Dec. 15, 1880
2	Bengal ... ... / North-Western Provinces and Oudh. / Assam	Do. ,,	Do. 20, ,,
5	Punjab	Do. ,,	Do. 22, ,,
6	Madras ... ... / British Burmah ...	Do. ,,	Do. 27, ,,
8	Bombay	Do. ,,	Do. 28, ,,
	GUARANTEED RAILWAYS.		
1	Bengal	Oct. 1880	Dec. 20, 1880
2	Punjab	Do. ,,	Do. 22, ,,
3	North-Western Provinces and Oudh.	Do. ,,	Do. 23, ,,
4	Madras	Do. ,,	Do. 27, ,,
5	Bombay	Do. ,,	Do. 28, ,,

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Umballa and Kalka ...	Oct. 1880	Dec. 13, 1880
2	Tirhoot ... ... / Rangoon and Irrawaddy Valley.	Do. ,,	Do. 18, ,,
4	Calcutta & South-Eastern / Nalhati ... ... / Rajputana ... ... / Sind a ... ... / Mutra-Hathras ... / Cawnpore-Farukhabad ... / Ghazipur-Dildarnagar ... / Achnera-Muttra ... / Bareilly and Pilibhit ... / Kalpi Railway Survey ...	Do. ,,	Do. 20, ,,
15	Northern Bengal ... / Dhond and Manmad ...	Do. ,,	Do. 21, ,,
17	Western Rajputana (Northern Section). / Western Rajputana (Southern Section). / Mysore ... ... / Bombay (Eastern Deccan)	Do. ,,	Do. 22, ,,
21	Bhownagar and Gondal ...	Do. ,,	Do. 23, ,,
22	Holkar ... ... / State Railway Stores Branch. / Hyderabad Imperial State Railway.	Do. ,,	Do. 24, ,,
25	Indore-Nasirabad ... / Nargpur-Chhattisgarh ... / Punjab Northern ... / Indus Valley ... ... / Bhopal ... ... / Lala Moosa to Chak Nizam / Kandahar (Jacobabad Section)	Do. ,,	Do. 27, ,,
32	Warora Coal ... ... / Bellary and Karwar ...	Do. ,,	Do. 28, ,,
34	Kandahar-Harnai Section)	Do. ,,	Jan. 3, 1881
35	East Indian	Aug. ,,	Dec. 11, 1880
	NATIVE STATES.		
1	Nizam's	Oct. 1880	Dec. 20, 1880
2	Khamgaon	Do. ,,	Do. 22, ,,

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Northern Bengal ...	Oct. 1880	Dec. 17, 1880
2	Rangoon and Irrawaddy Valley.	Do. ,,	Do. 18, ,,
3	Calcutta & South-Eastern / Nalhati ... ... / Rajputana ... ... / Sind a	Do. ,,	Do. 20, ,,
7	Nargpur-Chhattisgarh ... / Dhond & Manmad ...	Do. ,,	Do. 21, ,,
9	Patna and Gya ...	Do. ,,	Do. 22, ,,
10	Tirhoot	Do. ,,	Do. 23, ,,
11	Holkar & Sindia-Nimach	Do. ,,	Do. 24, ,,
12	Wardah Coal ... ... / Indus Valley	Do. ,,	Do. 27, ,,
14	Western Rajputana ...	Do. ,,	Do. 29, ,,
15	Muttra-Hathras ...	Sept. ,,	Nov. 22, ,,
16	Punjab Northern ...	Do. ,,	Do. 24, ,,
17	East Indian	Aug. ,,	Dec. 11, ,,
	NATIVE STATES.		
1	Nizam's	Oct. 1880	Dec. 20, 1880
2	Khamgaon	Sept. ,,	Nov. 18, ,,
3	Oomraotee	Do. ,,	Do. 18, ,,

FORT WILLIAM,
The 11th January 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jan. 3	...	1,14,642	...	...	29,21,473	9,65,625
„ 4	...	1,27,481	...	...	29,21,916	8,36,119
„ 5	...	1,66,363	...	...	29,24,451	6,68,797
„ 6	...	1,67,793	...	...	29,10,929	5,11,156
„ 7	...	1,51,479	...	...	29,52,406	3,68,177
„ 8	...	1,08,312	...	...	29,60,760	2,65,554

CALCUTTA MINT, *The 10th Jan. 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

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

The 13th Jan. 1881 ... Rs. 56,16,761-3-6.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA, *The 14th January 1881.*

Report of a Deserter from the 2nd Battalion, 4th (King's Own) Royal Regiment, dated at Ahmedabad, this 4th day of January 1881.

Number, Rank and Name,—No. 3233, Private Lawrence Kavanagh.
Age,—23 years 6 months.
Size,—5 feet 8 inches.
Color of—
Complexion, fair; Hair, light brown; Eyes, blue.
Marks,—Scar on under side of right arm.
Trade,—Policeman.
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers— ... } Regimentals.
Date of Desertion,—2nd January 1881.
Place of Desertion,—Ahmedabad.
Date of Enlistment,—26th May 1880.
Place of Enlistment,—Poona.
REMARKS,—Last permanent residence, Lucknow. Under 1 year's service.
Parish in which born,—Mullingar, Co. Westmeath, Ireland.

J. R. SHARP, *Captain,*
Comdg. Det., 2-4th (K. O.) R. Regt.

Report of a Deserter from the 2-4th Regiment of Foot, dated at Colaba, Bombay, this 6th day of January 1881.

Number, Rank, and Name,—No. 11B.—3233, Private Lawrence Kavanagh.
Age,—23 years 6 months.
Size,—5 feet 8 inches.
Color of—
Complexion, fair; Hair, light brown; Eyes, blue.
Date of Desertion,—2nd January 1881.
Place of Desertion,—Ahmedabad, East Indies.
Date of Enlistment,—26th May 1880.
At what Place Enlisted,—Poona, East Indies.
Parish and County in which Born,—Mullingar, Co. Westmeath, Ireland.
Marks.—Scar on under side of right arm.
Trade,—Policeman.
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— .. } Regimentals.
REMARKS,—Last permanent residence, Lucknow. Under 1 year's service.

C. V. STOKES, *Lieut.-Col.,*
Comdg. 2-4th Regt. of Foot.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd January 1881.

It has already been intimated that the Overland Mail Steamer will leave Bombay for Suez at 5 P.M. on Thursdays in the fair season and on Tuesdays in the south-west monsoon.

2. This arrangement will commence with effect from February 10th, 1881.

3. The last steamer, under the existing arrangement of a Saturday evening departure from Bombay, will be that leaving Bombay on Saturday the 5th February.

4. The first steamer, under the revised running, will be that leaving Bombay on Thursday the 10th February.

The 4th January 1881.

The contract made by the British Post Office with the Union Steam Ship Company, for the conveyance of mails between Zanzibar and the Cape of Good Hope, will cease on the 8th February next, and the last voyage under this contract will be by the steamer leaving Zanzibar on the 5th February 1881.

2. The contract packet quitting Bombay on the 15th January will be the last despatch from India to South Africa by this route.

3. After that date correspondence to Natal, the Cape of Good Hope and other places in South Africa can only be sent by the weekly Peninsular and Oriental Steamers *viâ* Brindisi, through the United Kingdom, at the rates given below :—

		Each letter per ½ oz.	Each post-card.	PRINTED PAPERS, INCLUDING BOOKS, &c.		LEGAL AND COMMERCIAL DOCUMENTS EACH PACKET.		SAMPLES EACH PACKET.
				Each Newspaper per 4 oz.	Each packet per 2 oz.	Not exceeding 4 oz.	Per 2 oz. additional.	Per 2 oz.
		A.	A.	A.	A.	A.	A.	A.
Cape of Good Hope and Natal (South Africa, British)—								
Viâ Brindisi, through United Kingdom.	H	9	...	2	2	4	2	2

4. Weekly communication exists between England and South Africa, the mails leaving London for Natal every Thursday night.

5. The existing four-weekly communication with Zanzibar *viâ* Bombay and through Aden still continues.

The 8th January 1881.

Circular No. 122, dated 4th January, about South African Mail, cancelled. Present arrangement continues.

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

Calcutta, the 1st December 1880.

RULES FOR THE CUSTODY, DISTRIBUTION, AND SALE OF POSTAGE STAMP LABELS, &c.

Approved by the Government of India in the Department of Finance and Commerce in letter No. 2837, dated 16th September 1880.

[*N. B.*—These Rules apply to all kinds of Postage Stamps, with the exceptions noted in Rules V and VIII, in respect of Service Stamps and Soldiers' Envelopes.]

Central Depôts.

I.—There shall be three central depôts for postage stamps in charge of the Superintendents of Stamps at Madras, Bombay, and Calcutta. These central depôts shall maintain* a stock of postage stamps sufficient for two years' consumption. The Superintendents of Stamps in Madras and Bombay shall for this purpose forward, not later than the last week of September† in each year, their respective indents to the Superintendent of Stamps in Calcutta, who will include them in his general‡ consolidated indent for stamps of all descriptions, showing separately the demand for each of the three Presidencies. This general consolidated indent shall be submitted to the Government of India in the Department of Finance in time for transmission to the Secretary of State by the 1st of November† in each year. The Superintendent of Stamps, Calcutta, shall further forward,§ within the first week of October, to the Director-General of the Post Office of India, a copy of the section of the indent relating to postage stamps. Supplies from central to local depôts shall be issued on credit.

* Secretary of State's Financial Despatch No. 125, dated 12th April 1877.

† Government of India, Department of Finance, No. 972, dated 26th February 1880.

‡ Government of India, Department of Finance, No. 3217, dated 11th October 1880.

§ Government of India, Department of Finance, No. 3315, dated 16th October 1880.

Supplies from Central Depôts.

II.—Postage stamps for the Madras Presidency, including Mysore, and the local depôts subordinate to Madras, shall be supplied by the Superintendent of Stamps at Madras on the indent of officers in charge of local depôts.

III.—Postage stamps for the Presidency of Bombay, including Sind, Berar, the Central Provinces, and local depôts subordinate to Bombay, shall be supplied by the Superintendent of Stamps at Bombay on the indent of officers in charge of local depôts.

IV.—Postage stamps for the Bengal Presidency, including the North-Western Provinces, Oudh, the Punjab, Central India, Rajpootana, Assam, and British Burmah, and local depôts subordinate to Calcutta, shall be supplied by the Superintendent of Stamps at Calcutta on the indent of officers in charge of local depôts.

Local Depôts.

V.—Every treasury throughout India, including those attached to political, customs and salt agencies, shall be a local depôt for the sale of postage stamps, provided that the value of the stamps sold at one time to any purchaser shall not be less than Rs. 5, and shall not include any fraction of a rupee. At any station at which there is a collector of land revenue, neither a salt agent nor collector of customs shall be entrusted with the custody and sale of postage stamps. All sales under this rule will be for cash on delivery; and when the purchaser is one of those who are required to retail stamps under Rule VIII (not being a person employed in a Government treasury), or is one specially authorized under Rule IX, a discount of one-half anna per rupee will be allowed. But to purchasers other than the above, no discount will be allowed; and officers in charge of local depôts must see that discount is not allowed except to the privileged officers above referred to. The sale of ordinary envelopes and post-cards shall be subject to the same conditions, except that they shall be sold in packets containing sixteen each, portions of a packet not being saleable. The price

of each packet shall be the value of the stamps borne by the envelopes or post-cards contained in it, the discount (if any) being calculated on that value.

The preceding rule is only partially applicable to "soldiers' envelopes," which will be sold in complete packets only in such treasuries as may be selected for the purpose by the Director-General of the Post Office in communication with the military authorities. Further, on these envelopes *no discount will be allowed*, and the *charge per packet will include the cost of the envelopes*, i.e., 12 annas for the value of the sixteen 9-pie stamps and 2 annas for the cost of the envelopes, or a total of 14 annas per packet.

The preceding rule is also only partially applicable to "service stamps," which may be sold *only to Government officials, on a written application, accompanied by payment of the value in cash; such sales are without restriction as to a minimum amount*, and *no discount is allowed*. A receipt containing in detail the gross value of each description of service postage stamps sold will be granted by the treasury officer for the amount paid to him. The conditions in this clause are also applicable to service post-cards, with the exception that they shall be sold only in complete packets containing 32 each, portion of a packet not being saleable.

Certain Government treasuries have been specially authorized by the Director-General of the Post Office to sell service stamps to specified particular officials of specified native states, and for such sales, as well as for sales which may be made under future special instructions of like character, the conditions mentioned in the preceding clause shall apply.

VI.—A supply equal to the probable consumption for five months of the district attached to each local depôt shall be kept in each; and as soon as the number in store has fallen below the number expended during the preceding six months, the collector, or other officer in charge of the depôt, shall indent* on the central depôt of his Presidency for a number equal to the consumption of the last three months, for which accounts have been rendered to the central depôt of the Presidency. If by any accident the stock of stamps of any value should run short before the receipt of a fresh supply from the central depôt, the officer in charge of the treasury will indent on neighbouring districts for a quantity sufficient to meet the demand, which may be supplied or not, according to the discretion, and on the responsibility of the officer indented on, with reference to the wants of his own district. It will be the duty of the Superintendent of Stamps of the Presidency to report to the Director-General of the Post Office, for the orders of Government, every occasion on which it may appear, from the monthly statement or otherwise, that the store of stamps of any particular value in any district has fallen below the authorized amount.

* Form 1.

Branch Depôts.

VII.—Every branch treasury and every tehsil treasury shall be a branch depôt for the sale of postage stamps under the conditions described in Rule V. It will receive its stamps from the local depôt to which it is subordinate, keeping always in store a supply sufficient to meet the probable demands of one month, estimated according to the average of former sales. It will keep an account of sales in the same form (3) hereafter prescribed for the treasurer's account, and will indent for supplies in the same form (4) as hereafter prescribed for the treasurer's indent. It will render an account monthly to the local depôt in Form 6A immediately on the expiration of the month.

Retail sale of Stamps.

VIII.—A supply of stamps *for sale by retail* shall be kept available at every post office, receiving office, tehsildaree, thana, and every police station at which letters are received for despatch, and with every licensed stamp-vendor; and it shall be the duty of the officer, to whom the person in charge of any of the above-named places is subordinate, to take steps to ensure that the supply

kept on hand is at all times equal to at least one week's demand. Persons in charge of the above-mentioned places will receive discount on purchases under Rule V. Superintendents and Inspectors of post offices, within their respective jurisdictions, and any other officers of the post office specially deputed for that purpose or authorized on that behalf by the Post Master General or officer exercising the powers of Post Master General, are empowered to examine the stock of postage stamps kept by a licensed stamp-vendor.

This rule does not apply to "service stamps" or to "soldiers' envelopes."

By the term "licensed vendor," as used above, is meant a stamp-vendor licensed under rules framed by the local Government in accordance with section 55 of the General Stamp Act (I of 1879).

Authorization of certain retail vendors other than the above.

IX.—A district officer may authorize the grant of discount at half-anna per rupee on purchases under Rule V to any person who is a *bonâ fide* retail vendor of postage stamps, although he may not be one of those required to retail them under the above rule. Such authority shall be given in writing, and must be produced by the person authorized when claiming discount on purchases; the authority will hold good for only 12 months from the date on which it is given, and may be revoked at any time at the discretion of the district officer. No such authority may be given to any person employed in a Government treasury. The authority so given may, at the discretion of the district officer, be made subject to conditions to be expressed in the writing of authority in any or all of the following respects, *viz.*:—the maintenance of a sufficient supply of all or any specified denominations of postage stamps for retail: a particular shop, place, or locality, or particular shops, places, or localities, in which postage stamps are to be exposed for sale: the days and hours during which they are to be so exposed, and any restriction upon the sale in shops, places, or localities other than those specified. A register showing the name, residence, and occupation of every person so authorized, and the date of the authority, shall be kept by the district officer. Superintendents and Inspectors of post offices within their respective jurisdictions, and any other officers of the post office specially deputed for that purpose or authorized on that behalf by the Post Master General or officer exercising the powers of Post Master General, are empowered to examine the stock of postage stamps kept by any person so authorized.

The term "district officer," as used above, includes the political officer in a native state who may grant authority to *bonâ fide* retail vendors as provided in the above rule.

Custody of Stamps in Local Depôts.

X.—The bulk of postage stamps in store at any local depôt shall be kept in parcels, containing a known number of sheets, in the treasury or other secure place, in one or more strong chests or presses, under double locks,—the key of one lock of each chest or press always remaining in the hands of the collector or other officer in charge of the stamps, and the key of the other in the hands of the treasurer.

XI.—The remainder of the stamps in store shall be in the hands of the treasurer, and shall not exceed the probable demand of fourteen days, estimated according to the average of former sales.

XII.—The treasurer shall keep a daily account of receipts and sales* in the vernacular of the district, in which the transactions of each succeeding day shall be entered consecutively, a balance being struck at the close of each day, and attested by the initials of the officer in charge of the treasury.

* Form 3.

XIII.—On the first open day of each month, and on every Monday during the month, the treasurer shall prepare in the vernacular, and submit to the officer in charge of the postage stamps, an indent† for a supply of postage stamps for the following week. The indent, after being approved or altered by the officer in charge of the postage stamps, shall be signed by him, and complied with as directed in the following

† Form 4.

rule. The indent thus signed shall be the warrant for the issue of the stamps.

XIV.—The officer in charge of the postage stamps shall cause the store under double locks to be opened, and the required number to be counted and delivered to the treasurer in his presence. A store-book* shall be kept in English, in which the number and value of the stamps delivered to the treasurer shall be entered, and a balance struck at the time of delivery. This balance will be attested by the initials of the officer in charge and of the treasurer, both of whom shall invariably be present during the whole time that the store under double locks, or any part of it, remains open. The deliveries shown in the store-book will agree with the indent as approved.

* Form 5.

XV.—If the treasurer require stamps at any intermediate time, the same process will be observed as is prescribed in the two preceding rules.

XVI.—Stamps will be supplied from the store under double locks only to the treasurer and to branch depôts, and on indent from them respectively. Sales should be made not out of store, but from the supply in the hands of the treasurer or the supply in branch depôts.

XVII.—As soon as possible after the arrival of a despatch of postage stamps from a central depôt, or from any other local depôt, the packets or boxes are to be opened, one at a time, in the presence of the officer in charge of stamps. The stamps contained in each box or packet are then to be immediately counted and compared with the invoice,† which, after being receipted, will be returned by the first post to the depôt whence they were despatched. Unless the officer in charge of the stamps can certify that the stamps contained in any given packet or box were immediately counted by himself personally, or in his presence, he will be held responsible for the value of any that may be found deficient. The stamps are then to be placed in the store under double locks and entered in the store-books, and no stamps are to be delivered to the treasurer or sold to any party without being first brought into store.

† Form 2.

XVIII.—Officers in charge of stamps will have the stamps in store, both those under double locks and those in the hands of the treasurer, counted in their presence on the last open day of September and March in each official year, and will certify having done so in the following terms at the foot of the monthly accounts of sales and stock‡ for those months furnished to the Superintendent of Stamps:—

‡ Form 6.

"I do hereby certify that I have personally counted the number of sheets of postage stamps of the value of four annas each and upwards in store on_____1880, and that their actual value is §_____; and I also further certify that the number of complete sheets of postage stamps of a lower value than four annas each, in store on the same date, has been counted by the treasurer in my presence, and that their actual value is §_____; and I do further certify that, from the report of the treasurer made to me this day, the actual value of the stamps in his hands amounts to §_____; and that the rules prescribed by the orders of the Government of India, dated 16th September 1880, are duly observed."

N. B.—In cases where portions of the stock of stamps are in charge of Tehsil Officers, it will be necessary to obtain a certificate from each of the Tehsildars for the postage stamps in his charge and attach these certificates to the certificate for head-quarter store.

Officer in charge of Stamps.

§ NOTE.—The amounts to be entered in words as well as figures.

XIX.—On occasions of transfer of charge, postage stamps will be made over in the same manner, and under the same precautions, as the cash balance in the treasury.

XX.—The officer in charge of each local depôt will submit, within the first week of each month, an account‖ to the Superintendent of Stamps of his Presidency, showing the balance in hand at the sudder and branch treasuries at the close of the preceding month, and the sales effected during that month.

‖ Form 6.

Returns to be made by Central Depôt, &c.

XXI.—The Superintendent of Stamps of each Presidency will, at the commencement of each month, in addition to any account required by the Accountant General, furnish the Director-General of the Post Office with a memorandum* showing the number of stamps of each description distributed by him during the preceding month and the number remaining in stock at the close of the month.

* Form 7.

The Superintendents of Stamps of Calcutta, Madras, Bombay, Lahore, and Nagpur, will, as soon after the close of each month as possible, furnish the Accountant General to the Post Office with a memorandum† showing the total amounts of the actual sales in each local depôt and of all the local depôts supplied by them.

† Form 8.

F. R. HOGG,

Offg. Dir.-Genl. of the Post Office of India.

Form

Indent for Postage Labels, &c., on the

1	2		3		3a		4		5		6	
PARTICULARS.	SOLDIERS' NINE-PIE ENVELOPES 16=1 PACKET =14 ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET =Re. 1-8, 480=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =1 RUPEE, 480=1 REAM =Rs. 30.	
	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
Number of each description in Sudder and Subdivisional Treasuries or Branch Depôts this day												
Number of each description sold within the last three months, for which accounts have been furnished												
Number of each description now indented for ...												
Number of each description passed by the Superintendent												

No. I.

Superintendent of Stamps at _____

7				8		9				10			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Indent for Postage Labels, &c., on the

11				12		13				14	
FOUR-ANNA LABELS 320=1 SHEET=Rs. 80.				SIX-ANNA LABELS 320=1 SHEET =Rs. 120.		EIGHT-ANNA LABELS 320=1 SHEET=Rs. 160.				TWELVE-ANNA LABELS 320=1 SHEET =Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Dated

I request that the above described Postage

No. 1—(*continued*).

Superintendent of Stamps at _____

15				16			17			18		
ONE-RUPEE LABELS 320=1 SHEET=Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &c.			GROSS VALUE OF SERVICE LABELS, &c., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.		
Ordinary Labels.		Service Labels.										
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

Labels, &c., may be supplied to this Treasury.

Officer in charge of the Treasury at _____

No._____ **Form**

Invoice of Postage Labels, &c., consigned to the Officer

1		2		2a		3		4		5	
SOLDIERS' NINE-PIE ENVELOPES 16=1 PACKET=14 ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET=4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET=RE. 1-8, 480=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =RE. 1, 480=1 REAM =Rs. 30.	
Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.

No. 2.

*Trein charge of theasury at*_____

6				7		8				9			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

No._____

Invoice of Postage Labels, &c., consigned to the Officer

*Dated*_____

10				11		12				13	
FOUR-ANNA LABELS 320 = 1 SHEET = Rs. 80.				SIX-ANNA LABELS 320 = 1 SHEET = Rs. 120.		EIGHT-ANNA LABELS 320 = 1 SHEET = Rs. 160.				TWELVE-ANNA LABELS 320 = 1 SHEET = Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

I acknowledge to have received the Postage Labels, &c., described above,

Dated

NOTE.—As soon as the Labels, &c., arrive, they must be

No. 2—(*continued*).

in charge of the Treasury at _____

(*Signed*) _____ *Superintendent of Stamps.*

14				15			16			17		
ONE-RUPEE LABELS 320 = 1 SHEET = Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &c.			GROSS VALUE OF SERVICE LABELS, &c., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.		
Ordinary Labels.		Service. Labels.										
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

the total value of which is Rs. (here enter the value in words and figures)

Officer in charge of the Treasury at _____

compared with the Invoice, which should be receipted and returned immediately.

2 o

Form

Treasurer's or Branch

1	2	3		4		4 *a*		5		6		7	
DATE.	PARTICULARS.	NINE-PIE SOLDIERS' ENVELOPES 16=1 PACKET =14 ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET =RE. 1-8, 480=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =1 RUPEE, 480=1 REAM =Rs. 30.	
		Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
	Closing Balance on the (date, month, and year) ...												
	ADD— Received on the (date and month) from the officer in charge of the Treasury ...												
	TOTAL ...												
	DEDUCT— Sold during the day												
	Closing Balance on the (date and month) ...												
	DEDUCT— Sold during the (date and month)												
	Closing Balance on the (date and month) ...												
	(And so on)												

No. 3.

Depôt Daily Account.

8				9		10				11			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Treasurer's or Branch

12				13		14				15	
FOUR-ANNA LABELS 320 = 1 SHEET = Rs. 80.				SIX-ANNA LABELS 320 = 1 SHEET = Rs. 120.		EIGHT-ANNA LABELS 320 = 1 SHEET = Rs. 160.				TWELVE-ANNA LABELS 320 = 1 SHEET = Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

No. 3—(*continued*).

Depôt Daily Account.

16				17			18			19			20			21			22
ONE RUPEE LABELS 320 = 1 SHEET = Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &C.			GROSS VALUE OF SERVICE LABELS, &c., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.			DEDUCT FROM GROSS VALUE OF SALES DISCOUNT ALLOWED UNDER RULE V.			NET VALUE OF SALES.			SIGNATURES OF THE OFFICER IN CHARGE OF THE TREASURY AND OF THE TREASURER.
Ordinary Labels.		Service Labels.																	
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	

Form

Indent for Postage Labels, &c., required

1	2		3		3a		4		5		6	
PARTICULARS.	NINE-PIE SOLDIERS' ENVELOPES 16=1 PACKET =1¼ ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET =RE. 1-8, 480=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =RE. 1, 480=1 REAM =Rs. 30.	
	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
Number of each description in hand this day ...												
Number of each description sold during the preceding week ...												
Number of each description now indented for ...												
Number of each description passed by the Treasury												

No. 4.

by the {*Branch Depôt* / *Treasurer of the Treasury at*} _____

7				8		9				10			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Indent for Postage Labels, &c., required

11				12		13				14	
FOUR-ANNA LABELS 320=1 SHEET=Rs. 80.				SIX-ANNA LABELS 320=1 SHEET =Rs. 120.		EIGHT-ANNA LABELS 320=1 SHEET=Rs. 160.				TWELVE-ANNA LABELS 320=1 SHEET =Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Dated

Officer in charge of the Treasury
*at*_____

No. 4—(*continued*).

by the {*Branch Depôt* / *Treasurer of the Treasury at*

15				16			17			18		
ONE-RUPEE LABELS 320=1 SHEET=Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &C.			GROSS VALUE OF SERVICE LABELS, &C., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.		
Ordinary Labels.		Service Labels.										
Sheets.	Labels.	Sheets.	Labels.	Rs	A.	P.	Rs.	A.	P.	Rs.	A.	P.

Dated

Treasurer, or
Officer in charge of the Branch Depôt.

Form

Store Book of Postage Labels, &c.,

1	2	3		4		4a		5		6		7	
		NINE-PIE SOLDIERS' ENVELOPES 16=1 PACKET =14 ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET, 8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET =Re. 1-8, 180=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =Re. 1, 180=1 REAM =Rs. 30.	
DATE.	PARTICULARS.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
	Closing Balance on the (date, month and year) ...												
	ADD— Received on the (date and month) from the Superintendent of Stamps ...												
	Ditto ditto from the Treasury at												
	TOTAL ...												
	DEDUCT— Issued to the Treasurer ...												
	Despatched to the Branch Depôt at ...												
	Transferred to the Treasury at ...												
	TOTAL ...												
	Closing Balance on the (date and month) ...												

No. 5.

of the Treasury at _____

8				9		10				11			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Store Book of Postage Labels, &c.,

12				13		14				15	
FOUR-ANNA LABELS 320=1 SHEET=Rs. 80.				SIX-ANNA LABELS 320=1 SHEET =Rs. 120.		EIGHT-ANNA LABELS 320=1 SHEET Rs. 160.				TWELVE-ANNA LABELS 320=1 SHEET =Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

No. 5—*(continued).*

*of the Treasury at*_____

16				17			18			19			20
ONE-RUPEE LABELS 320=1 SHEET=Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &C.			GROSS VALUE OF SERVICE LABELS, &c., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.			SIGNATURES OF THE OFFICER IN CHARGE OF THE TREASURY AND OF THE TREASURER.
Ordinary Labels.		Service Labels.											
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	

Form

Account of Receipts, Sales, and Stock in hand of Postage including Branch Treasuries, for the

1	2		3		3a		4		5		6	
PARTICULARS.	NINE-PIE SOLDIERS' ENVELOPES 16=1 PACKET =14 ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET =Re. 1-8, 480=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =Re. 1, 480=1 REAM =Rs. 30.	
	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
Stock in hand at the close of last month...												
Received from the Superintendent of Stamps during the month ...												
Received from the Treasury at during the month ...												
TOTAL ...												
Sold during the month at Sudder and Branch Treasuries as per credit in cash account ...												
Transferred to the Treasuries at ...												
TOTAL ...												
Balance Stock in hand												

No. 6.

Labels, &c., in the Treasury at _____,
month of _____ *188* .

7				8		9				10			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Account of Receipts, Sales, and Stock in hand of Postage Labels, &c., in the Treasury at _____, *including Branch Treasuries, for the month of* _____ *188* .

11				12		13				14	
Four-anna Labels 320=1 sheet=Rs. 80.				Six-anna Labels 320=1 sheet =Rs. 120.		Eight-anna Labels 320=1 sheet=Rs. 160.				Twelve-anna Labels 320=1 sheet =Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

NOTE.—Discount allowed during the month under Rule V, Rs.

Dated

No. 6—(*continued*).

Labels, &c., in the Treasury at _____,
month of _____ *188* .

15				16			17			18		
One-rupee Labels 320 =1 sheet =Rs. 320.				Gross Value of Ordinary Labels, &c.			Gross Value of Service Labels, &c., and Soldiers' Envelopes.			Total Gross Value.		
Ordinary Labels.		Service Labels.										
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

Officer in charge of the Treasury at _____

Form

Account of Receipts, Sales, and Stock in hand of Postage Labels, &c.,

1	2		3		3a		4		5		6	
PARTICULARS.	NINE-PIE SOLDIERS' ENVELOPES 16=1 PACKET =14 ANNAS, 180=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 180=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS 180=1 REAM =Rs. 17-8.		FOREIGN POST-CARDS 16=1 PACKET =Re. 1-8, 180=1 REAM =Rs. 15.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 180=1 REAM Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET 1 RUPEE, 180=1 REAM =Rs. 30.	
	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
Stock in hand at the close of last month												
Received from the Local Depôt during the month												
TOTAL ...												
Sold during the month as per credit in cash account												
Balance stock in hand ...												

No. 6A.

in the Branch Depôt at _____ for the month of _____ 188 .

7				8		9				10			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Account of Receipts, Sales, and Stock in hand of Postage Labels, &c.,

11				12		13				14	
FOUR-ANNA LABELS 320 = 1 SHEET = Rs. 80.				SIX-ANNA LABELS 320 = 1 SHEET = Rs. 120.		EIGHT-ANNA LABELS 320 = 1 SHEET = Rs. 160.				TWELVE-ANNA LABELS 320 = 1 SHEET = Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Dated

NOTE.—Discount allowed during the

No. 6A—(*continued*).

in the Branch Depôt at _____ *for the month of* _____ *188* ..

15				16			17			18		
ONE-RUPEE LABELS 320 = 1 SHEET = Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &c.			GROSS VALUE OF SERVICE LABELS, &c., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.		
Ordinary Labels.		Service Labels.										
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

month under Rule V, Rs.

Officer in charge of the Branch Treasury
at _____

Form

Memorandum of Receipts, Issues, and Stock of Postage Labels, &c., month of

1	2		3		3 *a*		4		5		6	
PARTICULARS.	NINE-PIE SOLDIERS' ENVELOPES 16=1 PACKET =14 ANNAS, 480=1 REAM =Rs. 26-4.		INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.		INLAND POST-CARDS, SERVICE, 32=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 7-8.		FOREIGN POST-CARDS 16=1 PACKET =RE. 1-8, 480=1 REAM =Rs. 45.		HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.		ONE-ANNA ENVELOPES 16=1 PACKET =1 RUPEE, 480=1 REAM =Rs. 30.	
	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.	Reams.	Packets.
Stock in hand at the close of last month ...												
Received from ...												
TOTAL ...												
Distributed during the month to the several local depôts ...												
Balance stock in hand this day ...												

No. 7.

in Store in the Central Depôt of the _____ *Presidency for the* _____ *188* .

7				8		9				10			
HALF-ANNA LABELS 320=1 SHEET=Rs. 10.				NINE-PIE LABELS 320=1 SHEET =Rs. 15.		ONE-ANNA LABELS 320=1 SHEET=Rs. 20.				TWO-ANNA LABELS 320=1 SHEET=Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Memorandum of Receipts, Issues, and Stock of Postage Labels, &c., month of

11				12		13				14	
FOUR-ANNA LABELS 320=1 SHEET=Rs. 80.				SIX-ANNA LABELS 320=1 SHEET =Rs. 120.		EIGHT-ANNA LABELS 320=1 SHEET =Rs. 160.				TWELVE-ANNA LABELS 320=1 SHEET =Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Dated

No. 7—(*continued*).

in Store in the Central Depôt of the *Presidency for the*

188 .

15				16			17			18		
ONE-RUPEE LABELS 320=1 SHEET=Rs. 320.				GROSS VALUE OF ORDINARY LABELS, &C.			GROSS VALUE OF SERVICE LABELS, &C., AND SOLDIERS' ENVELOPES.			TOTAL GROSS VALUE.		
Ordinary Labels.		Service Labels.										
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

Superintendent of Stamps.

Form

Memorandum of Sales of Postage Labels, &c., in the several

month of

1	2	3	3 *a*	4	5	6
NAMES OF DEPÔTS.	NINE-PIE SOLDIERS' ENVELOPES. 16=1 PACKET =14 ANNAS, 480=1 REAM =Rs. 26-4.	INLAND POST-CARDS, ORDINARY, 16=1 PACKET =4 ANNAS, 480=1 REAM =Rs. 7-8.	INLAND POST-CARDS, SERVICE. 32=1 PACKET =8 ANNAS 480=1 REAM =Rs. 7-8.	FOREIGN POST-CARDS 16=1 PACKET =Re. 1-8. 480=1 REAM =Rs. 45.	HALF-ANNA ENVELOPES 16=1 PACKET =8 ANNAS, 480=1 REAM =Rs. 15.	ONE-ANNA ENVELOPES 16 1 PACKET =1 RUPEE, 480=1 REAM =Rs. 30.
	Reams. Packets.	Reams. Packets.	Reams. Packets.	Reams. Packets.	Reams. Packets.	Reams. Packets.
TOTAL ...						

No. 8.

Local Depôts of the _____ *Presidency / Province for the*

_____ *188* .

7				8		9				10			
HALF-ANNA LABELS 320 = 1 SHEET = Rs. 10.				NINE-PIE LABELS 320 = 1 SHEET = Rs. 15.		ONE-ANNA LABELS 320 = 1 SHEET = Rs. 20.				TWO-ANNA LABELS 320 = 1 SHEET = Rs. 40.			
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.		Service Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Form

Memorandum of Sale of Postage Labels, &c., in the several

month of

11				12		13				14	
Four-anna Labels 320 = 1 sheet = Rs. 80.				Six-anna Labels 320 = 1 sheet = Rs. 120.		Eight-anna Labels 320 = 1 sheet = Rs. 160.				Twelve-anna Labels 320 = 1 sheet = Rs. 240.	
Ordinary Labels.		Service Labels.		Ordinary Labels.		Ordinary Labels.		Service Labels.		Ordinary Labels.	
Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.

Dated

No. 8.—(*continued*).

Local Depôts of the _____ *Presidency / Province for the*

_____ *188* .

15				16			17			18			19			20		
One-rupee Labels 320 = 1 sheet = Rs. 320.				Gross Value of Ordinary Labels, &c.			Gross Value of Service Labels, &c., and Soldiers' Envelopes.			Total Gross Value.			Deduct from Gross Value of Sales discount allowed under Rule V.			Net Value of Sales.		
Ordinary Labels.		Service Labels.																
Sheets.	Labels.	Sheets.	Labels.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.

Superintendent of Stamps.

The 4th January 1881.

Notice has been received from the Italian Post Office that the laws of Italy authorise the confiscation of any precious article, or anything liable to customs duty, or any letter relating to foreign lotteries forwarded through the Post to any place in Italy.

2. The public are therefore warned not to put any such enclosures in letters for Italy.

M. GOLDMANN,
Offg. Asst., Foreign Post Branch.

The 14th January 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	22nd Jan.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 ,,	17th ,,	Str. *Khandalla.*
Madras and Ceylon	6 ,,	17th ,,	P. & O. Str. *Poonah.*
Foreign Mails *viâ* Bombay	6 ,,	19th ,,	From Bombay.
Do. Book Post and Pattern Packets	6 ,,	18th ,,	From Bombay.
Rangoon and Moulmein	6 ,,	20th ,,	Str. *Simla.*
Chittagong, Akyab and Rangoon	6 ,,	21st ,,	Str. *Mahratta.*
Persian Gulf	6 ,,	15th ,,	From Bombay.
Port Blair and Camorta	6 ,,	21st ,,	Str. *Chanda.*

From 7th February next, the Overland Mails will be dispatched from Calcutta on Mondays in the fair season and on Saturdays in the monsoons. The Mails closing in the general Post Office at 6 P.M. on those days.

The Italian Post Office have intimated that the laws of Italy authorize the confiscation of any precious article, or any thing liable to customs duty, or any letter relating to Foreign lotteries, forwarded through the Post to any place in Italy. The public are accordingly warned against the transmission of any such article in letters to Italy.

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

N. B.—The route to U. S. America *viâ* Hong Kong has been abolished.

List of Unclaimed Letters lying in the Calcutta Post Office on the 14th January 1881.

Bainbridge, Miss Lily.
Bainbridge, Mrs. T.
Bali, Mrs.
Barton, Miss M.
Beale, Mrs.
Berry, Miss.
Blanchard, Mrs. Sarah.
Brooke, W. J.
Brookes, H. S.
Buckman, Mrs. M.
Campbell, H. M.
Clinton, C.
Collet, F. H.
Crichton, Miss J.
D'Cruz, Miss J.
Day, Miss Lizzie.
Dumbell, Mrs.
Elias, John.
Evens, Mrs. A.
Fairbrather, Lt. W. T.
Fleming, E. W.
Fitzpatrick, Daniel.
Gobby, T.
Garrick, G.
Graham, Miss.
Glass, P. S.
Hutchinson, A.
Hooley, J.
Lavalette, Mrs. C.
Lennox, Mrs.
Marshell, W. R.
Miller, A. J.
McNeil, Mrs. C.
Mondey, Miss.
Meares, Mrs. Eliza.
Preston, Lieutenant J. E.
Rogers, C. J.
Rowe, Mrs.
Russell, H. J. J.
Scott, G.
Spencer, Mrs. J. W.
Shelstone, R. W.
Simpson, J. M.
Smith, Geo. A. E.
Stubbs, H. C.
Scribe, D. G.
Shaw, J. E.
Strong, W.
Sidqwick, C.
Spence, Mrs.
Smith, Mrs. P. J. M.
Smith, R.
Sanderson, H. E.
Smith, Dr. F. A. A.
Thomas, Mrs.
Tracy, J. D.
Tackson, Mrs. J.
Whiting, Miss M.
Williams, Thomas.
White, T. G.

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

Adels, E.
Amey, Mrs. A. W.
Arnot, Miss J. T.
Ashton, Captain Sam.
Arsene, Monsieur A.
Atkinson, J. L.
Bell, Mrs. Urzee.
Bennet, J.
Bradshaw, John.
Byron, E. C. A.
Burton, Miss Marie.
Canham, John.
Caupier, Arthur H.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coote, Waller.
Crafter, Geo.
Chatterjee, Beresver.
Coats, D.
Cooper, W. T.
Cadwallader.
Doyne, Capt. R. G.
Dunsford, R. C.
Dickenson, Harry.
David, Monsieur Louis.
Devon, A. F.
Gibbons, E. J.
Gibbons, Rev. B.
Godlu, Francis.
Gondois, M.
Harford, J.
Hastings, C. G. W.
Hay, G.
John, George.
Joseph, Monsieur A.
Jones, C. R.
Kaiser, Mr.
Knaeshaw, Henry.
Kohn, Herrn. J. M.
L. H.
Lanchield, F.
Lindesay, Harris M.
Little Robert, Mrs.
Meeredy, James McG.
Mitchell, Mrs. Murray.
Moolla, Monsieur N. J.
Montgomery, Miss.
M. K. W.
Monkhouse, C.
Neville, Captain J. P.
Obbard, Lt.-Col. Thomas.
Postlethwaite, G. F.
Pelbeam, Miss Lucy.
Retallick, Lt. J. M. A.
Sandford, J. R.
Schore, T. C.
Sinclair, J. L.
Stevens, C.
"Kitty."
Stock, C.
Sewart, Alex. G. J.
Tupper, J.
Terry, B. H.
Tregido, S.
Wilson, Alex. S.

Newspapers.

Bachanan, Beverley.
Byron, E. C. A.
Miller, Captain William.
Molla, Monsieur N. J.
Sale, M.

Registered Letters.

Bleach, J. W.
Kay, T. W.
Kneeshaw, H.
Parkinson, W.
Paxwell, Ed.
Rosa, Lorenzo.
Warde, Mrs.

E. C. GEORGE,
Presidency Post Master.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
181	... D 16—21825 ...	10	Messrs. Turner, Morrison & Co., Calcutta.
182	... D 16—14144 ...	10	Messrs. Nicholls & Co., Calcutta.
	D 14—47671 ...	20	
	D 18—55384 ...	100	
	,, —59844 ...	100	
	,, —61501 ...	100	

ALLAHABAD,
The 11th January 1881.

W. T. PIERCY, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1881.			
W3	... M 53—69887 ...	20	Manekji Ruttonji, Badairn.
	M 54—43675 ...	10	
W4	... M 10—64688 ...	5	Dadabhoy N. Namawati, Surat.
W5	... M 49—94968 ...	10	C. Annamalai Mudaliar, Ahmednagar.

NOTES PARTIALLY LOST OR DESTROYED.

1881.			
H5	... M 37 80792 ...	100	Yeshvant Sajba, Bombay.
	M 46—3315 ...	50	
	,, —60104 ...	50	
	,, —65221 ...	50	
	M 53—64646 ...	20	
	,, —69133 ...	20	
H6	... M 52—73405 ...	10	Jairam Pandurang, Bombay.

BOMBAY,
The 11th January 1881.

C. E. CRAWLEY,
Asst. Accountant-General.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
333	... O 82—23528 ...	10	Mr. J. Hunter.
334	... O 68—55567 ...	100	Gopee Chand Bothra.
335	... O 80—83759 ...	10	Mohamed Jan Khan.
	O 84—71078 ...	10	
	O 60—34671 ...	20	
336	... O 69—72959 ...	100	Gunesh Das.
337	... O 78—33168	10	The Officer Commanding G Battery, A Brigade Morar.
	O 45—01016		
338	... O 68—68951 ...	100	Babu Karoonamoy Chakravarti.
339	... O 69—33997 ...	100	Shaik Khoda Bux.

Calcutta Circle —*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
327	... O 25—43510 ...	20	Shaik Del Jan.
328	... O 78—21207 ...	10	Mr. C. M. Martin.
	O 82—37498 ...	10	
	O 83—44911 ...	10	
	O 84—32652 ...	10	
	O 90—49627 ...	10	
329	... O 82—17295 ...	10	Babu Probode Chunder Roy.
330	... O 58—45710 ...	20	Babu Dwarka Nath Mukerjee.
331	... L 54—14750 ...	5	Babu Ambica Churn Banerjee.
332	... L 56—37125 ...	5	Babu Troylucko Nath Ghose.
215	... O 36—74719	5	Babu Agor Chunder Chakravarti.
	,, —74723		
216	... L 25—22441	5	Babu Ram Narayan Ghose.
	,, —22435		
217	... O 17—77543	10	Mr. J. Hudson.
	,, —44445		

CALCUTTA,
The 14th January 1881.

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

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
G 9—30854 ...	50	Mr. A. F. Lobo, Bombay.
G 9—30656 *	50	Devchund Nageendass, Bombay.
,, —30659 *		

* Mismatched.

KURRACHEE,
The 3rd January 1881.

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

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
112	... E 13—90308 ...	100	W. Hutton, Esq., Rawalpindi.
113	... E 8—39461 ...	5	H. D. Watson, Esq., Amritsur.
	E 15—45592 ...	50	
114	... E 17—18816 ...	20	F. Walker, Esq., Allahabad.
	,, —18817 ...	20	
115	... E 8—38794 ...	5	Ganesha Mull and Basanta Mull, Umbaila.
	E 13—92541 ...	100	
116	... E 15—55308 ...	50	Jai Gopal, Lahore.
117	... E 12—89892 ...	20	Assistant Inspector General, Government Railway Police, N.-W. Provinces, Allahabad.
	E 17—51016 ...	20	
	,, —51018 ...	20	
118	... E 17—48827 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

175	... E 17—15571 ...	20	Mamraj and Shadi, Rawalpindi.
177	... E 17—39128 ...	20	Lieutenant-Colonel F. T. Humfry, Jacobabad.
180	... E 17—47337 ...	20	Dowla Shah Bhabra, Sealkote.
32	... E 10—72538	10	Messrs. Herji & Co., Neemuch.
	,, —72539		
41	... E 15—46790	50	Lieutenant A. H. Wilmer, Morar.
	,, —46793		
42	... E 16—32205	10	T. R. Lewis, Esq., Calcutta.
	,, —32202		
43	... E 8—26189	5	Assa Ram, Treasurer, Thull.
	,, —26190		

LAHORE.
The 8th January 1881.

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

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج '

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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

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Just published, pp. XXXV + 253.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 22, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Sibi, the 11th January 1881.

No. 18.—With reference to Government of India's Gazette Notification No. 16 of the 10th December 1880, Major M. J. Macartney, R.E., assumed charge of the Office of Superintending Engineer and Secretary to Agent, Governor General, Biluchistan, on the morning of the 3rd January 1881.

M. J. MACARTNEY, *Major, R.E.,*
Secy. to Agent to Govr. Genl. for Biluchistan, P. W. Dept.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Camp Ajmere, the 17th January 1881.

No. 219 S.—Mahomed Anwar Khan, Sub-Assistant Conservator of Forests in Ajmere and Merwara, was relieved of his duties on the afternoon of the 20th December 1880, and he was allowed to avail himself, from the 21st idem, of the furlough for one year granted in Notification No. 1920 S., dated the 16th July 1880.

By Order,

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

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Calcutta, the 18th January 1881.

In continuation of this Office Notification dated the 15th December 1880, Mr. R. A. English, Assistant Engineer, 1st Grade, temporary rank, returned from the leave granted to him by the Government of Bengal in Notification No. 169 Railway, dated 16th October 1880, on the forenoon of the 13th December 1880.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 18th January 1881.

No. 7.—Mr. T. E. Curry, Assistant Engineer, 1st Grade, is placed at the disposal of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore.

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

KANDAHAR STATE RAILWAY,
Upper Section.

NOTIFICATIONS.

Nari, the 6th January 1881.

No. 82.—In continuation of this Office Notification No. 78, dated 22nd December 1880, Mr. P. Dease, Executive Engineer, 4th Grade, is posted to the Office of the Engineer-in-Chief.

The 7th January 1881.

No. 83.—With reference to the Director General of Railways' Notification No. 177, dated 17th December 1880, Mr. E. Behrmann, Assistant Engineer, 1st Grade, reported his arrival on the forenoon of the 7th January 1881, and is temporarily posted to the Nari Division.

The 14th January 1881.

No. 84.—With reference to the Director General of Railways' Notification No. 156, dated 9th November 1880, Babu Labdha Rama Sahni, Assistant Engineer, 3rd Grade, reported his arrival on the forenoon of the 14th January 1881, and is temporarily posted to the Office of the Engineer-in-Chief.

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

PUNJAB NORTHERN STATE RAILWAY,
Northern Section.

NOTIFICATION.

Rawalpindi, the 15th January 1881.

No. 3.—With reference to this Office Notification No. 5 of 10th January 1880, Mr. A. M. Chiodetti, Assistant Engineer, 3rd Grade, joined Peshawar Division of Punjab Northern State Railway on the afternoon of 20th December 1879.

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

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 13th January 1881.

No. 2.—With reference to Director General of Railways' Notification No. 167, dated 23rd November 1880, Mr. E. R. S. Lloyd, Assistant Engineer, 2nd Grade, joined this Railway on the forenoon of 8th January 1881.

H. D. LATOUCHE,
Engineer-in-Chief.

Report of a Deserter from the 83rd Regiment of Foot, dated at Camp Ambolee, this 10th day of January 1881.

Name,—Private Lionel Dowman.
Age,—19 years 4 months.
Size,—5 feet 6¼ inches.
Color of—
Complexion, fair; Hair, light brown; Eyes, light blue.
Peculiar Marks by which his Identity may be ascertained,—Scar on right cheek.
Date of Desertion,—6th January 1881.
From whence Deserted,—Belgaum.
Date of Enlistment,—22nd May 1877.
Place of Enlistment,—Kurrachee.
Parish where Born,—Hyderabad.
County,—Sind.
Former Trade or Occupation,—None.
Dress at the time of Desertion,—
Coat or Jacket,— } Regimentals.
Waistcoat,— ... }
Breeches or Trowsers,— ... }
REMARKS, stating any particular circumstances attending his Desertion,—None.

E. MURANT, *Lt.-Col.,*
Comdg. 83rd Regt.

Report of a Deserter from the 83rd Regiment of Foot, dated at Camp Ambolee, this 10th day of January 1881.

Name,—Private William Farr, 90th Regt.
Age,—About 28 years.
Size,—5 feet 6¼ inches.
Color of—
Complexion, fresh; hair, dark brown; eyes, dark brown.
Peculiar Marks by which his Identity may be ascertained,—Scar on lower lip.
Date of Desertion,—6th January 1881.
From whence Deserted,—Belgaum.
Date of Enlistment,—August 1878.
Place of Enlistment,—Kurrachee.
Parish where Born,—Hull.
County,—Yorkshire.
Former Trade or Occupation,—Printer.
Dress at the time of Desertion,—
Coat or Jacket,— } Regimentals.
Waistcoat,— ... }
Breeches or Trowsers,— ... }
REMARKS, stating any particular circumstances attending his Desertion,—None.

E. MURANT, *Lt.-Col.,*
Comdg. 83rd Regt.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jan. 10	...	...	...	...	29,42,697	2,65,554
„ 11	...	...	...	...	28,41,209	2,65,554
„ 12	...	...	...	...	28,23,206	2,65,554
„ 13	...	...	...	...	28,07,337	2,65,554
„ 14	...	...	...	...	28,07,342	2,65,554
„ 15	...	...	...	...	27,77,427	2,65,554

CALCUTTA MINT, *The 17th Jan. 1881.* } J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

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

The 20th Jan. 1881 ... Rs. 67,44,021-3-6.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 21st January 1881.

Statement of the Affairs of the Bank of Bengal for the half-year ending 31st December 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,209	0	0
Public Deposits at Head Office (Rs. 87,36,669 10 2) / Public Deposits at Branches (Rs. 1,14,80,154 4 11)	2,02,16,823	15	1
Other Deposits at Head Office and Branches	5,02,34,552	12	6
Bank Post Bills, &c.	3,12,381	12	5
Sundries	16,08,897	5	5
RUPEES	9,48,84,864	13	5

ASSETS.	Rs.	A.	P.
Government Securities	1,53,00,152	0	0
Loans on Government Securities, &c., at Head Office and Branches	51,84,475	12	3
Accounts of Credit on Government Securities, &c., at Head Office and Branches	39,62,683	6	8
Bills discounted and purchased at Head Office and Branches	1,86,21,269	13	9
Balances with other Banks	6,29,123	13	8
Bullion	9,07,680	7	6
Dead Stock	10,93,555	6	8
Stamps	6,697	4	0
Sundries	8,04,601	0	0
	4,65,10,239	0	6
Cash and Currency Notes at Head Office (Rs. 2,30,72,336 3 6) / Cash and Currency Notes at Branches (Rs. 2,53,02,289 9 5)	4,83,74,625	12	11
RUPEES	9,48,84,864	13	5

By order of the Directors.

BANK OF BENGAL, *Calcutta, 19th January 1881.* } J. GORDON, *Chief Accts. & Depy. Secretary.* R. HARDIE, *Secy. & Treasurer.*

Statement of the Affairs of the Bank of Bengal for the week ending 18th January 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 1,08,52,304 9 10) / Public Deposits at Branches (Rs. 1,18,88,150 4 8)	2,27,40,454	14	6
Other Deposits at Head Office and Branches	3,90,99,441	0	8
Bank Post Bills, &c.	5,60,064	1	0
Sundries	9,47,787	8	6
RUPEES	8,58,59,908	13	0

ASSETS.	Rs.	A.	P.
Government Securities	1,08,72,225	14	0
Loans on Government Securities, &c., at Head Office and Branches	54,37,742	15	2
Accounts of Credit on Government Securities, &c., at Head Office and Branches	40,44,886	12	4
Bills discounted and purchased at Head Office and Branches	1,97,85,533	13	0
Balances with other Banks	4,44,479	10	11
Bullion	8,69,150	9	3
Dead Stock	10,94,433	5	2
Stamps	7,243	3	0
Sundries	7,24,856	15	2
	4,32,80,553	2	0
Cash and Currency Notes at Head Office (Rs. 1,58,79,837 13 9) / Cash and Currency Notes at Branches (Rs. 2,66,99,517 13 3)	4,25,79,355	11	0
RUPEES	8,58,59,908	13	0

By order of the Directors.

BANK OF BENGAL, *Calcutta, 20th January 1881.* } J. GORDON, *Chief Accts. & Depy. Secretary.* R. HARDIE, *Secretary & Treasurer.*

CURRENCY NOTES.

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

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
H7	... M 52 - 78752 ...	10	Tatia Balkrishna, Bombay.
M3	... M 33 - 89578 / „ —89579	20	Khimji Dhanji, Bombay.
M4	... M 48—39166 / M 49—93872	10	Kaikhushroo Mehrban, Bombay.

BOMBAY, *The 18th January 1881.*

C. E. CRAWLEY,
Asst. Accts.-Genl., Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
341	... O 70—91281 ...	500	Kripa Dyal.
342	... O 66—22308 to „ —22318	100 each.	The District Superintendent of Police, Cachar.
	O 69—17418 to „ —17427	100 each.	
344	... O 57—24076 ...	20	Babu Goshai Churu Mondul.
	O 84—39947 ...	10	
	O 54—70794 ...	10	
	O 14—05184 ...	10	
345	... O 69—27175 ...	100	The District Superintendent of Police, Cachar.
	„ —27176 ...	100	
	„ —27177 ...	100	
	„ —27178 ...	100	
	„ —27179 ...	100	
	„ —27292 ...	100	
	„ —27293 ...	100	
	„ —27294 ...	100	
	„ —27295 ...	100	

Calcutta Circle —*continued.*

NOTES WHOLLY LOST OR DESTROYED —*contd.*

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
346	... O 24—07362 ...	20	Messrs. Nahar Chunder Shaw and Co.
	O 62—89072 ...	20	
	O 60—87577 ...	20	
	O 59—62634 ...	20	
	O 62—18307 ...	20	
	O 69—54793 ...	100	
347	... O 79—47986 ...	10	The District Superintendent of Police, Santhal Pergunnahs, Dumka.
	O 75—65879 ...	10	
	O 80—96551 ...	10	
	„ —08873 ...	10	
	O 15—13805 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
218	... O 79—79462 „ —79465	10	The Chief Pay Master, East Indian Railway, Calcutta.
219	... O 82—88989 „ —88988	10	Mr E. D. Shave.
220	... L 39—56629 „ —56638	10	Babu Sarat Chunder Mitter.
221	... O 42—49395 „ —49396	10	Babu Behari Lall Das.
222	... O 36—76656 „ —76655	5	Mr. H. W. Ronaldson.
224	... L 30—85158 „ —85160	5	Mohamed Salim.
333	... O 80—59543 ...	10	Mr. Fred. Webster.
334	... O 13—20932 ...	10	Mr. J. H. Twigg, C.S.
	O 53—52660 ...	10	
	O 36—82531 ...	5	
336	... O 41—67878 O 52—01395	10	Mr. J. Joseph.
337	... L 56—46289 L 55—26181	5	Babu HurryChurn Banerjee.
338	... L 47—07839 O 59—89018	20	Mr. C. S. Hurst.
339	... O 77—69042 ...	10	Babu Koylas Chunder Ghose.

CALCUTTA,
The 21st January 1881.

R. A. STERNDALE,

Assistant Comptroller General of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
119	... E 15—85600 ...	50	Treasury Officer, Dera Ghazi Khan.
120	... E 17—52794 ...	20	Kunhya Lal and Eshree Purshad, Bankers, Delhi.
	E 16—53859 ...	10	
	E 18—16711 ...	10	
	E 16—56277 ...	10	
	E 8—36169 ...	5	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
178	... E 16—24046 ... „ —67684 ...	10 10	Pandit Radha Kishen Koul, Umritsur.
182	... E 18—06638 ...	10	Heera Nund and Malawa Mull, Peshawar.
188	... E 13—84953 ...	100	Mehur Chand, Manager, Sanscrit Book Depôt, Lahore.

LAHORE,
The 15th January 1881.

C. G. VANSITTART,

Asst. to Acott. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
88	... B 47—21246 ...	5	Vidalingum Pillai, Egmore.
89	... B 66—17849 ...	100	Saiyad Ibrahim Ravuthar, Punkupetta, Trichinopoly.

Madras Circle —*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
169	... B 66—46261 ...	100	Vuthur Chellamiah Chetti, Varadamutiappen Street, Madras.
	„ —46262 ...	100	
	„ —46263 ...	100	
	„ —46264 ...	100	
170	... B 62—91979 ...	100	Messrs. Shaw & Winch, Madras.
171	... B 60—65595 ...	10	Mrs. R. Leckler, Yercaud.
173	... B 66—39778 ...	100	P. V. Raghavachari, Clerk, Kurg Superintendent's Office, Mercara.
174	... B 57—91499 ...	20	Muhammad Sumar, Popham's Broadway, Madras.
175	... B 54—72223 ...	20	Sitaramappa, Shambog of Haribar, Devangiri Taluk, Chittledrug District.
176	... B 47—38307 ...	5	P. Varadiah, Booking Clerk, Madras Railway Co., Tadpatri Station.
24	... B 53—49501 * „ —49502	10	Haji Allarekia Sajun & Co., Madras.
	B 61—64843 * „ —64842	50	
25	... B 66—33099 * „ —29705	100	Kallianji Sundarji, Calicut.

* Wrongly joined.

FORT SAINT GEORGE,
The 10th January 1881.

H. KEENE,

Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
H18	... F 10—77321 ...	100	Mr. Girish Chandra, Extra Assistant Commissioner, Khundwa.
	„ —77322 ...	100	
	F 8—74464 ...	20	

NAGPUR,
The 14th January 1881.

W. H. EGERTON,

Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd January 1881.

It has already been intimated that the Overland Mail Steamer will leave Bombay for Suez at 5 P.M. on Thursdays in the fair season and on Tuesdays in the south-west monsoon.

2. This arrangement will commence with effect from February 10th, 1881.

3. The last steamer, under the existing arrangement of a Saturday evening departure from Bombay, will be that leaving Bombay on Saturday the 5th February.

4. The first steamer, under the revised running, will be that leaving Bombay on Thursday the 10th February.

The 8th January 1881.

Circular No. 122, dated 4th January, about South African Mail, cancelled. Present arrangement continues.

The 18th January 1881.

The Postal Notice dated 4th January 1881, relative to the abolition of the route *vid* Aden and Zanzibar to South Africa, is cancelled.

2. Correspondence to the Cape of Good Hope, Natal, and other places in South Africa (British) can be sent by either of the routes noted below, at the rates given :—

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	Printed papers, including books, &c. Each Newspaper per 4 oz.	Printed papers, including books, &c. Each packet per 2 oz.	Legal and commercial documents each packet. Not exceeding 4 oz.	Legal and commercial documents each packet. Per 2 oz. additional.	Samples each packet. Per 2 oz.
Cape of Good Hope, Delagoa Bay and Natal (South Africa, *British*)—			c				
(Weekly) *vid* Brindisi, through United Kingdom	9	...	2	2	4	2	2
(Once every four weeks) *vid* Bombay to Aden (or from Aden) and thence by Zanzibar line (or from Zanzibar)	c3	...	1	1½	3	1½	1½
Zanzibar— (Once every four weeks) *vid* Bombay to Aden and thence by Zanzibar line	c3	1½	1	1	2	1	1
(Once every four weeks) from Aden							

c Ordinary inland rates.

FRED. R. HOGG,

Offg. Dir. Genl. of the Post Office of India.

The 4th January 1881.

Notice has been received from the Italian Post Office that the laws of Italy authorise the confiscation of any precious article, or anything liable to customs duty, or any letter relating to foreign lotteries forwarded through the Post to any place in Italy.

2. The public are therefore warned not to put any such enclosures in letters for Italy.

M. GOLDMANN,

Offg. Asst., Foreign Post Branch.

The 21st January 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	29th Jan.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	24th „	Str. *Mudra.*
Madras and Ceylon	6 „	29th „	P. & O. Str. *Assam.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *vid* Hong-Kong for Yokohama; also for Australian Colonies	6 „	25th „	From Bombay.
Foreign Mails *vid* Bombay	6 „	26th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	25th „	From Bombay.
Rangoon, Moulmein and Straits,	6 „	27th „	Str. *Kilwa.**
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 „	28th „	Str. *Commilla.*
Persian Gulf	6 „	22nd „	From Bombay.

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

From 7th February next, the Overland Mails will be despatched from Calcutta on Mondays in the fair season and on Saturdays in the monsoons. The Mails closing in the General Post Office at 6 P.M. on those days.

The Italian Post Office have intimated that the laws of Italy authorize the confiscation of any precious article, or any thing liable to customs duty, or any letter relating to Foreign lotteries, forwarded through the Post to any place in Italy. The public are accordingly warned against the transmission of any such article in letters to Italy.

The route to U. S. America *vid* Hong-Kong has been abolished.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 21st January 1881.

Adjie, G. R.
A. N. R. (Military Pay Office.)
Bainbridge, Miss Lily.
Bainbridge, Mrs. T.
Blundon, Mrs. C.
Bolam, W.
Booth, G.
Campbell, H. D.
Collet, F. H.
Crichton, Miss J.
Douglas, Neil.
Evens, Mrs. A.
Glass, P. S.
Graves, H.
Gibson, Harry.
Hutchinson, A.
Hausell, Miss K. A.
Harrison, Dr. E. J.
Howell, E. H.
Howard Capt. K.
King, Mrs. M.
Leord, S.
Lalla Parus Dass Sahoo.
McNeil, Mrs. C.
Mondey, Miss.
Meares, Mrs. Eliza.
Martin, Mrs.
Martin, F. A.
Manuel, Mrs. M.
Martin, H.
McDonald, S.
Pemberton, Mrs.
Piper, F.
Patterson, Mrs. Jas.
Rogers, C. J.
Rowe, Mrs.
Russell, H. J. J.
Ready, W. C.
Scribe, D. G.
Simpson, J. M.
Smith, A. J.
Shaw, J. E.
Smith, Mrs. P. J. M.
Smith, Dr. F. A. A.
Sarkies, Miss.
Thomas, Mrs. Geo.
Tracy, J. D.
Twigg, R. N.
Tarring, Charles J.
Taylor, P.
Whiting, Miss M.
Willson, Mrs.
Weston, Mrs.
Walker, Mrs. A.
Weynton, O.

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

Amey, Mrs. A. W.
Arsene, Monsieur A.
Atkinson, J. L.
Allen, Louis.
Adamson, James.
Bell, Mrs. Urzee.
Bennet, J.
Bradshaw, John.
Burton, Miss Marie.
Banofucia, C. S.
Barry, James M. (M.D.)
Brown, W. T.
Cauham, John.
Caupier, Arthur H.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coote, Waller.
Crafter, Geo.
Chatterjee, Beresver.
Coats, D.
Cooper, W. T.
Cadwallader, C. J. H.
Cooper, John.
Cox, A.
Doyne, Capt. R. G.
Dunsford, R. C.
Dickinson, Harry.
David, Monsieur Louis.
Edgar, Capt. J.
Elwell, A. H.
Godin, Francis.
Gondois, M.
Gomes, L. V.
Gunsalles, John.
Harford, J.
Hastings, C. G. W.
Hay, G.
John, George.
Joseph, Monsieur A.
Jones, C. R.
Jones, D.
Kaiser, Mr.
"Kitty."
Kneeshaw, Henry.
Kohn, Herrn J. M.
L. H.
Landfield, F.
Lindesay, Harris M.
Little Robert, Mrs.
Meeredy, James McG.
Mitchell, Mrs. Murray.
Moolla, Monsieur N. J.
Montgomery, Miss.
M. K. W.
McDonough, R.
Neville, Captain J. P.
Postlethwaite, G. F.
Retallick, Lt. J. M. A.
Sandford, J. R.
Schore, T. C.
Sinclair, J. L.
Stevens, C.
Stock, C.
Stewart, Alex. G. J.
Smith, Mrs. Glass.
Stuart, C. H.
Scratchmeiah, Lt.-Col. F. H. (R.A.)
Tapper, J.
Tregido, S.
Thomson, Edward.
Wilson, Alex. S.

Newspapers.

Bachanan, Beverley.
Miller, Captain William.
Molla, Monsieur N. J.
Sale, M.

Registered Letters.

Bleach, J. W.
Dickenson, Harry.
Kneeshaw, H.
Paxwell, Ed.
Rosa, Lorenzo.
Warde, Mrs.

E. C. GEORGE,

Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is

produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel*,
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جوکوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ٬

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه ٬

FOR SALE

AT

NARORA, NEAR RAJGHAT,

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

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	Remarks.
			Rs.	
Bull's Dredgers .	39	1¼ cubic feet .	40	These have been used but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

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

Meteorological Publications for Sale.

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

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

	Rs.	A.	P.
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

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

THE INDIAN LAW REPORTS.

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

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MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

Mathura: A District Memoir. By F. S. GROWSE, B.C.S., M.A., Oxon, C.I.E., Fellow of the Calcutta University. Second Edition, Illustrated, Revised and Enlarged. *Price, Rs. 7, including packing and postage.*

Available at the Government Book Depôt, N.-W. Provinces, Allahabad.

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

Indian Ocean—

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

India, West Coast—

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

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

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

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{292}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8 *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
No. 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

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

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only .	6	0	0
Postage	3	0	0
For a single copy of the *Gazette* .	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

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

BANK OF BENGAL.

Calcutta, the 27th January 1881.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Thursday the 3rd and Friday the 4th proximo, on account of the Hindoo Festival Sree Punchomey.

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

ADMINISTRATOR GENERAL'S OFFICE.

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

John Donegan Bagg, of Allahabad, in the North-Western Provinces of India, died at Allahabad, on the 11th August 1872.

Herbert Peters, an Assistant in the Desai Tea Factory in the District of Sibsaugor in Assam, at Desai Factory, on the 1st April 1879.

John Irvin Browne, a Captain and Marine Surveyor, at Brighton, on the 27th July 1880.

Thomas FitzStephen L'Estrange, District Engineer of Etah, in the North-Western Provinces, at Naini Tal, on the 20th June 1880.

Lettsom Grove Price, of Lower Basildon Pangbourne in the County of Berks, but late of Burford House, Great Malvern, in the County of Worcester, Esquire, in England, on the 18th March 1880.

William Henry Jones, a member of the firm of Messrs. Robert, Campbell & Co. of Calcutta, and of Messrs. W. H. Jones & Co. of Dinapore, at Calcutta, in November 1880.

William Henry Jackson, of Dhurmsala, in the Punjab, at Dhurmsala, on the 16th July 1880.

Catherine Michael, of the Town of Calcutta, Spinster, at Calcutta, on the 16th October 1880.

Henry Everest, of No. 14, Westbourne Terrace Road, Paddington, in the County of Middlesex, in England, a Fellow of the Royal College of Surgeons, in England, on the 12th May 1880.

Arthur John Chamber Rawlins, a Captain in the Royal Artillery, at Ferozepore, on the 9th August 1880.

Hartley Innes Noad, a Surgeon in the Army Medical Department, at Allahabad, on the 31st July 1880.

Frederick Canning Cortland Angelo, a Lieutenant in the 40th Regiment of Foot, in Fort Battye, Khyber Line, Afghanistan, on the 26th March 1880.

Thomas James O'Dwyer Renny, a Lieutenant in the Bengal Staff Corps, and Adjutant, 4th Regiment of Punjab Infantry, at Chinsurah, on the 15th December 1879.

Leonard Taylor, of the Bengal Civil Service, and Assistant Commissioner at Naini Tal, in the Kumaon Division, at Naini Tal, on the 18th September 1880.

Harriet Stiles, of Dum-Dum, in the 24-Pergunnahs, widow, at Howrah, on the 6th August 1880.

Marian Jenkins, of Allahabad, in the North-Western Provinces, at Allahabad, on the 2nd April 1879.

Charles Stewart Pratt, a Major in the Bengal Staff Corps, at Sea, in September 1880.

Alexander Robinson, Chaplain of Moradabad, in the North-Western Provinces, at Naini Tal, on the 18th September 1880.

Samuel Marie Brereton, a Surgeon in the Bengal Medical Establishment, and Agency Surgeon at Bagdad, at Bagdad, on the 9th June 1880.

Edmund Palmer, a Lieutenant in the Bengal Staff Corps, at Hissarak, in Afghanistan, on the 15th April 1880.

James Brien Daly, a Supervisor in the Public Works Department of the Government of India, at Mhow, on the 7th November 1878.

Robert Nicolson, Manager of Godapiasal Indigo Factory, in the District of Midnapore, on board the P. and O. Steamer *Nepaul*, on the 4th August 1880.

In the following Estates certificates have been granted by the Administrator General under Sections 36 and 37, Act II of 1874, and all persons having claims against the said Estates should communicate with the persons to whom certificates have been granted:—

Frederic Taylor, in the service of the East Indian Railway at Mogul Serai, died at Mogul Serai, on the 29th June 1880, to Esther Hennessey, aunt of the deceased.

George Augustus Faria, of Her Majesty's Customs Preventive Service, at Calcutta, on the 21st March 1880, to Charlotte Faria, widow of the deceased.

Frank Rogers Doris, a Signaller in the Government Telegraph Department at Akyab, at Calcutta, on the 30th October 1880, to John Rose, Executor of the deceased's will.

Edmund Robert Woodcock, Light-house Keeper, in charge of the Cocos Light-house, at the Coco Island, on the 6th October 1877, to Allen Benjamin Fuller, as a creditor of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 17th January 1881.

NOTICE TO MARINERS.
No. 1 of 1881.

INDIA—BAY OF BENGAL.

RIVER HOOGHLY SAND-HEADS.

Light Regulations for Pilot Brigs.

The Port Officer, Calcutta, has notified that on and after the 1st day of July, 1881, the Pilot Brigs at the Hooghly Sand-heads will, when under weigh and cruizing about, show the usual red and green side lights. When they are hove-to, engaged in supplying or taking out a Pilot, and thus not under command, the side lights will be obscured, and the bright mast-head light exhibited according to the Regulations of the Board of Trade. On the near approach of a vessel, a white light will be shewn over the Brig's stern.

2. While Pilot Brigs are at anchor, the usual anchor light will be hoisted at the starboard fore yard-arm.

3. The maroons, or flare-up lights, will as heretofore, be burnt by the Brigs every quarter of an hour, whether under weigh or at anchor, from sunset to sunrise, in accordance with the aforesaid Regulations.

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

Calcutta,—Marine Survey Department;
The 8th January 1881.

This Notice affects Taylor's Sailing Directory, Vol. I, page 474.

If this Notice is received on board ship, the substance of it should be introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 24th January 1881.

No. 203.—The following promotions are made, with effect from the 17th ultimo:—

Mr. E. S. P. Atkinson, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

Mr. G. E. Parker, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

The 26th January 1881.

No. 204.—The following promotions are made, with effect from the 14th December 1880, in consequence of the appointment of Major H. Trotter, C.B., R.E., Deputy Superintendent, 3rd Grade, to be Her Majesty's Consul at Erzeroom, and the resignation of Colonel J. Macdonald, S.C., Deputy Superintendent, 2nd Grade, on the 13th December 1880:—

Major W. F. Badgley, S.C., Assistant Superintendent, 1st Grade, to be Deputy Superintendent of the 3rd Grade.

Captain J. R. McCullagh, R.E., Assistant Superintendent, 2nd Grade, to be Assistant Superintendent, 1st Grade.

Mr. G. H. Cooke, Assistant Superintendent, 3rd Grade, to be Assistant Superintendent, 2nd Grade.

No. 205.—The following temporary promotions are made, with effect from 14th December 1880:—

Mr. J. O. N. James, Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Captain H. Lees Smith, S.C., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 3rd Grade.

Major R. Beavan, Assistant Superintendent, 2nd Grade, to officiate as Assistant Superintendent, 1st Grade.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 24th January 1881.

No. 30.—Mr. R. C. Barker, an Assistant Superintendent of the 4th Grade, is allowed furlough on medical certificate for three months, under Section 23 of the Civil Leave Code, with effect from the forenoon of the 17th January 1881.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D., Buildings and Roads Branch.

NOTIFICATION.

Indore, the 24th January 1881.

No. 2.—In continuation of Notification No. 19, dated 7th September 1880, it is notified that Major G. R. Gibbs, Executive Engineer, 2nd Grade, was relieved of his temporary duties in Superintending Engineer's Office, on the afternoon of 13th August 1880.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Baroda, the 21st January 1881.

No. 135 *G.*—First Class Hospital Assistant Asif Zuman is appointed to the medical charge of the Detachments of Rajputana Irregular Corps forming the Escort with the Camp of the Agent to the Governor General in Rajputana, with effect from the 1st December 1880.

By Order,
A. C. TALBOT,
1st Asstt. Agent, Govr. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Camp Gungapur, the 16th January 1881.

No. 29.—The Chief Commissioner of Ajmere-Merwara is pleased to extend Act XIV of 1880 (the Indian Census Act), to the District of Ajmere-Merwara.

Under Section 3 and Clause 3 of the Indian Census Act, No. XIV of 1880, the Chief Commissioner of Ajmere-Merwara is pleased to delegate the powers conferred on him under Section 3 of the said Act to the Commissioner of Ajmere-Merwara for the appointment of Census Officers within the Ajmere-Merwara District.

By Order,
A. C. TALBOT,
1st Asst. to the Chief Commr.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 4th January 1881.

No. 1.—With reference to Government of India, Public Works Department, No. 2224 G., dated 29th December 1880, Lieutenant-Colonel D. Limond, R.E., Superintending Engineer, joined the head-quarters staff of the Inspector General of Military Works in Calcutta on 27th December 1880.

No. 2.—With reference to Government of India, Military Department, Notification No. 705, dated 31st December 1880, Lieutenant-Colonel D. Limond, R.E., Superintending Engineer, is granted subsidiary leave from 1st to 15th January 1881.

The 11th January 1881.

No. 5.—Lieutenant A. C. Bruce, R.E., Assistant Engineer, passed the Departmental Standard Examination on the 10th December 1880.

No. 6.—Lieutenant E. Glennie, R.E., Assistant Engineer, passed the Departmental Standard Examination on the 14th December 1880.

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

Meerut Command.

Meerut, the 21st January 1881.

No. 1.—Captain H. A. Graves, Executive Engineer, 4th Grade (temporary), is posted to the Bareilly Division, Military Works, which he joined on the forenoon of the 12th instant.

The 25th January 1881.

No. 2.—With reference to Inspector General's Notification No. 77 of 8th December 1880, Captain S. C. Turner, R.E., Executive Engineer, 3rd Grade, reported his arrival at Meerut on the forenoon of the 11th January, and is posted to the Meerut Division from that date.

No. 3.—Lieutenant J. T. Johnston, R.E., Temporary Executive Engineer, 4th Grade, made over, and Captain S. C. Turner, R.E., Executive Engineer, 3rd Grade, received, charge of the Meerut Division, Military Works, on the forenoon of the 18th January.

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

COMPTROLLER GEN

No. 2180.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to Sept. 1879.	April to Sept. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	8,965,708	8,578,165	...	387,543
II.—Tributes	698,000	337,098	330,104	...	6,994
III.—Forest	688,400	177,679	209,386	31,707	...
IV.—Excise on Spirits and Drugs	2,782,000	1,369,428	1,507,683	138,255	...
V.—Assessed Taxes	535,000	595,237	393,078	...	202,159
VI.—Provincial Rates	2,764,000	1,109,886	1,180,678	70,792	...
VII.—Customs	2,175,000	1,012,039	1,117,372	105,333	...
VIII.—Salt	7,541,000	3,306,300	3,418,124	111,824	...
IX.—Opium	9,410,000	4,959,266	4,845,995	...	113,271
X.—Stamps	3,194,000	1,686,194	1,744,516	58,322	...
XI.—Registration	265,000	124,718	158,317	33,599	...
XII.—Mint	196,000	114,740	67,274	...	47,466
XIII.—Post Office	1,008,000	485,327	542,835	57,508	...
XIV.—Telegraph	463,100	170,398	257,269	86,871	...
XV.—Minor Departments	61,700	28,185	32,284	4,099	...
XVI.—Law and Justice	680,000	306,641	321,795	15,154	...
XVII.—Police	232,000	109,994	120,469	10,475	...
XVIII.—Marine	226,000	67,609	92,677	25,068	...
XIX.—Education	137,000	74,162	80,067	5,905	...
XX.—Medical	38,200	28,814	15,266	...	13,548
XXI.—Stationery and Printing	45,000	22,028	28,800	6,772	...
XXII.—Interest	641,000	365,069	247,340	...	117,729
XXIII.—Pensions	291,700	83,309	65,996	...	17,313
XXIV.—Miscellaneous	262,000	137,836	122,004	...	15,832
XXX.—Gain by Exchange	237,000	338,492	115,227	...	223,265
TOTAL	56,633,100	25,976,157	25,592,721	...	383,436
XXIX.—Army	800,200	480,268	498,790	18,522	...
XXVII.—Other Public Works	456,700	179,569	210,869	31,300	...
XXVI.—Irrigation and Navigation	860,200	149,526	287,520	137,994	...
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	4,590,322*	3,335,690	...	1,254,632
XXV.—State Railways	4,720,000	536,780	2,529,507	1,992,727	...
XXVIII.—Provincial and Local Deficits	247,200	8,318	1,464	...	6,854
TOTAL	71,217,400	31,920,940	32,456,561	535,621	...
England, including Army, Public Works Ordinary, &c.	203,800	116,107	135,351	19,244	...
GRAND TOTAL	71,421,200	32,037,047	32,591,912	554,865	...

* Includes £1,765,208 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 27th January 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

ERAL'S OFFICE.

Sixth month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April to Sept. 1879.	April to Sept. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	1,595,326	1,560,827	...	34,499
2.—Interest on Service Funds	398,400	167,749	98,272	...	69,477
3.—Refunds and Drawbacks	318,000	176,642	176,551	...	91
4.—Land Revenue	2,994,400	1,429,270	1,420,604	...	8,666
5.—Forests	527,600	152,827	169,602	16,775	...
6.—Excise	111,000	58,636	63,987	5,351	...
7.—Assessed Taxes	20,000	18,640	11,989	...	6,651
8.—Provincial Rates	53,000	19,047	25,752	6,705	...
9.—Customs	204,000	98,789	98,861	72	...
10.—Salt	368,000	168,714	189,048	20,334	...
11.—Opium	2,159,500	1,745,315	1,687,599	...	57,716
12.—Stamps	77,500	40,240	40,146	...	94
13.—Registration	166,000	72,458	89,616	17,158	...
14.—Mint	91,500	42,340	38,207	...	4,133
15.—Post Office	1,043,800	497,947	616,436	118,489	...
16.—Telegraph	380,900	181,893	174,561	...	7,332
17.—Administration	1,245,500	630,380	618,174	...	12,206
18.—Minor Departments	415,100	158,527	163,102	4,575	...
19.—Law and Justice	3,350,900	1,623,031	1,592,685	...	30,346
20.—Police	2,513,000	1,176,491	1,224,265	47,774	...
21.—Marine	419,000	143,404	177,803	34,399	...
22.—Education	1,015,800	463,338	476,580	13,242	...
23.—Ecclesiastical	158,600	76,117	76,393	276	...
24.—Medical	701,400	305,439	309,646	4,207	...
25.—Stationery and Printing	415,700	149,444	213,763	64,319	...
26.—Political	393,000	192,686	186,146	...	6,540
27.—Allowances	1,824,900	658,269	693,988	35,719	...
28.—Civil Furlough and Absentee Allowances	3,000	1,636	2,116	480	...
29.—Superannuation	646,300	367,984	424,477	56,493	...
30.—Miscellaneous	243,300	132,680	130,908	...	1,772
31.—Famine Relief	5,000	35,064	138	...	34,926
37.—Loss by Exchange	3,411,000	1,377,457	1,470,539	93,082	...
TOTAL	29,044,200	13,957,780	14,222,781	265,001	...
36.—Army	15,171,900	6,739,222	9,127,150	2,387,928	...
34.—Other Public Works	4,216,500	1,101,792	1,217,798	116,006	...
33.—Irrigation and Navigation	1,026,800	449,753	428,366	...	21,387
32.—Working Expenses (Guaranteed Railways)	4,675,000	2,324,367*	1,771,582	...	552,785
32.—Surplus Profits paid to Railway Companies	450,300	192,070	33,808	...	158,262
32.—Guaranteed Interest in India	9,000	6,893	4,646	...	2,247
32.—Land and Supervision	69,500	30,678	21,173	...	9,505
32.—State Railways	1,630,200	505,564	2,416,194	1,910,630	...
35.—Provincial and Local Surpluses	129,400	1,525,973	1,573,253	47,280	...
TOTAL	56,422,800	26,834,092	30,816,751	3,982,659	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	6,829,951	6,955,611	125,660	...
TOTAL	71,002,400	33,664,043	37,772,362	4,108,319	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	1,033,179	1,376,299	343,120	...
Ditto ditto in England	966,000	268,481	261,567	...	6,914
TOTAL	3,312,000	1,301,660	1,637,866	336,206	...
GRAND TOTAL	74,314,400	34,965,703	39,410,228	4,444,525	...

* Includes £630,389 as working expenses of East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

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

The following students have passed the B. A. Examination :—

FIRST DIVISION.

In order of Merit.

1	Chandra, Aghornath	... Presidency College.
2	Basu, Kalipada	... Ditto.
3	Ghosh, Kantibhushan	... Hughli College.
4	Phakirchand	... Muir Central College.
5	Maitra, Ramgopal	... Canning College.
6	Mitra, Baradacharan	... Presidency College.
7	Krishnaro Bhatt	... Muir Central College.
	Guha, Prasannakumar	... Dacca College.
9	Basu, Kailaschandra	... Cathedral Mission College.
10	Kedarnath	... Agra College.
	Sen, Rajmohan	... Presidency College.
12	Das, Damodar	... Benares College.
	Ghosh, Isanchandra	... General Assembly's Institution.
14	Chakrabarti, Jadabchandra	... Presidency College.
15	Chattopadhyay, Gangacharan	... Hughli College.
16	Basu, Basantakrishna	... Presidency College.
17	„ Srischandra	... Agra College.
18	Misra, Isanchandra	... Hughli College.
19	Mitra, Lalbihari	... Ditto.
20	Majumdar, Nilmadhab	... Ditto.
	Hari Lakshman Indurkar	... Muir Central College.

SECOND DIVISION.

In Alphabetical order.

	Amjad Ali	... Patna College.
	Baldebaram	... Benares College.
	Bandyopadhyay, Asutosh	... Free Church Institution.
	„ Adharchandra	... Krishnaghar College.
	„ Harilal	... General Assembly's Institution.
	„ Sureschandra	... Hughli College.
	Basu, Ananta Kumar	... Dacca College.
	„ Matilal	... Hughli College.
	Bhawanidas	... Agra College.
10	Bhattacharyya, Haridas	... Presidency College.
	„ Sibaprasanna	... Metropolitan Institution.
	Binayek, Moreswar Kelkar	... Muir Central College.
	Biswas, Jogneswar	... Presidency College.
	Chakrabarti, Srischandra	... Dacca College.
	Chattopadhyay, Ratinath	... Hughli College.
	Datta, Annadacharan	... Benares College.
	De, Bepinbihari	... Hughli College.
	Gangaram Sahni	... Agra College.
	Ghosh, Basantakumar	... Dacca College.
20	„ Mahendrakumar	... Ditto.
	„ Jogendrachandra	... Presidency College.
	„ Saradacharan	... Dacca College.
	„ Surendranath	... Hughli College.
	Laha, Srischandra	... Presidency College.
	Lahiri, Harihar	... Ditto.
	Madan Singh	... Lahore College.
	Maitra Sureschandra	... General Assembly's Institution.
	Majumdar, Krishnasundar	... Dacca College.
	Mandal, Jadunath	... Presidency College.
30	Misra, Lajjaram	... Canning College.
	Mitra, Saratchandra	... Presidency College.
	„ Shorashicharan	... Ditto.
	„ Upendrachandra	... Ditto.
	Mukhopadhyay, Harischandra	... Hughli College.
	„ Nandalal	... Presidency College.
	„ Nityalal	... Free Church Institution.
	Rudra, Madhusudan	... General Assembly's Institution.
	Sanyal, Dinanath	... Cathedral Mission College.
	Sen, Sasibhushan	... Hughli College.
40	Sundarlal	... Muir Central College.

THIRD DIVISION.

In Alphabetical order.

	Adhya, Bipinbihari	... Presidency College.
	Ali Ahmed	... Patna College.
	Bandypadhyay, Annadaprasad	... Metropolitan Institution.
	„ Asutosh	... General Assembly's Institution.
	„ Dinabandhu	... Presidency College.
	„ Kalipada	... Metropolitan Institution.
	„ Kumadnath	... Ditto.
	„ Nandalal	... Ditto.
	„ Sasibhushan	... Krisnaghar College
10	„ Syamacharan	... Canning College.
	Basu, Haridas	... Presidency College.
	„ Latubihari	... General Assembly's Institution.
	„ Syamacharan	... Teacher.
	Bhattacharyya, Akshaykumar	... Metropolitan Institution
	„ Harinath	... General Assembly's Institution.
	„ Ramaprasad	... Teacher.
	Chakrabarti, Asutosh	... Presidency College.
	„ Chandrakanta	... General Assembly's Institution.
	„ Harachandra	... Free Church Institution.
20	„ Jadunath	... Metropolitan Institution.
	„ Kunjabihari	... Ditto.
	„ Purnachandra	... Ditto.
	Chandulal	... Lahore College.
	Chattopadhyay, Gopalchandra	... Metropolitan Institution.
	„ Kalachand	... Free Church Institution.
	„ Narayandas	... Presidency College.
	„ Upendrachandra	... General Assembly's Institution.
	Chaudhuri, Asutosh	... Presidency College.
	„ Mohinimohan	... General Assembly's Institution.
30	Das, Gangadhar	... Presidency College.
	Datta, Jogendranath	... Metropolitan Institution.
	„ Mahendranath	... Teacher.
	„ Nabinchandra	... Metropolitan Institution.
	Gangopadhyay, Chandrakisor	... Hughli College.
	Ghatak, Nibaranchandra	... St. Xavier's College.
	Ghosh, Bipinbihari	... Presidency College.
	„ Janakiballabh	... Ravenshaw College.
	„ Madanmohan	... Cathedral College.
	„ Parbatinath	... General Assembly's Institution.
40	„ Purnachandra	... Ditto.
	Gopal Ramchandra Dongri	... Muir Central College.
	Gupta, Kunjabihari	... Presidency College.
	„ Gangagobinda	... Dacca College.
	„ Nagendranath	... Presidency College.
	Haldar, Satkari	... Ditto.
	Himmat Ali	... Hughli College.
	Hushmat Ullah	... Muir Central College.
	Jha, Ramanath	... Benares College.
	Kelly, W. A.	... St. Xavier's College.
50	Kundanlal	... Teacher.
	Lahiri, Lalitmohan	... Rajshahye College.
	„ Srihari	... Presidency College.
	Majumdar, Debendranath	... General Assembly's Institution.
	„ Jadunath	... Canning College.
	Makkar, Gosthabihari	... Free Church Institution.
	Mandal, Prankrishna	... Metropolitan Institution.
	Mitra, Asutosh	... General Assembly's Institution.
	„ Birajacharan	... Ditto.
	„ Haridas	... Presidency College.
	„ Hemchandra	... Metropolitan Institution.
60	„ Chandicharan	... Free Church Institution.
	„ Harachandra	... Patna College.
	„ Saradachandra	... Hughli College.
	Mukhopadhyay, Biharilal	... Krishnaghar College.
	„ Binodbihari	... Presidency College.
	„ Jaiharí	... Hughli College.
	„ Saradaprasad	... Patna College.
	„ Upendranath	... Teacher.
	Ohdedar, Narendranath	... Canning College.

70	Pal, Syamacharan	... Presidency College.
	„ Srinath	... Ditto.
	Pramanik, Krishnadayal	... Ditto.
	Raghunandan Prasad	... Benares College.
	Ray, Biswambhar	... Teacher.
	„ Jogneswar	... Metropolitan Institution.
	„ Nandagopal	... Teacher.
	„ Surendranath	... Presidency College.
	Ray, Syamacharan	... Free Church Institution.
	Raychaudhuri, Asutosh	... Metropolitan Institution.
80	Saha, Ramlal	... Patna College.
	Sahay, Ganga	... Muir Central College.
	„ Jagannath	... Patna College.
	Saligram	... Canning College.
	Samanta, Kalitaran	... Presidency College.
	Sanyal, Bishnuchandra	... Benares College.
	„ Ramchandra	... Presidency College.
	Sarkar, Bholanath	... General Assembly's Institution.
	Sen, Annadakumar	... Dacca College.
	„ Bipinbihari	... Ditto.
90	„ Dakshinacharan	... General Assembly's Institution.
	„ Ramlal	... Presidency College.
	Sinha, Amritalal	... Canning College.
	Sur, Akshaykumar	... General Assembly's Institution.
94	Tarachand	... Agra College.

SENATE HOUSE,
The 25th January 1881.

CHARLES H. TAWNEY,
Registrar.

Statement of the Affairs of the Bank of Bengal for the week ending 25th January 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 88,59,585 12 6)			
Public Deposits at Branches (1,16,85,305 11 10)	2,05,44,891	8	4
Other Deposits at Head Office and Branches	4,01,20,106	1	8
Bank Post Bills, &c.	4,32,651	4	8
Sundries	9,40,540	14	9
RUPEES	8,45,50,351	1	9

ASSETS.	Rs.	A.	P.
Government Securities	1,13,52,742	2	0
Loans on Government Securities, &c., at Head Office and Branches	52,35,845	7	6
Accounts of Credit on Government Securities, &c., at Head Office and Branches	38,91,293	15	10
Bills discounted and purchased at Head Office and Branches	2,06,28,415	4	9
Balances with other Banks	5,39,022	1	7
Bullion	8,86,896	14	6
Dead Stock	10,95,787	7	6
Stamps	7,061	0	0
Sundries	6,49,865	14	3
	4,42,86,930	3	11
Cash and Currency Notes at Head Office (Rs. 1,49,76,976 1 3)			
Cash and Currency Notes at Branches (2,52,86,444 12 7)	4,02,63,420	13	10
RUPEES	8,45,50,351	1	9

BANK OF BENGAL,
Calcutta, 27th January 1881.

By order of the Directors,
J. GORDON, *Chief Accts. & Depy. Secretary.*
R. HARDIE, *Secretary & Treasurer.*

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 28th January 1881.

Mr. R. A. English (Assistant Engineer), Assistant Examiner, Guaranteed Railway Accounts, Calcutta, passed the Lower Standard Examination in Hindustani, on the 6th December 1880.

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

Lahore, the 24th January 1881.

No. 1.—With reference to Notification No. 174 of 1880, by the Director General of Railways, it is hereby notified that from the 26th October 1880, the Pirchowkie Division has been constituted a Sub-Division of the Mittri Division, Lower Section, Kandahar State Railway.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 20th January 1881.

No. 85.—ERRATUM.—In this Office Notification No. 78, dated 22nd December 1880, *for* "afternoon of the 18th December 1880," *read* "afternoon of 22nd December 1880."

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

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATIONS.

Rawalpindi, the 20th January 1881.

No. 2.—With reference to Director General of Railways' Notification No. 156, dated 9th November 1880, Baboo Labdha Ram Sahin, Assistant Engineer, 3rd Grade, reported his departure from this Railway on the afternoon of 1st January 1881.

No. 3.—With reference to Director General of Railways' Notification No. 71, dated 15th May 1880, Mr. H. E. Luckstedt, Assistant Engineer, 1st Grade, reported his return from the six months' leave on private affairs therein granted, in the afternoon of the 5th instant.

E. L. MARRYAT, *Major, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY, Northern Section.

NOTIFICATION.

Rawalpindi, the 18th January 1881.

No. 3.—In continuation of this Office Notification No. 45 of 11th December 1880, Mr. H. B. Molesworth, Assistant Engineer, 1st Grade, joined the Attock Bridge Division of the Punjab Northern State Railway, on the afternoon of 4th December 1880.

H. J. ODDIE,
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY. Manager's Office.

NOTIFICATION.

Ajmere, the 20th January 1881.

No. 2.—With reference to Notification of the Consulting Engineer for Railways, Bombay, No. 112 of 12th November 1880, Mr. H. W. Bennett, Assistant Engineer, 2nd Grade, availed himself of the three months' language leave therein granted on the afternoon of the 7th instant.

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

Report of a Deserter from the 54th Regiment of Foot, dated at Deolali, this 25th day of January 1881.

Name,—Private Roberts.
Age,—29 years.
Height,—5 feet 6 inches.
Complexion,—Fresh.
Hair,—Light brown.
Eyes,—Grey.
Date of Desertion,—20th January 1881.
From whence Deserted,—Deolali.
Trade,—Engineman.
Dress at the time of Desertion,—Regimental serge.

_____,
Comdg. 54th Regt.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department.	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed.	BALANCE OF BULLION: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jan. 17	...	...	...	...	27,77,339	2,65,554
„ 18	...	...	...	...	27,37,310	2,65,554
„ 19	...	...	...	...	27,12,380	2,65,554
„ 20	...	...	...	...	26,92,365	2,65,554
„ 21	...	...	...	...	26,76,305	2,65,554
„ 22	...	...	...	...	26,53,555	2,65,554

CALCUTTA MINT,
The 24th Jan. 1881.

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

GOVERNMENT RESERVE TREASURY.

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

The 27th Jan. 1881 ... Rs. 85,97,171-3-6.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 28th January 1881.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
218	... D 9—75564 ...	1,000	Gunga Persad Ajoodia Persad, Calcutta.
219	... D 18—56144 ...	100	Messrs. Bhajan Lall & Co., Fatehgarh.

Allahabad Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
183	... D 14—42804 ...	20	F. B. Mulock, Esq., Aligarh.
	„ —42807 ...	20	
	D 18—47520 ...	100	
184	... D 16—22304 ...	10	Mr. M. Galbreath, Mussoorie.
185	... D 16—21506 ...	10	P. Rajendra Narain, Mainpuri.
186	... D 14—49130 to —49138	10 each	Seths Chaman Mal Dhanrup Mal, Ajmere.
	D 18—59570 ...	100	
187	... D 18—56115 ...	100	C. L. Hurst, Esq., Rajpore
30	... D 16—25160 „ —25161 *	10	Baboo Akshaykumar Sanyal, Agra.

* Mismatched.

ALLAHABAD,
The 25th January 1881.

W. T. PIERCY, *A.A.-G.,*

In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W6	... M 49—64549 ...	10	Trimbak A. Donde, Bombay.
W7	... M 43—67624 ...	100	Mahomed Maheyoodeen, Mhow.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H8	... M 43—29132 ...	100	Moolji Nursey, Bombay.
	„ —49949 ...	100	
	„ —66307 ...	100	
	„ —69132 ...	100	
	„ —81026 ...	100	
H9	... M 53—61125 ...	20	Narayen Gunseff, Bombay.
H10	... M 46—33806 ...	50	Govind Sunto, Yeotmal.
	„ —41498 ...	50	
	„ —45772 ...	50	
	„ —50213 ...	50	
H11	... M 53—58400 ...	20	Ramchandra T. Patawardhan, Tanna.
	„ —12706 ...	20	
	M 47—98355 ...	10	
H12	... M 47—78861 ...	10	Govind Balwant, Jitpur.
M5	... M 22—30403	20	Kanji Dharamsi, Bombay.
	„ —37413		
	M 27—17634	10	
	„ —17635		
	M 6—16506	5	
	„ —16507		
	M 6—24776	5	
	„ —24777		
M6	... F 13—15706	5	Narayen Damodhar, Bombay.
	M 4—00144		

BOMBAY,
The 25th January 1881.

C. E. CRAWLEY,

Asst. Acct.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
352	... O 90—79630 ...	10	Babu Dhir Krishna Sirkar.
353	... O 67—84891 ...	100	The Assistant Superintendent of Police in charge, Maldah.
354	... O 69—62795 ...	100	Shaik Tyeb Abdool Ali.
355	... O 71—22216 ...	500	Babu Kalikanundo Paul.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
201	... L 43—62797 „ 35—64236	10	Babu Koylas Chunder Dutt.
226	... O 36—44752 „ —45216	5	Hurri Chunder Frilloba.
227	... O 41—94707 „ —94703	10	Baboolal Misser.
228	... L 90—94619 „ —94618	20	Babu Toolsey Das Sen.
	O 37—47403 „ —47404	5	
229	... D 16—08418 O 47—92339	10	Messrs. Jummatoollah & Co.
230	... L 28—58579 „ 29—66019	5	Babu Siddessur Ghose.
231	... L 90—17879 „ —17880	20	Messrs. Scallan and Co.
233	... O 91 88353 „ —88352	10	The Treasury Officer, Hooghly.
234	... O 54—52928 „ —60449	10	Brojo Mohan Mochee.
235	... O 59—31042 „ —31041	20	Babu Shib Chunder Auddy.
236	... O 39—10790 „ —31152	10	Babu Mohes Chunder Dutt.
237	... O 26—58803 „ —58804	20	Babu Ambica Churn Roy.
340	... L 54—10695 ...	5	The Agent, Bank of Bengal, Benares.
341	... O 83—52880 ...	10	Babu Janokey Nath Dutt.
342	... O 90—24457 ...	10	Babu Bhola Nath Mazoomdar
343	... O 69—88726 ...	100	Ram Khaloan Ram.

CALCUTTA,
The 28th January 1881.

R. A. STERNDALE,

Asst. Comptr. Genl., in Charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 8—63767 „ —63769 *	20	The Post Master, Sibi.

* Mismatched.

KURRACHEE,
The 19th January 1881.

W. PATTON,

Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
121	... E 15—70958 ... „ —70550 ...	50 50	F. W. Latimer, Esq., 51, Park Street, Calcutta.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
181	... E 18—08276 ...	10	Rai Luchmiput Sing, Bahadur, Calcutta.
189	... E 8—36756 ...	5	Cheranje Lal, Almorah.
190	... E 16—52998 ...	10	T. O. Lemarchand, Esq., Madhopur.
44	... E 16—67434 „ —67424	10	Miss C. M. Pucher, Batala.

LAHORE,
The 22nd January 1881.

C. G. VANSITTART,

Asst. Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
90	... B 45—06098 ...	1,000	Ramanjulu Nayadu, Coimbatore.
91	... B 62—72987 ...	100	Revd. E. H. DeSilva, Catholic Cathedral, Madras.
92	... B 47—12990 ...	5	Mr. A. M. Holding, Madras.
	„ —47989 ...	5	
	„ —49283 ...	5	
	B 63—09261 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
177	... B 47—35416 ...	5	P. Subbaiyar, Deputy Collector, Tinnevelly.
	B 60—26021 ...	10	
178	... B 52—83737 ...	10	Gundam Gangulu, Kodur.
179	... B 56—19878 ...	10	G. Ramaswami, Munsiff, Villapuram.
	„ —77513 ...	10	
	B 60—91608 ...	10	
180	... B 57—41719 ...	20	Ghulam Mohiuddin, Pettah, Bangalore.
181	... B 54—65199 ...	20	Ismail Sahib, Chinnatambi Street, Madras.

FORT SAINT GEORGE,
The 17th January 1881.

H. KEENE,

Offg. Asst. Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
H15	... F 9—82589 ...	10	Heeralal Gungaram, for Bani Madho Babaji, of Malagaon in Khandesh.

NAGPUR,
The 20th January 1881.

W. H. EGERTON,

Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 18th January 1881.

The Postal Notice dated 4th January 1881, relative to the abolition of the route *viâ* Aden and Zanzibar to South Africa, is cancelled.

2. Correspondence to the Cape of Good Hope, Natal, and other places in South Africa (British) can be sent by either of the routes noted below, at the rates given :—

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	Printed papers, including books, &c. Each Newspaper per 4 oz.	Printed papers, including books, &c. Each packet per 2 oz.	Legal and commercial documents each packet. Not exceeding ½ oz.	Legal and commercial documents each packet. Per 2 oz. additional.	Sample each packet. Per 2 oz.
Cape of Good Hope, Delagoa Bay and Natal (South Africa, *British*)—			c				
(Weekly) *viâ* Brindisi, through United Kingdom	9	...	2	2	4	2	2
(Once every four weeks) *viâ* Bombay to Aden (or from Aden) and thence by Zanzibar line (or from Zanzibar)	c8	...	1	1½	3	1½	1½
Zanzibar—							
(Once every four weeks) *viâ* Bombay to Aden and thence by Zanzibar line	c3	1½	1	1	2	1	1
(Once every four weeks) from Aden	c Ordinary inland rates.						

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

The 28th January 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	5th Feb.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	31st Jan.	Str. *Hazara.*
Madras and Ceylon	6 „	29th „	P. & O. Str. *Assam.*
Foreign Mails *viâ* Bombay	6 „	2nd Feb.	From Bombay.
Do. Book Post and Pattern Packets	6 „	1st „	From Bombay.
Rangoon, Moulmein and Straits.	6 „	3rd „	Str. *Baghdad.*
Chittagong, Akyab and Rangoon	6 „	4th „	Str. *Commilla.*
Madras, Ceylon, Batavia, Singapore and China	6 „	5th „	Fr. Str. *Meinam.*
Persian Gulf	6 „	29th Jan.	From Bombay.

From 7th February next, the Overland Mails will be despatched from Calcutta on Mondays in the fair season and on Saturdays in the monsoons. The Mails closing in the General Post Office at 6 P.M. on those days.

The Italian Post Office have intimated that the laws of Italy authorize the confiscation of any precious article, or any thing liable to customs duty, or any letter relating to Foreign lotteries, forwarded through the Post to any place in Italy. The public are accordingly warned against the transmission of any such article in letters to Italy.

The route to U. S. America *viâ* Hong-Kong has been abolished.

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

E. C. GEORGE,

Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج

یہہ دوا کوئینائین کے خرب قایم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سیواے اونکے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ ،

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

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

FOR SALE

AT

NARORA, NEAR RAJGHAT,

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

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	Remarks.
			Rs.	
Bull's Dredgers .	39	1½ cubic feet .	40	These have been used but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

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

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
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Rules for the Guidance of Officers in the Administration of Wards' and Attached Estates. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1; packing and postage, 2 annas.*

Board's Rules, or Rules for the guidance of Officers engaged in the administration of the Revenue Department in the Lower Provinces of Bengal. Revised edition, Vol. I. *Price, Rs. 4; postage, 5 annas: interleaved copy, Rs. 5; postage, 8 annas.*

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Settlement Manual, 1879. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1-8; packing and postage, 2 annas.*

Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By Henry Leland Harrison, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

The Report of the Rent Law Commission, with the Draft of a Bill to consolidate and amend the Law of Landlord and Tenant in Bengal. Vols. I and II. *Price, Rs. 3-8; packing and postage, 9 annas.*

Annual Report on Colonial Emigration for 1879-80. *Price, 12 annas per copy; packing and postage, 3 annas.*

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Papers regarding the Tea Industry in Bengal. *Price, Rs. 3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. Gamble, M.A., Assistant Conservator of Forests, Bengal. *Price, Re. 1-8; postage, 1 anna.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, Rs. 6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, Rs. 3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs, 5; Colored Map, Rs. 2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By Hem Chunder Kerr, Deputy Collector, on special duty. *Price, Re. 1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By Hem Chunder Kerr, Deputy Magistrate, on special duty. *Price, Rs. 8; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MacDonnell, of the Bengal Civil Service. *Price, Rs. 3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

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

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The Bengal Administration Report for 1878-79. *Price, Rs. 6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, Rs. 4-8; postage, 8 annas.*

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The Bengal Administration Report for 1874-75. *Price, Rs. 4-8; postage, 7 annas.*

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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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

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

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

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

The Quarterly Civil List for Bengal, corrected up to the 1st January 1881. *Price, Rs. 3; postage, 4 annas.*

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

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

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 5, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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E. J. DEAN,

Publisher, Gazette of India.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Sibi, the 28th January 1881.

No. 19.—Mr. P. P. Dease, Executive Engineer, 4th Grade, was employed on special duty in the Bolan Pass from the forenoon of 7th to the afternoon of 21st December 1880.

M. J. MACARTNEY, *Major, R.E.,*
Offg. Secy. to Agent to Govr. Genl. for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 26th January 1881.

No. 151.—In supersession of this Office Notification No. 7, dated 4th instant, Lieutenant E. S. Masters, Adjutant, Bhopal Battalion, is granted ninety days' privilege leave from 21st January 1881.

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

The 29th January 1881.

No. 179.—Surgeon R. Caldecott, in medical charge of the 1st Regiment, Central India Horse, is granted one month's privilege leave from the date of termination of his duties with camp of Agent to the Governor General, or such subsequent date as he may avail himself of the same.

By Order,
J. BURNE, *Captain,*
2nd Asstt. to the Govr. Genl.'s Agent, for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Camp Oocheni, the 25th January 1881.

No. 168 *G.*—LEAVE.—Surgeon-Major T. Ffrench Mullen, in medical charge of the Ulwur Agency, returned from the privilege leave granted him in this Office Notification No. 975 G., dated 11th August 1880 (published in the *Rajputana Official Gazette* of 21st August 1880), and assumed

charge of his duties on the afternoon of the 11th December 1880.

No. 176 *G.*—LEAVE.—Mr. Yar Mahomed Khan, Attaché to the Rajputana Agency, was granted privilege leave for two months and twenty-eight days, with effect from the forenoon of the 13th December 1880.

By Order,
A. C. TALBOT,
1st Asstt. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 24th January 1881.

No. 7.—With reference to Public Works Department Notification No. 19, dated 15th January 1881, Lieutenant R. A. Wahab, R.E., Assistant Engineer, 1st Grade, is posted to the Meerut Command, Military Works.

The 26th January 1881.

No. 8.—Lieutenant J. G. Day, R.E., Assistant Engineer, is granted privilege leave to 22nd January 1881, in extension of the leave granted to him in Inspector General's Notification No. 79, dated 21st December 1880.

The 27th January 1881.

No. 9.—With reference to Public Works Department Notification No. 37, dated 30th January 1880, Captain H. A. Graves, S.C., Executive Engineer, 4th Grade, temporary rank, is posted to the Meerut Command, Military Works.

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

Presidency & Oudh Command.

Lucknow, the 31st January 1881.

No. 1.—Lieutenant G. M. Porter, R.E., Assistant Engineer, reported his arrival and has been posted to the Lucknow Division, Military Works, which he joined on the afternoon of the 21st ultimo.

No. 2.—Lieutenant J. A. Ferrier, R.E., Assistant Engineer, 1st Grade, attached to the Lucknow Division, Military Works, has been transferred to the Allahabad Division, Military Works. Lieutenant Ferrier, R.E., took over charge of the latter Division from Captain N. Arnott, R.E., Executive Engineer, on the afternoon of the 27th ultimo.

The 1st February 1881.

No. 3.—Babu Cally Puddo Sen, Assistant Engineer, 2nd Grade, attached to the Fort William Division, Military Works, has been granted three months' privilege leave from the 1st March 1881, or from such subsequent date as he may avail himself of the same.

The 2nd February 1881.

No. 4.—With reference to Inspector General Military Works' Notification No. 80, dated the 22nd December 1880, Honorary Captain B. Revell, Barrack Master, has been posted to the Allahabad Division, Military Works, which he joined on the forenoon of the 7th January 1881.

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

Sirhind & Lahore Command.

The 27th January 1881.

No. 98.—Lieutenant E. Glennie, R.E., Temporary Executive Engineer, 4th Grade, is granted an extension of leave till 15th March 1881, in continuation of the sixty days' leave granted to him in Sirhind and Lahore Command, Military Works, Notification No. 88 of 30th November 1880.

The 28th January 1881.

No. 99.—Lieutenant H. Appleton, Assistant Engineer, 2nd Grade, transferred to the Sirhind and Lahore Command, Military Works, reported his arrival on the afternoon of the 22nd January 1881 at Umballa, to which Division he has been posted.

The 31st January 1881.

No. 100.—Mr. A. C. L. Learmouth, Assistant Engineer, 1st Grade, Umballa Division, Military Works, transferred to the Punjab Provincial Branch, Public Works Department, was relieved of his duties in the Military Works Branch, on the forenoon of the 26th January 1881.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 26th January 1881.

No. 2.—Mr. M. C. Mackinnon, Executive Engineer, 3rd Grade, Ratial Ravines Division, Punjab Northern State Railway, is granted furlough for eighteen months, with effect from 1st April, and one month's subsidiary leave from 1st March 1881.

The 28th January 1881.

No. 3.—With reference to the Director General of Railways' Notification No. 7 of 1881, Mr. T. E. Curry, Assistant Engineer, 1st Grade, is posted to the Punjab Northern State Railway, Open Line.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 31st January 1881.

No. 8.—Messrs. F. Reilly and L. G. Prickett, Assistant Engineers, 2nd Grade, passed the colloquial examination in Hindustani, as prescribed in Chapter II, paragraph 20, Public Works Department Code, on the 20th January 1881.

The 3rd February 1881.

No. 9.—Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade, is granted privilege leave for two months and twenty-eight days, with effect from the 11th January 1881, or such later date as he may avail himself of it.

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

BHOPAL STATE RAILWAY.

NOTIFICATIONS.

Hoshangabad, the 29th January 1881.

No. 1.—Mr. J. A. Greenwood, Assistant Engineer, 2nd Grade, returned, on the forenoon of the 24th instant, from the three months' privilege leave granted in this Office Notification No. 3, dated 2nd October 1880, in continuation of the examination leave for three months.

No. 2.—With reference to Director General of Railways' letter No. 30 E., dated 20th January 1881, Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade, reported his departure on privilege leave on the afternoon of the 29th instant.

The 1st February 1881.

No. 3.—With reference to Government of India, Public Works Department, Notification No. 18, dated 14th January 1881, Mr. J. A. Greenwood, Assistant Engineer, 2nd Grade, was relieved of his duties on this Railway on the forenoon of 1st February 1881.

H. T. GEOGHEGAN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATIONS.

Rawalpindi, the 24th January 1881.

No. 4.—With reference to Director General of Railways' No. 124 E. of 15th January 1881, Mr. T. C. Curry, Assistant Engineer, 1st Grade, was transferred from Construction to Open Line of this Railway from the forenoon of the 19th idem.

The 27th January 1881.

No. 5.—With reference to Director General of Railways' No. 123 E., dated 15th January 1881, transferring Mr. L. G. Prickett, Assistant Engineer, to Provincial Works, British Burmah, he reported his departure from this line on the afternoon of 20th January 1881.

E. L. MARRYAT, *Major, R.E.,*
Manager.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on the 20th of December 1880, certain treasure (62 old Turedar Rupees) was found in a piece of vacant ground belonging to one Dewchand Sabachand, of the village of Khirdi Bk., in the Sauda Taluka of the Khandesh Collectorate in the Bombay Presidency.

Any persons claiming the treasure in whole or in part, are hereby requested to appear personally, or by agent, before the Collector of Khandesh on the 6th June 1881, when he will proceed to hold an enquiry according to law.

W. A. EAST,
Acting Collector, Khandesh.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 19th day of January 1881.

Number, Rank and Name,—No. 60Bde.—1093. Lance Corporal James McLachlin.	At what Place Enlisted,—Marlborough Street, Police Court, London.
Age,—22 years 10 months.	Parish and County in which born,—Lambeth, London, Surrey.
Size,—5 feet 5¼ inches.	Marks,—Tattooing left forearm.
Color of—Complexion, fair; Hair, brown; Eyes, hazel.	Trade,—Glass-blower.
Date of Desertion,—14th January 1881.	Coat or Jacket,— } Regimentals.
Place of Desertion,—Calcutta.	Waistcoat,— ... } Regimentals.
Date of Enlistment,—15th February 1877.	Breeches or Trowsers— ... } Regimentals.
	REMARKS,—None.

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jan. 24	...	...	...	...	26,29,500	2,65,554
„ 25	...	12,637	...	...	26,01,473	2,53,498
„ 26	7,900	...	...	7,900	25,85,618	2,53,498
„ 27	...	...	...	7,900	25,65,618	2,53,498
„ 28	...	...	...	7,900	25,67,562	2,53,498
„ 29	...	...	...	7,900	25,46,562	2,53,498

CALCUTTA MINT, *The 31st Jan. 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

The following Statement shews the amount of cash held in the Reserve Treasury of the Government of India at Calcutta, upon the evening of the four last Tuesdays:—

The 11th January 1881 ... Rs. 58,91,961-3-6.
The 18th „ „ ... „ 61,43,951-3-6.
The 25th „ „ ... „ 78,52,406-3-6.
The 1st February „ ... „ 75,56,033-15-6.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA, *The 2nd February 1881.*

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

The following students have passed the B. A. Examination :—

FIRST DIVISION.

In order of Merit.

1	Chandra, Aghornath	...	Presidency College.
2	Basu, Kalipada	...	Ditto.
3	Ghosh, Kantibhushan	...	Hughli College.
4	Phakirchand	...	Muir Central College.
5	Maitra, Ramgopal	...	Canning College.
6	Mitra, Baradacharan	...	Presidency College.
7	Krishnaro Bhatt	...	Muir Central College.
	Guha, Prasannakumar	...	Dacca College.
9	Basu, Kailaschandra	...	Cathedral Mission College.
10	Kedarnath	...	Lahore College.
	Sen, Rajmohan	...	Presidency College.
12	Das, Damodar	...	Benares College.
	Ghosh, Isanchandra	...	General Assembly's Institution.
14	Chakrabarti, Jadabchandra	...	Presidency College.
15	Chattopadhyay, Gangacharan	...	Hughli College.
16	Basu, Basantakrishna	...	Presidency College.
17	,, Srischandra	...	Lahore College.
18	Misra, Isanchandra	...	Hughli College.
19	Mitra, Lalbihari	...	Ditto.
20	Majumdar, Nilmadhab	...	Ditto.
	Hari Lakshman Indurkar	...	Muir Central College.

SECOND DIVISION.

In Alphabetical order.

	Amjad Ali	...	Patna College.
	Baldebaram	...	Benares College.
	Bandyopadhyay, Asutosh	...	Free Church Institution.
	,, Adharchandra	...	Krishnaghar College.
	,, Harilal	...	General Assembly's Institution.
	,, Sureschandra	...	Hughli College.
	Basu, Ananta Kumar	...	Dacca College.
	,, Matilal	...	Hughli College.
	Bhawanidas	...	Lahore College.
10	Bhattacharyya, Haridas	...	Presidency College.
	,, Sibaprasanna	...	Metropolitan Institution.
	Binayek, Moreswar Kelkar	...	Muir Central College.
	Biswas, Jogneswar	...	Presidency College.
	Chakrabarti, Srischandra	...	Dacca College.
	Chattopadhyay, Ratinath	...	Hughli College.
	Datta, Annadacharan	...	Benares College.
	De, Bepinbihari	...	Hughli College.
	Gangaram Sahni	...	Lahore College.
	Ghosh, Basantakumar	...	Dacca College.
20	,, Mahendrakumar	...	Ditto.
	,, Jogendrachandra	...	Presidency College.
	,, Saradacharan	...	Dacca College.
	,, Surendranath	...	Hughli College.
	Laha, Srischandra	...	Presidency College.
	Lahiri, Harihar	...	Ditto.
	Madan Singh	...	Lahore College.
	Maitra Sureschandra	...	General Assembly's Institution.
	Majumdar, Krishnasundar	...	Dacca College.
	Mandal, Jadunath	...	Presidency College.
30	Misra, Lajjaram	...	Canning College.
	Mitra, Saratchandra	...	Presidency College.
	,, Shorashicharan	...	Ditto.
	,, Upendrachandra	...	Ditto.
	Mukhopadhyay, Harischandra	...	Hughli College.
	,, Nandalal	...	Presidency College.
	,, Nityalal	...	Free Church Institution.
	Rudra, Madhusudan	...	General Assembly's Institution.
	Sanyal, Dinanath	...	Cathedral Mission College.
	Sen, Sasibhushan	...	Hughli College.
40	Sundarlal	...	Muir Central College.

THIRD DIVISION.

In Alphabetical order.

	Adhya, Bipinbihari	...	Presidency College.
	Ali Ahmed	...	Patna College.
	Bandyopadhyay, Annadaprasad	...	Metropolitan Institution.
	,, Asutosh	...	General Assembly's Institution.
	,, Dinabandhu	...	Presidency College.
	,, Kalipada	...	Metropolitan Institution.
	,, Kumadnath	...	Ditto.
	,, Nandalal	...	Ditto.
	,, Sasibhushan	...	Krisnaghar College
10	,, Syamacharan	...	Canning College.
	Basu, Haridas	...	Presidency College.
	,, Latubihari	...	General Assembly's Institution.
	,, Syamacharan	...	Teacher.
	Bhattacharyya, Akshaykumar	...	Metropolitan Institution
	,, Harinath	...	General Assembly's Institution.
	,, Ramaprasad	...	Teacher.
	Chakrabarti, Asutosh	...	Presidency College.
	,, Chandrakanta	...	General Assembly's Institution.
	,, Harachandra	...	Free Church Institution.
20	,, Jadunath	...	Metropolitan Institution.
	,, Kunjabihari	...	Ditto.
	,, Purnachandra	...	Ditto.
	Chandulal	...	Lahore College.
	Chattopadhyay, Gopalchandra	...	Metropolitan Institution.
	,, Kalachand	...	Free Church Institution.
	,, Narayandas	...	Presidency College.
	,, Upendrachandra	...	General Assembly's Institution.
	Chaudhuri, Asutosh	...	Presidency College.
	,, Mohinimohan	...	General Assembly's Institution.
30	Das, Gangadhar	...	Presidency College.
	Datta, Jogendranath	...	Metropolitan Institution.
	,, Mahendranath	...	Teacher.
	,, Nabinchandra	...	Metropolitan Institution.
	Gangopadhyay, Chandrakisor	...	Hughli College.
	Ghatak, Nibaranchandra	...	St. Xavier's College.
	Ghosh, Bipinbihari	...	Presidency College.
	,, Janakiballabh	...	Ravenshaw College.
	,, Madanmohan	...	Cathedral College.
	,, Parbatinath	...	General Assembly's Institution.
40	,, Purnachandra	...	Ditto.
	Gopal Ramchandra Dongri	...	Muir Central College.
	Gupta, Kunjabihari	...	Presidency College.
	,, Gangagobinda	...	Dacca College.
	,, Nagendranath	...	Presidency College.
	Haldar, Satkari	...	Ditto.
	Himmat Ali	...	Hughli College.
	Hushmat Ullah	...	Muir Central College.
	Jha, Ramanath	...	Benares College.
	Kelly, W. A.	...	St. Xavier's College.
50	Kundanlal	...	Teacher.
	Lahiri, Lalitmohan	...	Rajshahye College.
	,, Srihari	...	Presidency College.
	Majumdar, Debendranath	...	General Assembly's Institution.
	,, Jadunath	...	Canning College.
	Makkar, Gosthabihari	...	Free Church Institution.
	Mandal, Prankrishna	...	Metropolitan Institution.
	Mitra, Asutosh	...	General Assembly's Institution.
	,, Birajacharan	...	Ditto.
	,, Haridas	...	Presidency College.
60	,, Hemchandra	...	Metropolitan Institution.
	,, Chandicharan	...	Free Church Institution.
	,, Harachandra	...	Patna College.
	,, Saradacharan	...	Hughli College.
	Mukhopadhyay, Biharilal	...	Krishnaghar College.
	,, Binodbihari	...	Presidency College.
	,, Jaihari	...	Hughli College.
	,, Saradaprasad	...	Patna College.
	,, Upendranath	...	Teacher.
	Ohdedar, Narendranath	...	Canning College.

70	Pal, Syamacharan	...	Presidency College.
	,, Srinath	...	Ditto.
	Pramanik, Krishnadayal	...	Ditto.
	Raghunandan Prasad	...	Benares College.
	Ray, Biswambhar	...	Teacher.
	,, Jogneswar	...	Metropolitan Institution.
	,, Nandagopal	...	Teacher.
	,, Surendranath	...	Presidency College.
	,, Syamacharan	...	Free Church Institution.
	Raychaudhuri, Asutosh	...	Metropolitan Institution.
80	Saha, Ramlal	...	Patna College.
	Sahay, Ganga	...	Muir Central College.
	,, Jagannath	...	Patna College.
	Saligram	...	Canning College.
	Samanta, Kalitaran	...	Presidency College.
	Sanyal, Bishnuchandra	...	Benares College.
	,, Ramchandra	...	Presidency College.
	Sarkar, Bholanath	...	General Assembly's Institution.
	Sen, Annadakumar	...	Dacca College.
	,, Bipinbihari	...	Ditto.
90	,, Dakshinacharan	...	General Assembly's Institution.
	,, Ramlal	...	Presidency College.
	Sinha, Amritalal	...	Canning College.
	Sur, Akshaykumar	...	General Assembly's Institution.
94	Tarachand	...	Agra College.

SENATE HOUSE,
The 25th January 1881.

CHARLES H. TAWNEY,
Registrar.

Statement of the Affairs of the Bank of Bengal for the week ending 31st January 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 61,03,251 0 6)			
Public Deposits at Branches (1,29,55,392 8 1)	1,90,58,643	8	7
Other Deposits at Head Office and Branches	4,10,68,613	7	10
Bank Post Bills, &c.	3,67,105	8	4
Sundries	8,09,152	0	9
RUPEES	8,38,15,675	13	10

ASSETS.	Rs.	A.	P.
Government Securities	1,13,08,834	10	0
Loans on Government Securities, &c., at Head Office and Branches	51,61,297	10	10
Accounts of Credit on Government Securities, &c., at Head Office and Branches	44,10,642	15	6
Bills discounted and purchased at Head Office and Branches	2,05,92,345	0	6
Balances with other Banks	6,98,279	15	0
Bullion	8,70,256	8	9
Dead Stock	10,91,917	11	6
Stamps	6,782	9	0
Sundries	6,18,864	7	2
	4,47,59,221	8	3
Cash and Currency Notes at Head Office (Rs. 1,22,10,853 1 2)			
Cash and Currency Notes at Branches (2,68,45,601 4 7)	3,90,56,454	5	7
RUPEES	8,38,15,675	13	10

BANK OF BENGAL,
Calcutta, 2nd February 1881.

J. GORDON,
Chief Accti. & Depy. Secretary.

By order of the Directors.
R. HARDIE,
Secretary & Treasurer.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
189	... D 12—28447 ...	5	W. W. Fleming, Esq., Calcutta.
190	... D 16—27411 ...	*10	E. C. Roberts, Esq., Meerut.
191	... D 5—45904 ...	20	Syed Mustafa Hossein, Etawah.
	,, —45905 ...	20	
192	... D 14—43025 ...	20	Baboo Ram Lall Mookerjee, Calcutta.

* Mutilated.

ALLAHABAD,
The 2nd February 1881.

W. T. PIERCY, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1881.			
H13	... M 43—55806 ...	100	Dadabhoy Muncherji Nicholson, Poona.
	,, —59868 ...	100	
	,, —82799 ...	100	
H14	... M 53—26398 ...	20	S. V. Quadros, Bombay.
H15	... M 51—27089 ...	10	Messrs. Treacher and Co., Poona.
H16	... M 46—11144 ...	50	Banco Nacianal Utramarino, of Nova Goa
	,, —31774 ...	50	
	M 55—01149 ...	20	
	,, —41628 ...	20	

BOMBAY,
The 1st February 1881.

C. E. CRAWLEY,
Asst. Accti.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
356	... O 55—29158 ...	20	The Inspector General of Police, L. P., Calcutta.
357	... A 59—35887 ...	100	The District Superintendent of Police, Nuddia.
358	... O 90—29142 ...	10	Mr. W. C. McIntosh.
	O 94—00996 ...	10	
359	... O 88—23474 ...	100	Shaik Abdal Ganny.
	,, —23475 ...	100	
360	... O 71—19472 ...	500	Babu Ram Lal Dutt.
	,, —18973 ...	500	
361	... O 32—17826 ...	50	Babu Baney Madhub Das.
	,, —20663 ...	50	
362	... O 69—40907 ...	100	Pannah Chand Hurri Sing.
	,, —17217 ...	100	
	,, —78852 ...	100	
	,, —58160 ...	100	
	O 68—54849 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

238	... O 36—73966	5	Messrs. Lyall, Rennie & Co.
	,, —73965		
239	... O 81—93223	10	The Chief Pay Master, E. I. Railway, Calcutta.
	O 83—53954		
240	... O 69—46260	100	Messrs. Bhugwandas & Co.
	,, —46254		
241	... O 62—24828	20	Issur Das.
	,, —24823		
	L 39—56651	10	
	,, —56653		
344	... L 54—46958 ...	5	Jodhoo Sepoy.
345	... O 60—12414 ...	20	Park Sergeant Neville.
346	... O 61—86108 ...	20	Babu Mohendranath Bhuttacharjee.
	O 83—33156 ...	10	
347	... O 80—51047 ...	10	Mrs. Wace.
348	... O 62—66117 ...	20	Amdoo Khan.

CALCUTTA,
The 2nd February 1881.

R. A. STERNDALE,
Asst. Comptr. Genl., in Charge of Paper Currency.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
167	... E 15—45006 ...	50	C. Haxell, Esq., Koliabar, Central Assam.
187	... E 2—51269 ...	500	Mangi Mal and Jadoo Rai, Saharunpur,
195	... E 13—87151 ...	100	Jamita Mal, Gujrat.
103	... E 15—45079 ...	50	Gobind Ram, Gujranwalla.
193	... E 17—18816 ...	20	The Manager, *Pioneer Press*,
	,, —18817 ...	20	Allahabad.
199	... E 2—51058 ...	500	Sawal Das and Jowalla Nath, Bankers, Delhi.

LAHORE.
The 28th January 1881.

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

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
93	... B 63—08114 ...	10	Saiyad Janullah, Gooty.

NOTES PARTIALLY LOST OR DESTROYED.

182	... B 47—38395 ...	5	V. Murugesa Nayak, Madras.
183	... B 47—39150 ...	5	Mrs. A. Curley, Bangalore.
	,, —39151 ...	5	
	B 19—02281 ...	10	

FORT SAINT GEORGE.
The 24th January 1881.

H. KEENE,
Offg. Asst. Accti. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 18th January 1881.

The Postal Notice dated 4th January 1881, relative to the abolition of the route *viâ* Aden and Zanzibar to South Africa, is cancelled.

2. Correspondence to the Cape of Good Hope, Natal, and other places in South Africa (British) can be sent by either of the routes noted below, at the rates given :—

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	Printed papers, including books, &c. Each Newspaper per 4 oz.	Printed papers, including books, &c. Each packet per 2 oz.	Legal and commercial documents each packet. Not exceeding 4 oz.	Legal and commercial documents each packet. For 2 oz. additional.	Samples each packet. For 2 oz.
Cape of Good Hope, Delagoa Bay and Natal (South Africa, *British*)—			c				
(Weekly) *viâ* Brindisi, through United Kingdom	9	...	2	2	4	2	2
(Once every four weeks) *viâ* Bombay to Aden (or from Aden) and thence by Zanzibar line (or from Zanzibar)	c9	...	1	1½	3	1½	1½
Zanzibar— (Once every four weeks) *viâ* Bombay to Aden and thence by Zanzibar line	c3	1½	1	1	2	1	1
(Once every four weeks) from Aden							

c Ordinary inland rate.

The 29th January 1881.

On and after the 11th February 1881, the British India Steam Navigation Company's steamers for Chittagong, Akyab and Rangoon, will be despatched from Calcutta on *Friday* instead of Saturday, as heretofore.

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

The 4th February 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	13th Feb.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 ,,	11th ,,	Str. *Mahla.*
Madras and Ceylon	6 ,,	12th ,,	P. & O. Str. *Indus.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 ,,	8th ,,	From Bombay.
Foreign Mails *viâ* Bombay	6 ,,	7th ,,	From Bombay.*
Do. Book Post and Pattern Packets	6 ,,	6th ,,	From Bombay.
Rangoon, Moulmein and Straits	6 ,,	10th ,,	Str. *Parulia.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 ,,	10th ,,	Str. *Malwa.*
Madras, Ceylon, Batavia, Singapore and China	6 ,,	5th ,,	P. & O. Str. *Indus.*
Persian Gulf	6 ,,	5th ,,	From Bombay.

* Also *viâ* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *viâ* Aden for Mauritius, Mahé (South Sea), Mayotte, Nossi Bé and Réunion can be forwarded by this opportunity.

From the 10th February the Mails for Chittagong, Akyab, and Rangoon (per B. I. S. N. & Co.'s Steamer) will be closed in the Post Offices on Thursday instead of Friday, till further notice.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 4th February 1881.

Allen, C.
Anrier, Mrs.
Blandon, Mrs. C.
Blaquire, Richard.
Bradley, H.
Browne, W. A.
Brocklehurst, Major.
Cameron, J.
Carter, H. E.
Collins, Miss Agness.
Coury, W.
Cornwall, T. H.
Cummings, Robert.
Dallas, Mrs. J. F.
Dunsford, Mrs. W. G.
Fleming, J. A.
Freeman, Mrs. H.
Grant, Mrs. T. F.
Graham, G.
Gunther, Mrs. J.
Harrison, Mrs. Emily.
Harding, J.
Higins, A.
Hill, W.
Hughes, E.
Hulbert, Charles.
Hunt, B.
Jennings, Mrs. C. J.
Johnstone, W.
Kerr, A.
Lalla Parus Dass Sahoo.
MacNought, Mrs.
Madon Mohun & Co.
Muir, Thomas.
Mylen, G. C.
Myer, M. A.
O'Brien, M. F.
Penny, F.
Peters, Mrs. M.
Preston, H.
Proprietor, *Weekly Herald.*
Rodrigue, Samuel.
Schmitting, Madame Serive.
Shaw, J. E.
Sheppard, Miss R.
Shield, Mrs. M.
Simpson, J. M.
Simpson, A. B.
Smith, W.
Stone, Mrs. E. M.
Sultana, Miss.
Swaries, Mrs. Amey.
Sweetman, Miss B.
Tarring, Charles J.
Thomas, Mrs. Geo.
Thomas John.
Trotter, W. H.
Treatman, B.
Twigg, R. N.
Walsh, M. A.
Waiters.
Weston, Mrs.
Williams, E. A.
Williamson, E.
Wilson, Alfred T.
Woodburn, A. F.

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

Amey, Mrs. A. W.
Arsene, Monsieur A.
Atkinson, J. L.
Bamfacia, C. S.
Barker, Thomas W.
Bell, Mrs. M.
Bell, Mrs. Urzee.
Bennet, J.
Bergham, Herbert.
Brown, W. T.
Burton, Miss Marie.
Canham, John.
Caspier, Arthur H.
Cavanagh, J.
Coote, Waller.
Cratter, Geo.
Chatterjee, Bereswer.
Cooper, W. T.
Cadwadader, C. J. H.
Cooper, John.
Cox, A.
Chirnside, Miss E. J.
Collymore, Joseph.
David, Monsieur Louis.
Dickinson, Harry.
Doyne, Capt. R. G.
Dunsford, R. C.
Edgar, Capt. J.
Elwell, A. H.
"Excelsior."
Freeland, Edwin.
Gomes, L. V.
Gunsalles, John.
Harford, J.
Hastings, C. G. W.
Hurst, R. B.
Hill, G. C.
Hill, T. W.
Ireland, Arthur.
John, George.
Joseph, Monsieur A.
Jones, C. R.
Journid, Ferdinand.
Kalsey, Mr.
"Kitty."
Kohn, Herrn J. M.
Keirnander, Mrs. M. L. H.
Landfield, F.
Lindesay, Harris M.
Marrella, Mrs.
Meeredy, James McG.
Melland, F. W.
Mitchell, Mrs. Murray.
Montgomery, Miss.
M. K. W.
McDonough, R.
Morton, H. A.
Peachy, Miss Kate.
Postlethwaite, G. F.
Sandeman, W. A.
Schore, T. C.
Sinclair, J. L.
Stevens, C.
Stewart, Alex. G. J.
Smith, Mrs. Glass.
Seratchmeiah, Lt.-Col. F. H. (R.A.)
Tregido, S.
Werner, D.
Wilson, Alex. S.
Wilson, Mrs.

Newspapers.

Atkinson, J. L.
Everd, J. E.
Lawder, A. W.
Milner, Captain William McDonough, R.
Purbrick, Mrs.
Puddey, A.
Sale, M.
Shaw, J. E.
Stewart, David.
Tarring, C. J.
Watherspoon, W. R.
Powell, Thomas.

Registered Letters.

Archer, Capt. E. B.
Bleach, J. W.
Dickenson, Harry.
Kohn, T.
Rosa, Lorenzo.
Warde, Mrs.
Woodhouse, F., of Khyroo Mehter's Lane.

E. C. GEORGE.
Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel*,
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج '

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

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

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

FOR SALE

AT

NARORA, NEAR RAJGHAT,

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

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	Remarks.
			Rs.	
Bull's Dredgers .	39	1½ cubic feet .	40	These have been used but are in good condition.
Ditto . .	143	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

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

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
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The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

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A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Vol.	XIV.	Bhagalpur and Santal Parganas.
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Vol.	XVI.	Hazaribagh and Lohardaga.
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Just published, pp. xxxv + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 12, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

BANK OF BENGAL.

Calcutta, the 2nd February 1881.

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

Mr. W. Craw has been appointed to act as Agent at Lahore, *vice* Mr. D. E. Burne.

Mr. Fred. Burns has been appointed to act as Agent at Nagpore, *vice* Mr. H. S. Lemon, who has obtained leave to Europe.

Mr. W. W. Apperley, Accountant at Cawnpore, has been appointed Accountant at Agra.

Mr. D. E. Burne has been appointed Accountant at Cawnpore.

Mr. J. J. Hills has been appointed Accountant at Akyab.

R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 9th February 1881.

Offices opened and closed during the month of January 1881 :—

Name of Station.	Where situated.	Date.	REMARKS.
Ahmednagar .	Bombay Presdy. .	10th .	Re-opened.
Bukloh . .	Punjab . .	22nd .	Ditto.
No. 37, Khengra Puttee, Burra Bazar . .	Calcutta . .	7th .	Opened.
No. 10, Upper Circular Road .	Ditto . .	8th .	Ditto.
Gondal . .	Bombay Presdy. .	1st .	Closed.
Kochali . .	Beluchistan . .	24th .	Opened.
Mount Road, Madras . .	Madras . .	1st .	Ditto.
Pachmarhi . .	Central India .	14th .	Closed.
Shahabad . .	Bombay Presdy. .	22nd .	Ditto.
Sholapore . .	Ditto . .	22nd .	Re-opened.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 5th February 1881.

No. 245.—Lieutenant C. W. Ravenshaw, Cantonment Magistrate, Neemuch, is allowed an extension of one month, from the 15th February 1881, of the privilege leave granted to him in this Office Notification No. 1993, dated 6th December 1880.

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

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Buswa, the 7th February 1881.

No. 240 *G.*—With reference to Foreign Department Notification No. 23 G.-G., dated 6th January 1881, Major A. Conolly assumed charge of his duties as Officiating Commandant, Deoli Irregular Force, on the 17th January 1881.

By Order,
A. C. TALBOT,
1st Asstt. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATION.

Meerut Command.

Meerut, the 8th February 1881.

No. 4.—With reference to Inspector General's Notification No. 7 of 21th January 1881, Lieutenant R. A. Wahab, R.E., Assistant Engineer, 1st Grade, joined the Meerut Command in the afternoon of 29th January 1881, and is posted to the Agra Division, Military Works.

He reported his arrival at Agra on the 1st February, forenoon.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 4th February 1881.

No. 10.—Mr. E. R. S. Lloyd, Assistant Engineer, 2nd Grade, is transferred from the Kandahar State Railway, Upper Section, to the Sindia State Railway, Gwalior-Jhansi Survey Division.

The 7th February 1881.

No. 11.—Director General's Notification No. 156, dated 9th November 1880, transferring Mr. P. H. Cresswell, Assistant Engineer, 2nd Grade, to the Kandahar State Railway, is hereby cancelled.

No. 12.—The under-mentioned Officers passed the Professional Examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18, on the 28th December 1880:—

Mr. F. Reilly, Assistant Engineer, 2nd Grade.

Mr. G. P. Rose, Assistant Engineer, 2nd Grade.

Mr. J. Willcocks, Assistant Engineer, 3rd Grade.

The 10th February 1881.

No. 13.—Mr. G. F. Lamb, Assistant Engineer, 1st Grade, is granted leave to Europe on private affairs for six months, under Section 6, Supplemental R., of the Civil Leave Code, and the necessary subsidiary leave under Section 11 of the same Supplement, with effect from the 20th March 1881, or such subsequent date as he may avail himself of it.

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

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 3rd February 1881.

No. 27.—Referring to Manager's Notification No. 26, dated 23rd December 1880, Messrs. F. K. Cunliffe and T. Wood made over and received charge of the Stores Department of the Indus Valley and (Lower Section) Kandahar State Railways, on the afternoon of 4th January 1881.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari, the 1st February 1881.

No. 86.—With reference to this Office Notification No. 65, Mr. R. S. J. Routh, Assistant Engineer, 2nd Grade, was relieved of his duties on the Nari Division, and posted to the Office of the Engineer-in-Chief on the 1st February 1881.

No. 87.—With reference to this Office Notification No. 83, Mr. E. Behrmann, Assistant Engineer, 1st Grade, temporarily posted to the Nari Division, was transferred to the Office of the Engineer-in-Chief on the 1st February 1881.

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

KANDAHAR STATE RAILWAY, Lower Section.

NOTIFICATIONS.

Jacobabad, the 31st January 1881.

No. 1.—Lalla Babumal, Assistant Engineer, 2nd Grade, is transferred from the Jacobabad Division to the Office of the Engineer-in-Chief, Lower Section, Kandahar State Railway, which he joined in the forenoon of 17th January 1881.

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

The 2nd February 1881.

ERRATUM.—In this Office Notification No. [illegible] published at page 3 of Government of India Gazette, Part II, *for* the words "Pundit [illegible] Ditta Pande, Assistant Engineer, on the [illegible] August 1880," *read* "Pundit Shiva Ditta Pande, Assistant Engineer, on the 2nd August 1880."

H. F. STOREY,
Engineer-in-Chief.

RAJPUTANA RAILWAY. Manager's Office.

NOTIFICATIONS.

Ajmere, the 3rd February 1881.

No. 4.—Babu Bhuban Mohan Bose, Assistant Engineer, 1st Grade, is granted three months' privilege leave of absence, with effect from the afternoon of the 9th January 1881.

The 4th February 1881.

No. 5.—With reference to Director General of Railways' Notification No. 1, dated 4th January 1881, Babu Gujadhur Lall, Store-keeper, 2nd Grade, made over charge of the Stores Depôt, Northern Section, late Western Rajputana State Railway, on the afternoon of the 22nd January 1881.

The 7th February 1881.

No. 6.—With reference to Government of India, Public Works Department, Notification No. 15 of the 13th January 1881, Mr. W. H. P. Sherman, Executive Engineer, 3rd Grade, made over, and Mr. H. B. Addis, Executive Engineer, 3rd Grade, received, charge of the Marwar Division, Rajputana Railway, in the afternoon of the 31st January 1881.

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

NOTICE.

IN THE COURT OF THE COMMISSIONER AND DISTRICT JUDGE, AJMERE-MERWARA.

The notice issued by this Court declaring Azam Ali, son of Nijabat Ali, resident of Mohullah, Inderkote, in the City of Ajmere, to be an insolvent under Section 351 of the Code of Civil Procedure, and published in the Rajputana Official Gazette, dated 4th September 1880, under Section 354 of the same Code, is hereby cancelled.

L. S. SAUNDERS,
Commissioner and District Judge, Ajmere-Merwara.
The 17th January 1881.

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

The undermentioned Students have passed the B. L. examination:—

FIRST DIVISION.

In Order of Merit.

1	De, Panchkari	...	Presidency College.
2	Dhar, Nagendranath	...	Hughli College.
3	Mukhopadhyay, Jogendranath	...	Presidency College.
	Goswami, Kisorilal	...	Ditto.

SECOND DIVISION.

In Order of Merit.

1	Sen, Kalimohan	...	Dacca College.
2	Biswas, Dandadhari	...	Presidency College.
3	Chattopadhyay, Srikrishna	...	Ditto.
4	Sinha, Brajanandan	...	Patna College.
5	Ray, Rajendranath	...	Canning College.
6	Tewari, Chandrasekhar	...	Hughli College.
7	Bhaduri, Lalbihari	...	Presidency College.
8	Raghunandan, Prasad	...	Ditto.
	Sarkar, Jaganmohan	...	Dacca College.
	Chakrabarti, Indranarayan	...	Patna College.
	Sarkar, Jagatnarayan	...	Ditto.
12	Basu, Tarakchandra	...	Dacca College.
13	Chattopadhyay, Kedarnath	...	Presidency College.
14	Sen, Kisorilal	...	Hughli College.
15	Basu, Kritantakumar	...	Presidency College.
	Mukhopadhyay, Jogendrachandra	...	Ditto.
17	Bandyopadhyay, Jyotischandra	...	Ditto.
18	Ray, Girischandra	...	Ditto.
19	Sikdar, Kisorimohan	...	Krishnaghar College.
20	Sen, Srikanta	...	Presidency College.
21	Nizamuddin, Hasan	...	Canning College.
22	Ray, Sasadhar	...	Krishnaghar College.
23	Ray, Sailendrabandhu	...	Hughli College.
24	Mukhopadhyay, Chandrasekhar	...	Presidency College.
25	Ray, Indranarayan	...	Krishnaghar College.
26	De, Brajendralal	...	Presidency College.
27	Deb, Kalimohan	...	Ditto.
	Ray, Prasannakumar	...	Ditto.
29	Bandyopadhyay, Nandalal	...	Ditto.
30	Bhattacharyya, Mahendranath	...	Ditto.
	Dás, Kshetramohan	...	Ditto.
32	Chattopadhyay, Pankajakumar	...	Ditto.
	Goswami, Nrityagopal	...	Ditto.

SENATE HOUSE,
The 8th February 1881.

CHARLES H. TAWNEY,
Registrar.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th February 1881.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	Nov. 1880	Jan. 14, 1881
2	Port Blair ...	Do. „	Do. 15, „
3	Mysore (Imperial) ...	Do. „	Do. 20, „
4	Military Works Branch ...	Do. „	Do. 20, „
5	Bengal ... ... North-Western Provinces and Oudh. Punjab	Do. „	Do. 22, „
8	Rajputana	Do. „	Do. 24, „
9	Central Provinces ... Quetta Agency ... Hyderabad (Assigned Districts.)	Do. „	Do. 25, „
12	Hyderabad (Imperial) ... Coorg	Do. „	Do. 26, „
14	Central India ...	Do. „	Do. 27, „
15	Madras ... ... Mysore	Do. „	Do. 28, „
17	British Burmah ...	Do. „	Do. 29, „
18	Bombay	Do. „	Feb. 4, „
	TELEGRAPH DEPT.		
1	Indo-European ...	Nov. 1880	Feb. 1, 1881
2	Indian	Do. „	Do. 4, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	Nov. 1880	Jan. 10, 1881
2	Bengal	Do. „	Do. 21, „
3	North-Western Provinces and Oudh. Punjab	Do. „	Do. 23, „
5	Madras	Do. „	Do. 28, „
6	British Burmah ...	Do. „	Do. 29, „
7	Bombay	Do. „	Feb. 4, „
	GUARANTEED RAILWAYS.		
1	Bengal	Nov. 1880	Jan. 15, 1881
2	Punjab	Do. „	Do. 22, „
3	Madras	Do. „	Do. 28, „
4	North-Western Provinces and Oudh.	Do. „	Do. 31, „
5	Bombay	Do. „	Feb. 2, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Umballa and Kalka ...	Nov. 1880	Jan. 10, 1881
2	Nalhati ... ... Tirhoot	Do. „	Do. 17, „
5	Northern Bengal ...	Do. „	Do. 18, „
6	Dhond and Manmad ...	Do. „	Do. 20, „
7	Central Bengal ...	Do. „	Do. 21, „
8	Rangoon and Irrawaddy Valley.	Do. „	Do. 22, „
9	Calcutta & South-Eastern Holkar ... ... Kandahar (Jacobabad Section.) Nizam's ... ... Indore-Nasirabad ...	Do. „	Do. 24, „
13	State Railway Stores Branch. Indus Valley ... ... Kandahar (Harnai Section)	Do. „	Do. 25, „
17	Bhownagar and Gondal ...	Do. „	Do. 27, „
18	Mysore	Do. „	Do. 28, „
19	Rajputana	Do. „	Do. 29, „
20	Wardah Coal ... ... Nagpur and Chhattisgarh	Do. „	Do. 31, „
22	Punjab Northern ... Lala Moosa to Chuk Nizam	Do. „	Feb. 1, „
24	Bellary and Karwar ... Bombay (Eastern Deccan)	Do. „	Do. 4, „
26	Sindia ... ... Muttra-Hathras ... Cawnpore-Farukhabad ... Ghazipur-Dildarnagar ... Achnera-Muttra ... Bareilly-Pillibhit ... Cawnpore and Calpi ...	Oct. 1880	Dec. 20, 1880
33	Western Rajputana (N. & S. Section).	Do. „	Do. 22, „
34	Khamgaon	Do. „	Do. 22, „
35	Hyderabad (Imperial) ...	Do. „	Do. 24, „
36	Bhopal	Do. „	Do. 27, „
37	East Indian	Sept. „	Jan. 14, 1881

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Northern Bengal ...	Nov. 1880	Jan. 18, 1881
2	Dhond & Manmad ...	Do. „	Do. 20, „
3	Calcutta & South-Eastern Nalhati ... ... Tirhoot ... ... Patna and Gya ... Holkar & Sindia-Nimach Nizam's	Do. „	Do. 24, „
9	Nagpur & Chhattisgarh ...	Do. „	Do. 25, „
10	Wardah Coal ... ... Indus Valley	Do. „	Do. 27, „
12	Rajputana ... ... Sindia ... ... Rangoon and Irrawaddy Valley.	Do. „	Do. 29, „
15	Western Rajputana ...	Oct. „	Dec. 29, 1880
16	Punjab Northern ... Muttra-Hathras ...	Do. „	Jan. 8, 1881
18	Omraotee ... ... Khamgaon	Do. „	Do. 18, „
20	East Indian	Sept. „	Do. 14, „

FORT WILLIAM,
The 9th February 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th January 1881.

PARTICULARS.	4 PER CENT LOANS								4½ PER CENT. LOANS							TOTAL AMOUNT.
	3½ PER CENT. LOAN OF 1853-54.	Of 1824-25.	Of 1829-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55	TRANSFER 1867	REDUCED 4 PER CENT LOAN OF 1879.	Of 1870.	Of 1871.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS STERLING PER CENT. PORTION.	5 PER CENT DEBENTURE FOR 15 YEARS, REPAYABLE JUNE 1882.	5 PER CENT. LOAN OF 1856-57.	5½ PER CENT. LOAN OF 1859-60.	
Balance of 31st December 1880	54,100	38,506	3,413	15,30,240	30,47,500	2,34,08,209	1,09,71,700	1,68,[illegible]	2,97,70,[illegible]	45,74,000	4,55,000	95,93,100	8,45,37,500	1,01,700	33,[illegible]6,000	65,[illegible]00	13,400	18,84,25,559
ADD—																		
Amount enfaced at Madras between 1st and 15th January 1881	...	...	...	...	...	200	...	1,[illegible]	...	...	...	...	2,500	...	...	...	...	6,700
Amount enfaced at Bombay between 1st and 15th January 1881	...	...	...	...	...	...	...	...	...	...	...	15,000	14,400	...	...	...	...	29,400
Amount enfaced at Calcutta between 1st and 15th January 1881	...	...	...	...	...	15,000	2,900	1,7[illegible]	3,[illegible]00	8,400	...	...	69,800	...	16,000	...	...	1,16,800
	54,100	38,506	3,413	15,30,240	30,47,500	2,34,23,400	1,09,74,600	1,68,[illegible]00	2,97,73,[illegible]00	45,82,400	4,55,000	95,98,100	8,46,24,200	1,01,700	34,02,000	65,[illegible]00	13,400	18,85,78,459
Deduct—																		
Amount written off in the London Registers	—	...	...	...	...	1,45,000	29,600	2,5[illegible]	3,1[illegible]00	...	...	10,000	2,50,000	...	...	...	...	7,55,600
Balance on 15th January 1881	54,100	38,506	3,413	15,30,240	30,47,500	2,32,78,400	1,09,45,000	1,68,[illegible]00	2,94,[illegible]00	45,82,400	4,55,000	95,88,100	8,43,74,200	1,01,700	34,02,000	65,[illegible]00	13,400	18,78,22,859

NOTE.—From 9th June 1867 to 15th Nov. 1880, enfaced from India 3,998 lakhs; re-transferred from London, 3,452 lakhs.

„ 16th Nov. 1880 to 30th „ „ „ „	13 „	„ „	15 „
„ 1st Dec. „ to 15th Dec. „ „ „	5 „	„ „	13 „
„ 16th „ „ to 31st „ „ „ „	1 „	„ „	2 „
„ 1st Jan. 1881 to 15th Jan. 1881 „ „	1 „	„ „	7 „
	4,018 lakhs.		3,489 lakhs.
	3,489 „		
Balance against India .	529 lakhs.		

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 11th February 1881.

R. HARDIE,
Secretary and Treasurer.

Statement of Transactions of District Savings Banks for the quarter ending 31st December 1880.

PROVINCE.	Number of Banks open.	DEPOSITS. No.	DEPOSITS. Amount.	WITHDRAWALS. No.	WITHDRAWALS. Amount, Principal.	WITHDRAWALS. Amount, Interest.	BALANCE.
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	46	2,636	5,11,731 8 1	1,354	3,50,367 4 5	1,399 12 9	24,65,913 0 1
Assam	11	494	1,15,257 1 2	324	1,07,327 10 11	402 2 11	3,42,745 4 10
N.-W. Provinces and Oudh	49	4,024	3,28,968 14 10	916	2,38,797 1 7	1,078 2 8	16,76,023 2 7
Punjab	23	1,134	3,65,790 15 0	645	2,85,297 8 8	2,212 2 1	13,34,223 15 9
Central Provinces	18	417	83,764 6 7	208	56,512 9 11	105 12 6	4,78,837 6 9
British Burma	13	461	67,291 5 3	261	47,615 15 5	395 8 10	2,58,414 12 1
Berar	5	201	29,057 15 0	55	24,099 9 7	114 14 2	1,47,244 5 2
India	10	689	1,02,315 12 10	213	48,826 11 8	251 11 9	4,53,182 1 7
State Railways	15	11,611	1,02,149 13 3	431	19,295 11 1	53 2 4	1,71,709 14 2
Total interest for the year 1879-80.	...	...	1,22,079 13 10	...	...	...	1,22,079 13 10
TOTAL	190	21,667	18,28,407 9 10	4,407	11,78,140 3 3	6,013 6 0	74,50,373 12 10

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 10th February 1881.

Statement of the Affairs of the Bank of Bengal for the week ending 8th February 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office: Rs. 72,61,308 3 0			
Public Deposits at Branches: 1,31,76,084 14 4	2,04,37,393	1	4
Other Deposits at Head Office and Branches	3,58,09,898	15	4
Bank Post Bills, &c.	4,09,892	10	9
Sundries	8,11,370	9	5
RUPEES	7,99,80,716	9	2

ASSETS.	Rs.	A.	P.
Government Securities	1,10,16,373	1	0
Loans on Government Securities, &c., at Head Office and Branches	52,66,711	8	11
Accounts of Credit on Government Securities, &c., at Head Office and Branches	42,32,477	3	9
Bills discounted and purchased at Head Office and Branches	1,97,05,919	4	3
Balances with other Banks	7,36,771	0	2
Bullion	9,35,512	2	4
Dead Stock	10,94,494	6	11
Stamps	8,202	5	0
Sundries	6,15,201	0	4
	4,36,11,662	0	8
Cash and Currency Notes at Head Office: 1,27,75,260 7 10			
Cash and Currency Notes at Branches: 2,35,93,794 0 8	3,63,69,054	8	6
RUPEES	7,99,80,716	9	2

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

BANK OF BENGAL,
Calcutta, 10th February 1881.

J. GORDON,
Chief Accts. & Depy. Secretary.

Report of a Deserter from the 89th Regiment of Foot, dated at Belgaum this 31st day of January 1881.

Number, Rank, and Name,—No. 65B.—2499, Lance Corporal Henry Brennan.
Age,—24 years 4 months.
Size,—5 feet 6 inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—8th January 1881.
Place of Desertion,—Vingorla.
Date of Enlistment,—27th December 1877.

At what Place Enlisted,—Woolwich.
Parish and County in which Born,—Lambeth, Surrey.
Marks,—None.
Trade,—Laborer.
Coat or Jacket,—Serge coat.
Waistcoat,—None.
Breeches or Trowsers,—Serge trowsers.
REMARKS,—None.
Under 4 years' service.

J. FULTON, *Colonel,*
Lt.-Colonel Comdg. 89th Regt.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 5th day of February 1881.

Number, Rank and Name,—No. 60Bde.—627, Private James Buchanan.
Age,—23 years 6 months.
Size,—5 feet 5½ inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, hazel.
Date of Desertion,—1st February 1881.
Place of Desertion,—Calcutta.
Date of Enlistment,—26th August 1875.

At what Place Enlisted,—Glasgow.
Parish and County in which born,—Neilson, Neilson, Renfrew.
Marks,—None.
Trade,—Labourer.
Coat or Jacket,— ... } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers— ... } Regimentals.
REMARKS,—None.

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department.	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed.	BALANCE OF BULLION: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jan. 31	...	...	...	7,900	25,46,141	2,53,498
Feb. 1	...	...	7,700	37	25,54,004	2,61,360
,, 2	...	...	...	29	25,54,001	2,61,360
,, 3	Holidays.					
,, 4	Holidays.					
,, 5	...	...	...	28	25,54,001	2,61,360

CALCUTTA MINT,
The 7th Feb. 1881.

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

GOVERNMENT RESERVE TREASURY.

The following Statement shews the amount of cash held in the Reserve Treasury of the Government of India at Calcutta, upon the evening of the four last Tuesdays:—

The 18th January 1881 ... Rs. 61,43,951-3-6.
The 25th ,, ,, ... ,, 78,52,406-3-6.
The 1st February ,, ... ,, 75,56,033-15-6.
The 8th ,, ,, ... ,, 81,57,073-15-6.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 9th February 1881.

CURRENCY NOTES.

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

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
220	... D 12—37201 ...	5	The Post Master General, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
193	... D 18—41976 ...	*100	Major F. W. Chatterton, Agra.
31	... D 10—25961 † ,, —25947 †	5	Bishumber Nath, Meerut.

* Mutilated. † Mismatched.

ALLAHABAD,
The 9th February 1881.

W. T. PIERCY, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W8	... M 43—20817 ...	100	Nehalla Sha Hoshnaksha, Sialkot.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H17	... M 52—11*7* ...	10	The Colaba Land and Mill Company, Limited, Bombay.
H18	... M 45—26736 ...	10	M. Viraraghava Chariar, Madras.
H19	... M 9—48163 ...	5	Gopal Balwand Saralkar, Navsari.
H20	... M 34—79032 ...	20	Nadarshaw Harmasji, Bombay.
H21	... M 41—68400 ...	10	Surgeon M. E. Reporter, Jubbulpur.
M7	... M 34—88225 G 8—56518	20	Kena Rama, Bombay.

BOMBAY,
The 8th February 1881.

C. E. CRAWLEY,
Asst. Acct.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
365	... O 88—08566 ...	100	Babu Mohanta Gopaul Das.
366	... O 74—16197 ...	1,000	Inspector J. Costello, 24, Waterloo Street, Calcutta
	,, —17889 ...	1,000	
367	... O 69—29593 ...	100	Perbhoo Dyal.
	,, —35117 ...	100	
	O 63—85419 ...	20	
	,, —85420 ...	20	
	,, —85421 ...	20	
	,, —86937 ...	20	
	,, —86938 ...	20	
369	... O 66—72094 ...	100	Babu Kaliprosanno Roy.
370	... O 9—17780 ...	10	Babu Protab Chunder Sircar.
371	... O 69—57483 ...	100	Bijjo Nath Misser.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
349	... L 23—22940 ...	5	Babu Shetul Chunder Ghose.
350	... L 28—28817 ...	5	Babu Juggobundo Chukravarti.
351	... O 31—24758 ...	50	Mr. A. Weekes.
	,, —24760 ...	50	
242	... O 82—66905 ,, —66904	10	Babu Sudarshan Singh Seth.
243	... O 69—49150 ,, —49151	100	Babu Nobin Chunder Choudhury.
244	... A 42—10152	10	Moti Lal Tucur.
	A 50—48155	10	
	A 65—63590		
	A 50—27984		
	O 49—25962	10	
	,, —25963		
	O 58—46165	20	
	,, —46166		
245	... L 24—25086 ,, —25089	5	Babu Debendra Nath Sen.

CALCUTTA,
The 11th February 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 8—16184 ...	5	N. Chinnasawmy Moodeliar, Tumkur.
J 9—07928 * ,, —07929 *	10	Nusserwanji Nowrojee, Bombay.
J 8—15681 * ,, —15981 *	5	Narasayya Prabhu, Calicut.
J 13—05080 * ,, —05081 *	20	Somasoondra Mudely, Vellore.

* Wrongly joined.

CALICUT,
The 21st January 1881.

,
Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
I 14—21402 ...	100	N. Vencobachar, of Davenhully, Bangalore.

COCONADA,
The 27th January 1881.

E. G. RICKETTS,

Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
122 ...	E 18—04001 ...	10	Budri Doss, Bullock Train Agent, Umritsur.
	E 16—90226 ...	10	
	„ —47580 ...	10	
	E 17—41833 ...	20	
	E 13—99183 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
141 ...	E 10—73687 ...	10	Mrs. E. Smith, Jullunder.
186 ...	E 12—85911 ...	20	Nain Lal Banerjee, Mirzapur.
191 ...	E 17—26607 ...	20	Ram Dial and Goordhan Das, Lahore.
198 ...	E 15—52303 ...	50	Mr. J. Stewart, Multan.
203 ...	E 17—46668 ...	20	Mrs. A. H. Tyndall, Edwardesabad.

LAHORE,
The 7th February 1881.

C. G. VANSITTART,

Asst. to Accts. Genl., in charge of Currency Office.

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
184 ...	B 57—28903 ...	20	Mr. John Pemberton, Agent, Madras Jurist, Negapatam.
185 ...	B 59—12448 ...	100	Pundhirnath Bulwant Nawerganther, Bhudwar Peat, Khuli Ali, Poona.
186 ...	B 59—43305 ...	100	Nadig Ranga Rao, Shimoga.
187 ...	B 51—50829 ...	500	G. S. Forbes, Esq., Fort St. George.
188 ...	B 57—25868 ...	20	H. Lakshman Rao, Bangalore.
„	—61077 ...	20	
189 ...	B 63—01997 ...	10	V. Rangachariar, Maduranthakam.
190 ...	B 56—96654 ...	50	Venkataswami Nayadu, Bangalore.
191 ...	B 66—07195 ...	100	Subramania Aiyar, Thosa Kulam, Palghat.

FORT SAINT GEORGE,
The 31st January 1881.

H. KEENE,

Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 29th January 1881.

On and after the 11th February 1881, the British India Steam Navigation Company's steamers for Chittagong, Akyab and Rangoon, will be despatched from Calcutta on *Friday* instead of Saturday, as heretofore.

FRED. R. HOGG,

Offg. Dir. Genl. of the Post Office of India.

The 11th February 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	10th Feb.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	18th „	Str. *Chinsura.*
Madras and Ceylon . . .	6 „	12th „	P. & O. Str. *India.*
Foreign Mails *vid* Bombay .	6 „	14th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	13th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	17th „	Str. *Oriental.*
Chittagong, Akyab and Rangoon	6 „	17th „	Str. *Mahratta.*
Persian Gulf	6 „	12th „	From Bombay.
Straits and Hong-Kong . .	6 „	16th „	Strs. *A. Apcar* and *Suez.*
Port Blair and Camorta .	6 „	18th „	Str. *Satara.*

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 10th February 1881.

Augier, M. J. W.	Grant, James (care of Chowringhee Post Office.)	Perry C. J.
Andrews, J. H.	Graves, H.	Robertson, Mrs. A. M.
Blake, Jos.	Glascott, Mrs. M. A.	Ried, John.
Brown, J.	Harding, J.	Schmuting, Madame
Breckwell, E.	Hill. W.	Scrive.
Bayley, Miss A.	Hughes, R. J.	Shaw, J. E.
Burrage, Mrs.	Hulbert, Charles.	Shield, Mrs. M.
Blundon, Mrs. C.	Johnstone, C. H.	Simpson, J. M.
Bradley, H.	Jenkins, J.	Simpson, A. H.
Browne, W. A.	Jones, Major A.	Sultana, Miss.
Bustoun Chunder Paul.	Kerr, A.	Short, J.
Cameron, J.	Kally Mohun Mookerjee.	Sherman, Mrs. E.
Carter, H. E.	Keyser, J.	Sanders, W.
Coury, W.	Lalla Parus Dass Sahoo.	Smart, Mrs. C. A.
Cornwall, T. H.	Lyons, E.	Tarring, Charles J.
Cumulus, N.	Lane, Mrs. M.	Treatman, B.
Caldwell, Master J.	MacNought, Mrs.	Terrie, James.
Collee, M. R.	Muir, Thomas.	Thomson, W. F.
Day, Miss.	McDonald, S.	Watson, Miss. Mary.
D'Silva, R. M.	McDonald, A.	Watson, W. A.
Daniel, J. H.	Moir, Capt. C. F. W.	Walsh, M. A.
Dallas, Mrs. J. F.	Murray, Mrs. D. S.	Waders, W.
Dunsford, Mrs. W. G.	Penny, F.	Weston, Mrs.
Dougall, A. C. M.	Peters, Mrs. M.	Williams, F.
Faris, J. H.	Palmer, Mrs. Edward.	Wilson, Miss.
Fernandes, L.		Woodburn, A. F.

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

Amey, Mrs. A. W.	Dickinson, Harry.	Melland, F. W.
Arsene, Monsieur A.	Doyne, Capt. R. G.	Mitchell, Mrs. Murray.
Atkinson, J. L.	"Dynamite."	Montgomery, Miss.
Bell, Mrs. Urzee.	Edgar, Capt. J.	M. K. W.
Bennet, J.	Elwell, A. H.	McDonough, R.
Burton, Miss Marie.	Fleming, James.	Morton, H. A.
Banotacia, C. S.	Gunsalles, John.	Peachy, Miss Kat.
Barker, Thomas W.	Hurst, R. B.	Read, Mrs.
Brown, W.	Hill, G. C.	Sandoman, W. A.
Brown, W. T.	Hill, T. W.	Schore, T. C.
Bell, Mrs. M.	Ireland, Arthur.	Sinclair, J. L.
Bergham, Herbert.	John, George.	Stewart, Alex. G. J.
Beck, Miss Jessie.	Joseph, Monsieur A.	Smith, Mrs. Glass.
Bogie, Mr.	Jones, C. R.	Scratchneiah, Lt.-Col. F. H. (R.A.)
Caupier, Arthur H.	Jourad, Ferdinand.	Smith, Miss K.
Cavanaugh, J.	Kaiser, Mr.	Southal, Williams.
Coote, Waller.	"Kitty."	Trogido, S.
Cratter, Geo.	Kelmander, Mrs. M. L. H.	Werner, D.
Chatterjee, Bereswer.	Landfield, F.	Wilson, Alex. S.
Cadwallader, C. J. H.	Lindesay, Harris M.	Willson, Mrs.
Cooper, John.	Marrella, Mrs.	Watson Mrs.
Cox, A.	Meeredy, James McG.	
Collymore, Joseph.		

Newspapers.

Atkinson, J. L.	McDonough, R.	Stewart, David.
Everd, J. E.	Purbrick, Mrs.	Tarring, C. J.
Lawder, A. W.	Sale, M.	Watherspoon, W. R.
Miller, Captain William.	Shaw, J. E.	Powell, Thomas.

Registered Letters.

Bleach, J. W.	Kohn, T.	Woodhouse, F., of Khyroo Mohter's Lane.
Dickenson, Harry.	Warde, Mrs.	

E. C. GEORGE,

Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel*,
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

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„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
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„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
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Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs. 5; Colored Map, Rs. 2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, Re. 1-8; postage, 2 annas.*

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Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas*

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

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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Just published, pp. XXXV + 253.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 19, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

NOTICE TO MARINERS.

No. 2 of 1881

BAY OF BENGAL—COROMANDEL COAST.

MADRAS.

Rules for regulating the entry and departure of vessels using the Harbour.

The following Notification, under Clause (*a*), Section 7 of the Indian Ports Act (XII of 1875), has been published by the Madras Government, and is now issued for general information:—

"Under the authority vested in him by Section 7 of the Indian Ports Act, 1875, the Right Honorable the Governor in Council is pleased to prescribe the following Rules for regulating the entry and departure of vessels using the Madras Harbour:—

(1) No vessels shall enter or leave the Madras Harbour between the hours of 6 P.M. and 6 A.M. without special authority from the Conservator of the Port.

(2) Vessels about to leave the Harbour shall hoist Flag N of the International (Commercial) Code at the fore.

(3) Vessels about to enter the Harbour shall hoist Flag F of the International (Commercial) Code at the fore.

(4) Not more than one vessel shall enter or leave the port at the same time.

Under Clause 2, Section 42, and Section 67 of the Act, Masters or other persons in charge of vessels, disobeying any of the foregoing Rules, will, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees for every such offence, and also to the payment of the costs of such conviction."

By Direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 10th February 1881.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 16th February 1881.

No. 206.—Mr. T. Bolton, Officiating Mathematical Instrument Maker, is confirmed in that appointment.

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

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 11th February 1881.

No. 1.—Mr. E. P. S. Hill, Assistant Surveyor, 3rd Grade, has passed an examination in Hindu-

stani by the 1st or Lower Standard, as laid down in General Order, Military Department, No. 754, dated 9th September 1864.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 11th February 1881.

No. 31.—Mr. G. J. Hare, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for one month, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 3rd February 1881.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 9th February 1881.

No. 270.—Major G. R. Peart, of the Bhopal Battalion, held charge of the Sehore Treasury, in addition to his own duties, from the afternoon of the 13th December 1880 to the forenoon of the 31st January 1881, during the absence on duty of the Political Agent of Bhopal.

The 12th February 1881.

No. 284.—This Office Notification No. 245, dated 5th instant, granting an extension of one month's privilege leave to Lieutenant C. W. Ravenshaw, Cantonment Magistrate, Neemuch, is hereby cancelled, at that officer's request.

J. BURNE, *Captain,*
2nd Asstt. Agent, Govr. Genl.,
for Central India,
In charge of Residency.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Jeypore, the 14th February 1881.

No. 282 *G.*—LEAVE.—Major J. H. L. Greenfield, 2nd-in-Command and Squadron Officer, Deoli Irregular Force, was granted privilege leave from the 25th January to the 5th February 1881, both days inclusive.

Lieutenant R. A. Cole, Officiating Adjutant, Deoli Irregular Force, officiated as Station Staff Officer, in addition to his other duties, during Major Greenfield's absence.

By Order,
F. T. HEWSON,
Asstt. Agent to the Govr. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Camp Bura Mehara, the 9th February 1881.

No. 99.—Major J. H. L. Greenfield assumed charge of the Cantonment Magistrate's Office, Deoli, on the afternoon of the 16th January 1881, and was relieved by Major A. Conolly on the forenoon of the 17th idem.

By Order,
F. T. HEWSON,
for 1st Asst. to the Chief Commr.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Calcutta, the 14th February 1881.

With reference to the Notification of the Government of India, Public Works Department, No. 47, dated the 8th instant, Captain C. F. Call, R.E., Executive Engineer, 3rd Grade, joined the Office of the Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, on the afternoon of the 8th February 1881.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 15th February 1881.

No. 14.—Mr. G. G. Hiley, Port Store-keeper, State Railway Department, Kurrachee, is granted twenty-one days' privilege leave, with effect from the 4th February 1881, or such subsequent date as he may avail himself of it.

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

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Moultan, the 8th February 1881.

No. 28.—Mr. C. F. White, Assistant Locomotive Superintendent, reported his arrival at Multan on the forenoon of 8th February 1881.

The 9th February 1881.

No. 29.—With reference to Government of India, Public Works Department, Notification No. 41, dated 2nd February 1881, Mr. C. H. Mackie, Assistant Locomotive Superintendent, was relieved of his duties on the Indus Valley State Railway on the afternoon of 23rd January 1881.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 8th February 1881.

No. 88.—Mr. R. N. Hodges, Executive Engineer, 4th Grade is granted two months' privilege leave on medical certificat , from such date as he may avail himself of the same.

Mr. R. N. Hodges availed himself of the leave granted in the above Notification on the afternoon of the 6th February 1881.

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

PUNJAB NORTHERN STATE RAILWAY, Northern Section.

NOTIFICATION.

Rawalpindi, the 8th February 1881.

No. 4.—With reference to Director General of Railways' Notification No. 7 of 18th January 1881, Mr. T. E. Curry, Assistant Engineer, 1st Grade, was relieved of his duties on the Northern Section of the Punjab Northern State Railway, on the afternoon of 18th January 1881.

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

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 16th day of February 1881.

Number, Rank, and Name.—No. 60Bde.—2210, Private Wm. Slocombe.
Age.—21 years 9 months.
Size.—5 feet 5 inches.
Color of—
Complexion, fair; Hair, light brown; Eyes, hazel.
Date of Desertion,—10th February 1881.
Place of Desertion,—Calcutta.
Date of Enlistment,—26th May 1879.
At what Place Enlisted,—Devizes.
Parish and County in which Born,—Swindon, Wilts.
Marks,—Mole on back of neck.
Trade,—Labourer.
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— ... } Regimentals.
REMARKS,—None.
Under 2 years' service.

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 16th day of February 1881.

Number, Rank and Name.—No. 60Bde.—481, Lance Corporal Wm. Jno. Hope.
Age.—24 years 6 months.
Size.—5 feet 6 inches.
Color of—
Complexion, fresh; Hair, dark brown; Eyes, grey.
Date of Desertion,—10th February 1881.
Place of Desertion,—Calcutta.
Date of Enlistment,—18th January 1875.
At what Place Enlisted,—Glasgow.
Parish and County in which Born.—Banbridge Down, Ireland.
Marks,—None.
Trade,—Miner.
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers — ... } Regimentals.
REMARKS,—None.
Under 6 years' service.

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

Report of a Deserter from the 2nd Battalion, 15th Regiment of Foot, dated at Poona, this 9th day of February 1881.

Name,—No. 512.—1457, Samuel Egan.
Age.—20 years 2 months.
Size.—5 feet 5½ inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, hazel.
Peculiar Marks by which his Identity may be ascertained,—None.
Date of Desertion,—28th January 1881.
From whence Deserted,—Poona.
Date of Enlistment,—18th February 1878.
Place of Enlistment,—Bradford, Yorkshire.
Parish where Born,—Idle.
County.—Yorkshire.
Former Trade or Occupation,—Turner.
Dress at the time of Desertion,—
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— ... } Regimentals.
REMARKS, stating any particular circumstances attending his Desertion,—In possession of money, having just received donation batta for service in Afghanistan.

———, *Lt.-Col.,*
Comdg. 2-15th Regt.

Report of a Deserter from the 2nd Battalion, 15th Regiment of Foot, dated at Poona, this 9th day of February 1881.

Name,—No. 2027, Thos. Linnane *alias* John Daily.
Age,—20 years 11 months.
Size,—5 feet 6 inches.
Color of—
Complexion, fresh; Hair, light brown; Eyes, blue.
Peculiar Marks by which his Identity may be ascertained,—Tattooed on breast and right fore arm (P. C.) and base of thumb of left hand. Scars on left side of back, left thigh, and knee.
Date of Desertion,—28th January 1881.
From whence Deserted,—Poona.
Date of Enlistment,—25th July 1878.
Place of Enlistment,—Hull, Yorkshire.
Parish where Born,—St. Luke's, Limerick.
County,—Limerick.
Former Trade or Occupation,—Sailor.
Dress at the time of Desertion,—
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— ... } Regimentals.
REMARKS, stating any particular circumstances attending his Desertion,—In possession of money, having received donation batta for service in Afghanistan.

———, *Lt.-Col.,*
Comdg. 2-5th Regt.

TREASURE TROVE.

In accordance with the provisions of Section 5 of the Indian Treasure Trove Act, VI of 1878, notice is hereby given to all whom it may concern that, on the 12th day of January 1881, certain treasure consisting of—

Description.	Estimated weight. Tolas.	Masas.	Gunjas.	Estimated value. Rs.	A.	P.
1 Silver ring ...	9	4	0	7	0	0
37 Ankushi Rupees	...			...		
7 Gold mohurs ...	6	2	4	111	12	0
TOTAL ...				118	12	0

was found in Survey No. 125 of the village of Bopgaon, Taluka Purandhar, of the Poona Collectorate in the Bombay Presidency.

And all persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector, at his office, on the 5th day of July 1881, when the Collector will proceed to hold an enquiry in accordance with the provisions of the aforesaid Act.

J. MOORE,
Collector.

POONA COLLECTOR'S OFFICE,
The 12th February 1881.

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

The undermentioned Students have passed the B. L. examination:—

FIRST DIVISION.
In Order of Merit.

1	De, Panchkari	... Presidency College.
2	Dhar, Nagendranath	... Hughli College.
3	Mukhopadhyay, Jogendranath	... Presidency College.
	Goswami, Kisorilal	... Ditto.

SECOND DIVISION.
In Order of Merit.

1	Sen, Kalimohan	... Dacca College.
2	Biswas, Dandadhari	... Presidency College.
3	Chattopadhyay, Srikrishna	... Ditto.
4	Sinha, Brajanandan	... Patna College.
5	Ray, Rajendranath	... Canning College.
6	Tewari, Chandrasekhar	... Hughli College.
7	Bhaduri, Lalbihari	... Presidency College.
8	Raghunandan, Prasad	... Ditto.
	Sarkar, Jaganmohan	... Dacca College.
	Chakrabarti, Indranarayan	... Patna College.
	Sarkar, Jagatnarayan	... Ditto.
12	Basu, Tarakchandra	... Dacca College.
13	Chattopadhyay, Kedarnath	... Presidency College.
14	Sen, Kisorilal	... Hughli College.
15	Basu, Kritantakumar	... Presidency College.
	Mukhopadhyay, Jogendrachandra	... Ditto.
17	Bandyopadhyay, Jyotischandra	... Ditto.
18	Ray, Girischandra	... Ditto.
19	Sikdar, Kisorimohan	... Krishnaghar College.
20	Sen, Srikanta	... Presidency College.
21	Nizamuddin, Hasan	... Canning College.
22	Ray, Sasadhar	... Krishnaghar College.
	Ray, Sailendrabandhu	... Hughli College.
24	Mukhopadhyay, Chandrasekhar	... Presidency College.
25	Ray, Indranarayan	... Krishnaghar College.
	De, Brajendralal	... Presidency College.
27	Deb, Kalimohan	... Ditto.
	Ray, Prasannakumar	... Ditto.
29	Bandyopadhyay, Nandalal	... Ditto.
30	Bhattacharyya, Mahendranath	... Ditto.
	Dás, Kshetramohan	... Ditto.
32	Chattopadhyay, Pankajakumar	... Ditto.
	Goswami, Nrityagopal	... Ditto.

SENATE HOUSE,
The 8th February 1881.

CHARLES H. TAWNEY,
Registrar.

Statement of the Affairs of the Bank of Bengal for the week ending 15th February 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 1,05,00,136 0 11)			
Public Deposits at Branches (Rs. 1,28,35,725 3 2)	2,33,35,861	4	1
Other Deposits at Head Office and Branches	3,40,72,041	15	1
Bank Post Bills, &c.	4,08,273	11	9
Sundries	8,20,162	1	9
RUPEES	8,11,48,500	5	0

ASSETS.	Rs.	A.	P.
Government Securities	1,15,11,060	9	0
Loans on Government Securities, &c., at Head Office and Branches	52,39,868	10	2
Accounts of Credit on Government Securities, &c., at Head Office and Branches	46,66,406	11	5
Bills discounted and purchased at Head Office and Branches	2,17,22,686	2	2
Balances with other Banks	7,67,053	6	7
Bullion	6,57,680	9	5
Dead Stock	10,92,112	5	8
Stamps	8,004	0	0
Sundries	6,10,545	5	2
	4,62,75,417	11	7
Cash and Currency Notes at Head Office (Rs. 1,13,18,118 7 11)			
Cash and Currency Notes at Branches (Rs. 2,35,54,964 1 6)	3,48,73,082	9	5
RUPEES	8,11,48,500	5	0

BANK OF BENGAL,
Calcutta, 17th February 1881.

J. GORDON,
Chief Accts. & Depy. Secretary.

By order of the Directors.
R. HARDIE,
Secretary & Treasurer.

MAPS OF THE SURVEY OF INDIA,

Published at the Offices of the Surveyor General of India, Calcutta and Dehra Dún, for the Quarter ending 31st December 1880.

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All published maps are also sold at the Office of the Surveyor General of India, Calcutta, by Mr. J. N. T. Wood, for cash prepaid.

N. B.—Maps are issued *free of charge* only on the Public Service. (It is particularly requested that the nearest local Agents as above be first applied to, for any map required on the Public Service, before indenting on this Department.) The *cost of mounting maps, packing and postage of parcels must be borne by applicants themselves.* Lists of all newly published maps are periodically notified in the Gazettes of India and of local Governments.

Description.	Size.	Price of Map unmounted per sheet or copy. Uncolored. Rs. A.	Colored. Rs. A.
GENERAL MAPS. *Scale 1 Inch = 4 Miles.*			
Indian Atlas, Quarter Sheet, No. 18 N. W., Parts of Bahawalpur, Native State, and District of Muzaffargarh (Punjab)	¼ Sheet Atlas	0 12	0 12
Indian Atlas, Quarter Sheet, No. 91 N. W., Parts of Bilaspur, Balaghat and Raipur (Central Provinces)	Ditto	0 12	0 12
Indian Atlas, Quarter Sheet, No. 91 S. W., Parts of Raipur, Balaghat, Bhandara and Chanda (Central Provinces)	Ditto	0 12	0 12
DISTRICT MAPS. *Scale 1 Inch = 4 Miles.*			
Mymensingh (Bengal)	Antiquarian	1 0	1 4
REVENUE SURVEY MAPS. *Scale 1 Inch = 1 Mile.*			
Bannu District (Punjab), Sheets Nos. 1, 4 and 8	Double Elephant	1 8	1 12
Deccan Survey, Sheets Nos. 26, 39, 39A, 45, 49 and 53. Parts of Poona, Satara and Sholapur Districts (Bombay Presidency)	Ditto	1 8	1 12
Dera Ismail Khan District (Punjab), Sheets Nos. 12 and 24	Ditto	1 8	1 12
Maldah District (Bengal), Sheet No. 6	Double Royal	1 8	1 12
Midnapore District (Bengal), Sheets Nos. 5, 6, 13, 15, 16 and 18	Double Elephant	1 8	1 12
Muttra District (N. W. Provinces), Sheets Nos. 10, 11, 12, 22, 23, 24 and 37	Ditto	1 8	1 12
Oudh Province, Sheet No. 144. Part of Bahraich District (*Second Edition*)	Double Royal.	1 8	1 12
TOPOGRAPHICAL SURVEY MAPS. *Scale 1 Inch = 2 Miles.*			
Ganjam and Orissa, Sheets Nos. 88 to 91 in one. Parts of Raipur and Sambalpur (Central Provinces)	Double Elephant	1 0	1 4
Scale 1 Inch = 1 Mile.			
Hyderabad Survey. Godavari District, Taluks Bhadrachelum and Rakapali, Sheets Nos. 16 and 18	Ditto	1 0	1 4
CANTONMENT, CITY AND CIVIL STATION PLANS. *Scale 16 Inches = 1 Mile.*			
Sakesar Sanitarium (Bannu and Shahpur Districts, Punjab)	Ditto	1 0	1 4
GREAT TRIGONOMETRICAL SURVEY MAPS. *Scale 1 Inch = 1 Mile.*			
Guzerat, Sheet No. 26*	Double Elephant	1 12	2 0
Kattywar, Sheet No. 39*	Ditto	1 12	2 0
TECHNICAL CHARTS. *Scale 1 Inch = 4 Miles.*			
Kandahar Series (Preliminary Numerical Chart). Season 1878-79.* From Latitude 30°-16′-16″ to 31°-33′-39″, and Longitude 65°-50′-22″ to 66°-55′-52″	Double Elephant	1 0	...
Kelat Series (Preliminary Numerical Chart.) Season 1879-80.* From Latitude 28°-31′-12″ to 30°-10′-5″, and Longitude 64°-27′-3″ to 67°-21′-39″	Ditto	1 0	...

* Published and available at the Surveyor General's Office, Dehra Dún.

By Order,
JOHN O. N. JAMES,
Assistant Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Calcutta, the 27th January 1881.

COMPTROLLER GEN

No. 2300.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to Oct. 1879.	April to Oct. 1880.	Comparison of two Years. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	9,259,430	8,923,628	...	335,802
II.—Tributes	698,000	390,554	368,729	...	21,825
III.—Forest	688,400	200,390	245,730	45,340	...
IV.—Excise on Spirits and Drugs	2,782,000	1,570,711	1,752,942	182,231	...
V.—Assessed Taxes	535,000	634,888	432,900	...	201,988
VI.—Provincial Rates	2,764,000	1,154,288	1,276,721	122,433	...
VII.—Customs	2,175,000	1,174,596	1,315,848	141,252	...
VIII.—Salt	7,541,000	3,853,821	3,850,303	...	3,518
IX.—Opium	9,410,000	5,880,050	5,704,601	...	175,449
X.—Stamps	3,194,000	1,899,370	1,924,333	24,963	...
XI.—Registration	265,000	141,543	176,287	34,744	...
XII.—Mint	196,000	124,803	77,246	...	47,557
XIII.—Post Office	1,008,000	567,542	623,586	56,044	...
XIV.—Telegraph	463,100	227,606	293,555	65,949	...
XV.—Minor Departments	61,700	32,101	37,320	5,219	...
XVI.—Law and Justice	680,000	355,371	370,784	15,413	...
XVII.—Police	232,000	125,459	137,050	11,591	...
XVIII.—Marine	226,000	80,617	107,299	26,682	...
XIX.—Education	137,000	84,874	90,455	5,581	...
XX.—Medical	38,200	34,364	21,329	...	13,035
XXI.—Stationery and Printing	45,000	25,629	31,509	5,880	...
XXII.—Interest	641,000	384,067	374,039	...	10,028
XXIII.—Pensions	291,700	102,077	83,303	...	18,774
XXIV.—Miscellaneous	262,000	153,583	135,282	...	18,301
XXX.—Gain by Exchange	237,000	340,887	126,255	...	214,632
TOTAL	56,633,100	28,798,621	28,481,034	...	317,587
XXIX.—Army	800,200	550,062	602,803	52,741	...
XXVII.—Other Public Works	456,700	202,748	239,998	37,250	...
XXVI.—Irrigation and Navigation	860,200	408,591	382,325	...	26,266
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	5,222,118*	3,896,436	...	1,325,682
XXV.—State Railways	4,720,000	576,095	2,942,896	2,366,801	...
XXVIII.—Provincial and Local Deficits	247,200	13,766	658	...	13,108
TOTAL	71,217,400	35,772,001	36,546,150	774,149	...
England, including Army, Public Works Ordinary, &c.	203,800	125,269	149,931	24,662	...
GRAND TOTAL	71,421,200	35,897,270	36,696,081	798,811	...

* Includes £1,963,295 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'s OFFICE;
CALCUTTA,
The 17th February 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

ERAL'S OFFICE.

Seventh month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April to Oct. 1879.	April to Oct. 1880.	Comparison of two Years. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	1,794,986	1,999,487	204,501	...
2.—Interest on Service Funds	398,400	207,672	157,193	...	50,479
3.—Refunds and Drawbacks	318,000	202,204	199,887	...	2,317
4.—Land Revenue	2,994,400	1,641,898	1,635,187	...	6,711
5.—Forests	527,600	175,527	194,804	19,277	...
6.—Excise	111,000	67,491	71,981	4,490	...
7.—Assessed Taxes	20,000	20,995	14,385	...	6,610
8.—Provincial Rates	53,000	20,516	28,163	7,647	...
9.—Customs	204,000	115,784	115,058	...	726
10.—Salt	368,000	187,867	225,641	37,774	...
11.—Opium	2,159,500	1,798,589	1,763,126	...	35,463
12.—Stamps	77,500	46,303	45,146	...	1,157
13.—Registration	166,000	85,314	103,733	18,419	...
14.—Mint	91,500	48,381	46,135	...	2,246
15.—Post Office	1,043,800	578,077	713,544	135,467	...
16.—Telegraph	380,900	201,753	204,986	...	6,767
17.—Administration	1,245,500	734,511	719,083	...	15,428
18.—Minor Departments	415,100	184,039	188,138	4,099	...
19.—Law and Justice	3,350,900	1,888,564	1,853,578	...	34,986
20.—Police	2,513,000	1,385,841	1,421,086	35,245	...
21.—Marine	419,000	163,645	221,423	57,778	...
22.—Education	1,015,800	541,251	555,130	14,169	...
23.—Ecclesiastical	158,600	88,926	89,223	297	...
24.—Medical	701,400	358,221	364,916	6,695	...
25.—Stationery and Printing	415,700	173,804	240,218	66,414	...
26.—Political	393,000	221,160	285,484	64,324	...
27.—Allowances	1,824,900	777,599	863,819	86,220	...
28.—Civil Furlough and Absentee Allowances	3,000	1,879	2,722	843	...
29.—Superannuation	640,300	438,129	481,000	42,871	...
30.—Miscellaneous	243,300	161,841	154,782	...	7,059
31.—Famine Relief	5,000	38,262	150	...	38,112
37.—Loss by Exchange	3,411,000	1,663,286	1,754,192	90,906	...
TOTAL	29,044,200	16,024,325	16,713,800	689,475	...
36.—Army	15,171,900	7,721,026	11,208,140	3,487,114	...
34.—Other Public Works	4,216,500	1,345,856	1,537,111	190,255	...
33.—Irrigation and Navigation	1,026,800	552,341	517,375	...	34,966
32.—Working Expenses (Guaranteed Railways)	4,675,000	2,691,289*	2,128,278	...	563,011
32.—Surplus Profits paid to Railway Companies	450,300	192,071	33,808	...	158,263
32.—Guaranteed Interest in India	9,000	8,922	11,191	2,269	...
32.—Land and Supervision	69,500	37,419	24,969	...	12,450
32.—State Railways	1,630,200	676,763	2,761,020	2,084,257	...
35.—Provincial and Local Surpluses	129,400	1,539,962	1,513,727	...	26,235
TOTAL	56,422,800	30,790,974	36,449,419	5,658,415	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	7,905,126	9,053,203	1,148,077	...
TOTAL	71,002,400	38,696,100	45,502,622	6,806,522	...
38.—*Productive Public Works*— Capital Expenditure in India	2,346,000	1,125,471	1,505,368	379,897	...
Ditto ditto in England	966,000	310,917	271,124	...	39,793
TOTAL	3,312,000	1,436,388	1,776,492	340,104	...
GRAND TOTAL	74,314,400	40,132,488	47,279,114	7,146,626	...

* Includes £752,538 as working expenses of East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 7	...	...	...	28	25,53,990	2,61,360
„ 8	...	...	28	...	26,54,018	2,61,389
„ 9	...	...	...	...	25,54,020	2,61,389
„ 10	...	...	...	...	25,54,020	2,61,389
„ 11	...	...	...	...	25,54,020	2,61,389
„ 12	...	...	...	...	26,54,010	2,61,389

CALCUTTA MINT, *The 14th Feb. 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

The following Statement shews the amount of cash held in the Reserve Treasury of the Government of India at Calcutta, upon the evenings of the last four Tuesdays:—

The 25th January 1881 ... Rs. 78,52,406-3-6.
The 1st February „ ... „ 75,56,033-15-6.
The 8th „ „ ... „ 81,57,073-15-6.
The 15th „ „ ... „ 86,41,252-12-3.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA, *The 16th February 1881.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
194	... D 16—25623 ...	10	Anunt Ram, Allahabad.
195	... D 18—50388 ...	100	Mohamed Ibrahim, *alias* Nawab, Calcutta.
196	... D 11—98473 ...	10	Mr. G. I. Stokes, Allahabad.
	D 16—20117 ...	10	
	„ —24346 ...	10	
20	... D 12—28470 } *	5	The Chief Pay Master, E. I. Railway, Calcutta.
	„ —28471 }		

* Mismatched.

ALLAHABAD, *The 10th February 1881.*

W. T. PIERCY, *A.A.-G.,*
In charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
372	... O 69—72929 ...	100	The Adjutant, 7th Regiment, Madras Native Infantry, Berhampore, Madras.
373	... O 74—61554 ...	1,000	Babu Brajendra Nath Mukerjee.
374	... O 31—39778 ...	50	Babu Devonath Ghose.
375	... O 32—07490 ...	50	The Assistant Inspector General, Government Railway Police, N.-W. Provinces.
376	... O 91—58057 ...	10	Mr. G. Vichalar.
	O 81—07054 ...	10	
	„ —07050 ...	10	
377	... O 68—81502 ...	100	Mr. J. Pratt, C.S.
379	... O 32—29581 ...	50	Gunga Das.
380	... O 69—18873 ...	100	Mr. D. R. Petrie.
381	... O 74—34376 ...	1,000	Inspector Brahmaprasad Sing, Section F. Town, Jorasanko Thannah, Calcutta.
	„ —34378 ...	1,000	
	„ —34380 ...	1,000	
	„ —34381 ...	1,000	
	„ —34382 ...	1,000	
	„ —34384 ...	1,000	
	„ —34385 ...	1,000	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
352	... L 96—15071 ...	10	Babu Gopaul Chunder Paul.
353	... O 66—50495 ...	100	Hossein Cassim.
354	... O 91—52561 ...	10	Babu Kishory Mohan Chatterjee.
355	... O 63—13527 ...	20	Mr. W. Munrow.
356	... O 92—89375 ...	10	Babu Ramgopaul Mitter.
357	... O 71—20359 ...	500	Mr. M. M. Zorab.
	„ —20360 ...	500	
358	... L 56—37679 ...	5	Babu Romesh Chundra Dutta.
	„ —37678 ...	5	
359	L 10—18596 ...	5	Abdool Hameed.
360	O 62—44804 ...	20	Babu Woomes Chunder Paul.
246	... L 30—29456 }	5	Babu Gurudas Chakravarti.
	„ —29455 }		
247	... O 17—46789 }	10	Babu Markunda Nath Dutt, Calcutta.
	„ —51866 }		

CALCUTTA, *The 18th February 1881.*

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
123	... E 15—61073 ...	50	Nehalla, Sealkote.

NOTE PARTIALLY LOST OR DESTROYED.

		Rs.	
200	... E 15—64296 ...	50	Ram Narain, Hissar.

LAHORE, *The 11th February 1881.*

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
94	... B 66—44214 ...	100	K. Rahmad-din Sahib, Tiruvamalai.
	„ —51846 ...	100	
95	... B 57—95140 ...	20	W. M. Young, Esq., Tellicherry.
96	... B 63—31008 ...	10	Major-General R. Cadell, R.A., Fort St. George.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
192	... B 61—69595 ...	50	Muhammad Yakub, Bangalore.
	B 62—30074 ...	100	

FORT SAINT GEORGE, *The 7th February 1881.*

H. KEENE,
Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 29th January 1881.

On and after the 11th February 1881, the British India Steam Navigation Company's steamers for Chittagong, Akyab and Rangoon, will be despatched from Calcutta on *Friday* instead of Saturday, as heretofore.

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

The 14th February 1881.

No. 12271.—Appointment in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, BOMBAY.

Mr. Dinanath Babaji has been appointed to be Superintendent, Dead Letter Office, Bombay, *vice* Mr. Ramchandra Bapaji, deceased.

G. J. HYNES,
Asst. Dir. Genl. of the Post Office of India.

The 18th February 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	26th Feb.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	25th „	Str. *Africa.*
Madras and Ceylon	6 „	26th „	P. & O. Str. *Nepaul.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	22nd „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	21st „	From Bombay.
Do. Book Post and Pattern Packets	6 „	20th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	24th „	Str. *Pemba.**
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 „	24th „	Str. *Commilla.*
Persian Gulf	6 „	19th „	From Bombay.

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

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 18th February 1881.

Asher, H.
Abraham, Miss R. S.
Brocknell, E.
Bayley, Miss A.
Burrage, Mrs.
Bustoun Chunder Paul.
Bray, A. J.
Buce, P.
Bicknell, Edward.
Boyde, A. G.
Cummins, N.
Caldwell, Master J.
Cessini, Miss Lizzi.
Cornelius, J. A.
Dougall, A. C. M.
D'Cruz, H.
Faris, J. H.
Frazer, Mrs. A.
Fergus, Mrs
Glascott, Mrs. M. A.
Gunga C. Paulitt.
Haslam, F.
Johnstone, E.
Jenkins, J.
Jones, C. W.
Kally Mohun Mookerjee.
Kyz, Victor.
Langley, Mr.
Lavalette, Mrs. C.
Lalla Parus Das Sahoo.
Lane, Mrs. M.
Millar, Mrs.
Murlidhar, Raghbardyal & Co.
Mathieu, R. G.
Miller, Mrs. J. B.
Muir, Thomas.
McDonald, A.
Peters, M. G.
Perry, E. J.
Phear, J. B.
Pray, P. C.
Ried, John.
Rae, G. B.
Shaw, J. E.
Simpson, J. M.
Sanders, W.
Smart, Mrs. C.
Sparrow, Miss.
Sissmore, J. E. A.
Terrie, James.
Thomson, W. F.
Thompson, Mrs.
Wilson, Miss.
Woodburn, A. F.
Wilkes, Mrs. J. B.
Wallace, E.
Weynton, O.

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

Amey, Mrs. A. W.
Arsene, Monsieur A.
Bell, Mrs. Urzee.
Bennet, J.
Burton, Miss Marie.
Banofacia, C. S.
Barker, Thomas W.
Brown, W.
Brown, W. T.
Burnham, Herbert.
Beck, Miss Jessie.
Bogie, Mr.
Brodie, Lt. E. W.
Caupier, Arthur H.
Cavanagh, J.
Coote, Walter.
Crafter, Geo.
Chatterjee, Beregver.
Cadwallader, C. J. H.
Cooper, John.
Cox, A.
Collymore, Joseph.
Cooper, W. T.
Cornwall, J. H.
Dickinson, Harry.
Doyne, Capt. R. G.
Dowden, Major.
Dunn, Capt. R. G.
Edgar, Capt. J.
Fleming, Stanley Le.
Freeland, Arthur.
Fleming, James.
Gunsalles, John.
Guicevardi, Monsieur Emile.
Hurst, R. B.
Hill, C. G.
Hill, T. W.
Ireland, Arthur.
John, George.
Joseph, Monsieur A.
Jones, C. R.
Journd, Ferdinand.
Kaiser, Mr.
"Kitty."
Keirnander, Mrs. M.
L. H.
Landfield, F.
Lindesay, Harris M.
Lynch, Miss.
Marrella, Mrs
Mecredy, James McG.
Mitchell, Mrs. Murray.
Montgomery, Miss.
M. K. W.
McDonough, R.
Morton, H. A.
Nash, Major.
Peachy, Miss Kate.
Read, Mrs.
Ruby Diamond Ruby.
Sandeman, W. A.
Schore, T. C.
Sinclair, J. L.
Stewart, Alex. G. J.
Scratchmeiah, Lt.-Col. F. H. (R.A.)
Smith, Miss K.
Southal, William.
Stevens, C.
Tregido, S.
Wilson, Alex. S.
Willson, Mrs.

Newspapers.

Everd, J. E.
Lawder, A. W.
Miller, Captain William.
McDonough, R.
Powell, Thomas.
Purbrick, Mrs.
Stewart, David.
Watherspoon, W. R.

Registered Letters.

Dickenson, Harry.
Kohn, T.
Warde, Mrs.
Woodhouse, F., of Khyroo Mehter's Lane.

E. C. GEORGE,
Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA, *The 16th July 1880.*

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

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Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 3 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ،

یہہ دوا کوئینائین کے خوب قایم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سیواے اونے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ ،

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

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

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„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*

No. 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
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„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
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„ 24. Harbours of Karwar and Baukot.

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„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
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„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
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Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

Price—Bound copies ... ... Rs. 45 0 0
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The Statistical Reporter, edited by H. J. S. COTTON, Junior Secretary to the Government of Bengal.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 26, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 14th February 1881.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Charles Sanderson, Esq., of 46, Queen Victoria Street, London, Solicitor, a Commissioner within all parts of England for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,
R. BELCHAMBERS,
Registrar.

NOTICE TO MARINERS.

No. 3 of 1881.

EASTERN ARCHIPELAGO.

JAVA—APPROACH TO SUNDA STRAIT.

Re-Exhibition of Flashing Light on First Point.

With reference to this Department Notice to Mariners, No. 13, of 9th October 1880, on the reported destruction of the lighthouse on First Point (Tanjong Koelong), Java:—

The Netherlands Government has notified in the *Berigt aan Zeevarenden* (published at The Hague on the 15th ultimo) that, according to a telegram received from the Governor-General of Netherlands India, dated 13th January 1881, the lighthouse on First Point (Tanjong Koelong) has been repaired, and that the light is again exhibited and should be visible, in clear weather, from a distance of 23 miles.

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

Calcutta,—Marine Survey Department;
The 15th February 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2056, 2761, 941*a* and 748*b*, and Sailing Directions, China Sea Directory, Vol. I, 1878, page 161, and Light List for 1881.

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

NOTICE TO MARINERS.

No. 4 of 1881.

EASTERN ARCHIPELAGO.

JAVA—NORTH COAST.

Harbour Light at Tegal.

The Netherlands Government has given Notice, that a light is now exhibited from the Western mole head at Tegal (Tagal).

The light is a *fixed* white light of the sixth order, elevated 48 feet above high water, and should be visible in clear weather from a distance of 8 miles.

Position as given, lat. 6° 51′ 10″ S., long. 109° 8′ 15″ E.

By Direction of the Government of India,

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

Calcutta,—Marine Survey Department; *The 18th February 1881.*

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 941*a* and 748*b*, and Light List for 1881.

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

ACCOUNTANT GENERAL'S OFFICE, Public Works Department.

NOTIFICATIONS.—ESTABLISHMENT.

Fort William, the 21st February 1881.

No. 1.—With reference to Public Works Department Notification No. 68, dated 18th February 1881, Mr. I. S. Hubbard, Deputy Examiner of Accounts, 1st Grade, joined the Office of the Accountant General, Public Works Department, on the forenoon of the 2nd February 1881.

GENERAL.

The 25th February 1881.

No. 2.—With reference to Public Works Department Notification No. 69, dated 18th February 1881, Mr. I. S. Hubbard, Deputy Examiner of Accounts, 1st Grade, was relieved of his duties in the Office of Accountant General, Public Works Department, on the afternoon of the 24th February 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 18th February 1881.

No. 32.—Mr. R. C. Barker, an Assistant Superintendent of the 4th Grade, is allowed furlough on medical certificate for one year, under Sections 23 and 24 of the Civil Leave Code, with effect from the forenoon of the 17th January 1881.

This cancels the leave granted in Notification No. 30, dated 24th January 1881.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 23rd February 1881.

No. 207.—Mr. J. U. Coxen, Assistant Surveyor, 1st Grade, is granted privilege leave for two months, under Section 13, Supplement F, of the Civil Leave Code, with effect from the 12th March next, or such subsequent date as his services can be spared.

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

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 18th February 1881.

No. 306.—Major J. Miller, 2nd-in-Command, Malwa Bheel Corps, is granted one month's privilege leave from the date on which he may avail himself thereof.

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

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Camp Bandursindri, the 21st February 1881.

No. 298 *G.*—APPOINTMENT.—With reference to Foreign Department Notification No. 165 G.-G., dated 28th January 1881, Mr. J. A. Crawford, Bombay Civil Service, assumed charge of the Office of Assistant Agent to the Governor General, Rajputana, on the afternoon of the 10th February 1881.

No. 300 *G.*—Surgeon D. Ff. Mullen, Medical Officer, Meywar Bheel Corps, returned, on the 26th January 1881, from the privilege leave granted him in this Office Notification No. 34 G., dated 7th January 1881.

By Order,
A. C. TALBOT,
1st Asstt. Agent to the Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 14th February 1881.

No. 10.—Captain H. A. Graves, S.C., Executive Engineer, 4th Grade, temporary rank, is transferred from the Meerut Command, Military Works, to the Rawalpindi Command, Military Works.

No. 11.—Lieutenant F. Peel, R.E., Assistant Engineer, is transferred from the Head-Quarters Staff of the Inspector General, Military Works, to the Meerut Command, Military Works.

No. 12.—Mr. A. J. P. Jones, C.E., Assistant Engineer, is transferred from the Meerut Command, Military Works, to the Sirhind and Lahore Command, Military Works.

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

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 19th February 1881.

No. 4.—Mr. F. R. Upcott, Executive Engineer, 2nd Grade, is transferred from the Salt Branch Survey Division, to the Open Line, Punjab Northern State Railway.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 23rd February 1881.

No. 15.—Mr. B. Baxter, Executive Engineer, 4th Grade, temporary rank, is placed at the disposal of the Director of State Railway Stores, temporarily for employment on special duty at Kurrachee.

No. 16.—Mr. E. Behrmann, Assistant Engineer, 1st Grade, is placed at the disposal of the Director of State Railway Stores, temporarily for employment on special duty at Delhi.

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

DELHI AND FEROZEPORE STATE RAILWAY.

NOTIFICATION.

Delhi, the 21st February 1881.

No. 1.—With reference to Gazette Notification No. 180 of 29th December 1880, Mr. R. Sivewright, Assistant Engineer, 2nd Grade, reported his arrival at Delhi on the afternoon of 11th February 1881.

H. LAMBERT,
Engineer-in-Chief, Delhi & Ferozepore State Ry.

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 19th February 1881.

No. 89.—Surgeon Campbell was relieved of his duties on this Railway on the afternoon of 24th July 1880.

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

PUNJAB NORTHERN STATE RAILWAY, Northern Section.

NOTIFICATION.

Rawalpindi, the 19th February 1881.

No. 5.—Mr. R. W. Egerton, Assistant Engineer, 2nd Grade, Margala Division, Punjab Northern State Railway, is temporarily attached to the Office of the Engineer-in-Chief, Northern Section of the Punjab Northern State Railway, and joined the same on the forenoon of 1st February 1881.

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

RAJPUTANA RAILWAY. Manager's Office.

NOTIFICATIONS.

Ajmere, the 14th February 1881.

No. 7.—With reference to Government of India, Public Works Department, Notification No. 414 of the 14th December 1880, Mr. J. B. Braddon, Deputy Examiner of Accounts, joined the Rajputana Railway on the forenoon of the 8th instant.

The 16th February 1881.

No. 8.—Mr. P. D. Barclay, Officiating Traffic Superintendent, Rajputana Railway, has been granted twenty-five days' privilege leave of absence from the 15th instant, having been relieved by Mr. J. O'Callaghan, on the afternoon of the 14th.

The 19th February 1881.

No. 9.—With reference to Government of India, Public Works Department, Notification No. 414 of the 14th December 1880, Mr. D. W. McPherson, Deputy Examiner of Accounts, was relieved of his duties on this Railway on the afternoon of the 27th January 1881.

The 21st February 1881.

No. 10.—With reference to Government of India, Public Works Department, Notification No. 34 of the 25th January 1881, Mr. W. B. Raynolds, Class IV of the Superior Revenue Establishment, joined the Rajputana Railway on the forenoon of the 12th instant.

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

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

The undermentioned Students have passed the Honour Examination in Arts :—

ENGLISH.

SECOND DIVISION.

In Order of Merit.

Mukhopadhyay, Nityagopal	...	General Assembly's Institution.
Chaudhuri, Suryyakumar	...	Ditto.
Mitra, Bankimchandra	...	Presidency College.
Som, Trailokyanath	...	Hughli College.
Chattopadhyay, Bishnupada	...	Ditto.
Dwarkadas	...	Free Church Institution.

THIRD DIVISION.

In Order of Merit.

Bandyopadhyay, Surendranath	...	Presidency College.
Chattopadhyay, Sonatan	...	Canning College.

SANSKRIT.

SECOND DIVISION.

Mukhopadhyay, Ramprasanna	...	Sanskrit College.

HISTORY.

THIRD DIVISION.

Arndt, George	...	Teacher.

MATHEMATICS.

FIRST DIVISION.

Chattopadhyay, Sureschandra	...	Presidency College.

THIRD DIVISION.

In Order of Merit.

Ghosh, Nagendranath	...	Presidency College.
Goswami, Jadunath	...	Ditto.
Chakrabarti, Harischandra	...	Hughli College.
Chattopadhyay, Ramnath	...	Presidency College.
Govindaprasad	...	Muir Central College.
Choteylal	...	Canning College.

PHYSICAL SCIENCE.

SECOND DIVISION.

In Order of Merit.

Bandyopadhyay, Kantibhushan	...	Hughli College.
Chakrabarti, Dwarkanath	...	Presidency College.
Niblett, R. H.	...	Muir Central College.
Mitra, Bhagabaticharan	...	Hughli College.
Sinha, Purnendunarayan	...	Patna College.

THIRD DIVISION.

In Order of Merit.

Chattopadhyay, Ramanimohan	...	Presidency College.
Sarkar, Biharilal	...	Ditto.

The undermentioned Students have passed the Examination for the Degree of M. A :—

In Alphabetical Order.

Bandyopadhyay, Bipinbihari	...	Canning College.
,, Kaliprasanna	...	Dacca College.
Basu, Debendrabijay	...	Presidency College.
,, Nrityagopal	...	Muir Central College.
Chattopadhyay, Digambar	...	Presidency College.
Chaudhuri, Asutosh	...	Ditto.
Datta, Krishnalal	...	Ditto.
Lahiri, Chandrakanta	...	Cathedral Mission College.
Mukhopadhyay, Binodlal	...	Muir Central College.
Namasivaya, V.	...	Presidency College.
Sen, Chandrakanta	...	Ditto.
Sinha, Nirmalchandra	...	Ditto.
Takrimuddin Ahmed	...	Ditto.

SENATE HOUSE,
The 24th February 1881.

CHARLES H. TAWNEY,
Registrar.

Report of a Deserter from the 39th Regiment of Foot, dated at Jubbulpore, this 19th day of February 1881.

Number, Rank, and Name,—No. 1062, Private Henry Stevens.
Age,—32 years.
Size,—5 feet 9 inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—17th February 1881.
Place of Desertion,—Jubbulpore.
Date of Enlistment,—10th July 1868.
At what Place Enlisted,—London.
Parish and County in which Born,—Paddington, Middlesex.
Marks,—None.
Trade,—Laborer.
Coat or Jacket,— } Supposed to have cast aside regimentals and to be now dressed in civilian clothes.
Waistcoat,— ... }
Breeches or Trowsers,— ... }
REMARKS,—Has rather a red nose—has a sharp springy walk.
Under 13 years' service.

T. F. DIXON, *Lieut.-Col.*,
Comdg. 39th Regt. of Foot.

Report of a Deserter from the 2-4th Regiment of Infantry, dated at Colaba, Bombay, this 21st day of February 1881.

Number, Rank, and Name,—No. 1113, 199, Private William Smith.
Age, 25 years 1 month.
Size,—5 feet 5½ inches.
Color of—
Complexion, ruddy; Hair, brown; Eyes, blue.
Date of Desertion,—15th February 1881.
Place of Desertion,—Bombay, East Indies.
Date of Enlistment,—7th October 1875.
At what Place Enlisted,—Preston, Lancashire.
Parish and County in which Born,—Skipton, Yorkshire.
Marks,—None.
Trade,—Groom.
Coat or Jacket,— } Khaki Regimental White Clothing.
Waistcoat,— ... }
Breeches or Trowsers,— ... }
REMARKS,—None.
Under 4 years' service.

———, *Lt.-Col.*,
Comdg. 2-4th (K. O. R.) Regt.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 14	...	...	...	...	25,51,010	2,61,389
,, 15	...	...	...	...	25,51,014	2,61,389
,, 16	...	...	...	...	25,51,014	2,61,389
,, 17	...	...	...	...	25,53,345	2,61,389
,, 18	...	...	...	...	25,53,345	2,61,389
,, 19	...	...	...	...	25,53,345	2,61,389

CALCUTTA MINT,
The 21st Feb. 1881.

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

GOVERNMENT RESERVE TREASURY.

The following Statement shews the amount of cash held in the Reserve Treasury of the Government of India at Calcutta, upon the evenings of the last four Tuesdays :—

The	1st February 1881	...	Rs.	75,56,033-15-6.
The	8th ,,	...	,,	81,57,073-15-6.
The	15th ,,	...	,,	86,41,252-12-3.
The	22nd ,,	...	,,	90,53,142-12-3.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 23rd February 1881.

Statement of the Affairs of the Bank of Bengal for the week ending 22nd February 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 96,34,675 11 7)	2,19,19,776	9	2
Public Deposits at Branches (Rs. 1,22,85,100 13 7)			
Other Deposits at Head Office and Branches	3,16,46,968	6	2
Bank Post Bills, &c.	4,48,744	6	9
Sundries	8,49,219	5	7
RUPEES	7,73,76,870	0	0

ASSETS.	Rs.	A.	P.
Government Securities	1,05,94,371	9	0
Loans on Government Securities, &c., at Head Office and Branches	52,89,161	8	8
Accounts of Credit on Government Securities, &c., at Head Office and Branches	39,19,608	8	8
Bills discounted and purchased at Head Office and Branches	2,46,30,390	3	0
Balances with other Banks	6,85,278	3	4
Bullion	4,71,138	6	4
Dead Stock	10,92,560	10	3
Stamps	7,186	15	0
Sundries	6,05,271	0	5
	4,72,94,967	0	8
Cash and Currency Notes at Head Office (Rs. 98,22,619 15 8)	3,00,81,902	15	4
Cash and Currency Notes at Branches (Rs. 2,02,59,282 15 8)			
RUPEES	7,73,76,870	0	0

By order of the Directors.

BANK OF BENGAL,
Calcutta, 24th February 1881.

J. GORDON,
Chief Accnt. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
221	D 18—52598	100	Babu Kedar Nath Chuckerbutty, Ajmere.
	,, —52599	100	
	,, —52600	100	
	,, —52701	100	

NOTE PARTIALLY LOST OR DESTROYED.

		Rs.	
197	D 14—13473	20	Raj Narain Paul, Calcutta.

ALLAHABAD,
The 23rd February 1881.

W. T. PIERCY, *A.A.-G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W9	M 39—05920	1,000	Peer Alli Behloorji, Bombay.
W10	M 27—89232	10	Inspector of Police, Bangalore.
W11	C 79—20303	100	E. Murtha, Atly, Ireland.
	C 80—68160	100	
W12	M 55—21313	10	Byramji Burjorji, Bombay.
	,, —21314	10	

Bombay Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
H22	M 10—78530	5	Pestonji Dadabhoy Aria, Bombay.
H23	M 53—68343	20	Pandurang Daji Adhikary, Baroda.
	M 54—31826	10	
H24	M 43—76091	100	Jao Herculano Moura, Panjine, Goa.
	M 53—39319	20	
H25	M 29—05754	10	J. T. T. Brown, Bombay.
M8	M 33—48881	20	Mirja Mahomed Sethee, Bombay.
	,, —93018		
H26	M 52—25823	10	Pestonji Edulji, Broach.
	M 9—34310	5	
	,, —95447	5	
H27	M 10—67907	5	Colonel F. Gadsden, Secunderadad.
M9	M 47—03002	10	Cursondass Shamji, Bombay.
	,, —03003		
M10	M 4—16314	5	Chagan Bechar Dass, Bombay.
	,, —16316		

BOMBAY,
The 22nd February 1881.

C. E. CRAWLEY,
Asst. Acct.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
383	O 71—02986	500	Nawab Syed Mohamed Khan
	O 69—73807	100	
	,, —24765	100	
384	O 32—06665	50	Bachoo Laul.
	,, —06670	50	
386	O 69—34823	100	Executive Engineer, Benares Provincial Division, Benares.
387	O 71—27510	500	Shital Persad, Kharrack Persad.
388	O 63—35184	20	Treasury Officer, Nuddea.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
361	... O 64—27168 ...	20	Kala Chand Ash.
	O 62—61088 ...	20	
362	... L 6—56553 ...	10	Neroda Pershad Kur.
	L 32—01219 ...	10	
	„ —39432 ...	10	
	„ —30143 ...	10	
	L 4—80955 ...	10	
	L 3—69323 ...	10	
	L 36—59566 ...	20	
363	... O 69—69927 ...	100	Shaik Abdoollah Meah.
	O 62—06238 ...	20	
	O 59—24927 ...	20	
	„ —24771 ...	20	
	O 57—70370 ...	20	
	O 75—26511 ...	10	
364	... O 80—89847 ...	10	Jowanda Mul and Jai Dyal.
365	... O 60—82963 ...	20	Godadhur Singh.
	O 26—58631 ...	20	
366	... O 63—08484 ...	20	Captain A. E. Gordon.
	„ —08493 ...	20	
367	... O 32—14747 ...	50	Mohamed Ibrahim.
368	... O 91—96145 ...	10	Ambica Churn Das.
	„ —90146 ...	10	
	„ —90149 ...	10	
	L 55—85829 ...	5	
369	... O 63—03505 ...	20	Messrs. W. H. Fitze and Co
	„ —18938 ...	20	
	„ —68930 ...	20	
	„ —26360 ...	20	
370	... O 91—51747 ...	10	Messrs. A. Milton and Co.
248	... L 30—85160	5	Akhoy Coomar Ghose.
	„ —85158		
249	... L 56—74225	5	Sreenath Chatterjee.
	„ —74223		
250	... O 84—42131	10	Sheik Kolleemoodeen.
	„ —42139		
251	... O 62—41067	20	Sreenath Mitter.
	„ —41072		

CALCUTTA,
The 25th February 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Coconada Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
I 14—24415 ...	100	Ballapragada Ramanmah, of Coconada.

COCONADA,
The 12th February 1881.

E. G. RICKETTS,
Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 9—22656 ...	...	W. A. Ingle, Esq., Treasury Officer, Quetta.
G 14—19518 ...	10	Chandanmul & Sons, Rawalpindi.
G 8—63943 *	20	Mahomeddin Elaibux, Shopkeeper, Sukkur.
„ —63956 *		
G 10—54274 *	100	Messrs. Williams & Co., Simla.
„ —54275 *		

* Mismatched.

KURRACHEE,
The 14th February 1881.

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

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
124	... E 2—43789 ...	500	Muthra Pershad, Karnal.
125	... E 15—57929 ...	50	District Superintendent of Police, Delhi.
126	... E 13—90068 ...	100	C. W Calthrop, M.D., 4th Bengal Cavalry, Rawalpindi.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
46	... E 17—14002	20	Thakur Das and Atma Ram, Lahore.
	„ —14005		
201	... E 16—80560 ...	10	The Medical Officer, 4th Goorkhas, on behalf of Hospital Assistant, Bakloh.
	E 12—74882 ...	20	
202	... E 15—79741 ...	50	Bechoo Aheer, Benares.
206	... E 16—98354 ...	10	Doorga Pershad, Accountant General's Office, Lahore.

LAHORE,
The 19th February 1881.

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
97	... B 57—96222 ...	20	T. S. Appaswami Aiyangar Trichinopoly.
98	... B 46—80553 ...	5	Saiyad-ud-din Hussen, Town Inspector of Police, C Division, Bangalore.
	B 52—56464 ...	10	
99	... B 66—35682 ...	100	Gunigaru Hampiah, son of Karibasappa, Adoni.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
133	... B 63—29011 ...	10	S. Subbaiya Chetti, Madras.
	„ —29012 ...	10	

FORT SAINT GEORGE,
The 14th February 1881.

H. KEENE,
Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 25th February 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	5th March.	From Bombay.
Madras, Ceylon and the intermediate Ports	6 „	4th „	Str. *Socotra.*
Madras and Ceylon	6 „	26th Feb.	P. & O. Str. *Nepaul.*
Foreign Mails *viâ* Bombay	6 „	28th „	From Bombay.
Do. Book Post and Pattern Packets	8 „	27th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	3rd March.	Str. *Mecca.*
Chittagong, Akyab and Rangoon	6 „	3rd „	Str. *Malwa*
Madras, Ceylon, Batavia, Singapore and China	6 „	4th „	Fr. Str. *Messam*
Persian Gulf	6 „	30th Feb.	From Bombay.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 24th February 1881.

Abraham, Miss R. S.	Giovannoni, B.	Meyer, Fred. E.
Anderson, Mrs.	Gordon, Mrs. E. F.	Millar, Mrs.
Arenard, Mrs. H.	Grant, Mrs. T.	Miller, Mrs. J. B.
Behan, David Joseph.	Haldon, Mrs.	Mitchell, J.
Besse, G.	Hill, W.	McCarthy, Walter.
Bicknell, Edward.	Jenkins, J.	Morrison, G. H.
Bray, A. J.	Jones, C. W.	Morgan, J. E.
Brigham, Mrs.	Jones, Captain H.	Muir, Thomas.
Burnet, Miss Maud.	Kally Mohun Mookerjee.	Peters, J.
Burne, K. G.	Kerby, T. F.	Rae, G. B.
Campbell, C.	Keyz, Victor.	Reilly, Mrs. Janet.
Cameron, Mrs. P	Langley, Mr.	Shaw, J. E.
Cessini, Miss Dizza.	Lavalette, Mrs. C.	Simpson, J. M.
Clarke, Mrs. M.	Lalla Parus Das Sahoo.	Smith, Mrs. C. F.
Coleman, G.	Lewis, Miss.	Smith, B.
Davidson, Miss Ethel.	Macdonough, H.	Smith, J.
D'Cruz, H.	Macknight, R. J.	Stewart, Mrs. S. M.
D'Cruz, Miss J. E.	Manuel, Mrs. C.	Thompson, Mrs.
Ferguson, H.	Manuel, Mrs. G.	Walker, Fred.
Finch, H. C. (Marine Department).	Mathieu, R. G.	Weyton, O.
Frazer, Mrs. A.	Mellicans, Mrs.	White, Mrs. M.

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

Adels, E. J.	Dowden, Major.	Landfield, F.
Amey, Mrs. A. W.	Edgar, Capt. J.	Lindesay, Harris M.
Arsene, Monsieur A.	Evans, J.	Meeredy, James McG.
Bell, Mrs. Urzee.	Ewing, H. M.	Mitchell, Mrs. Murray.
Bennet, J.	Fleming, Stanley Le.	Montgomery, Miss.
Burton, Miss Marie.	Freeland, Arthur.	M. K. W.
Banofacia, C. S.	Fleming, James.	McDonough, R.
Barker, Thomas W.	Gray, David.	Morton, H. A.
Brown, W.	Gonsalles, John.	Nash, Major.
Brown, W. T.	Guicevardi, Monsieur Emile.	Palmer, Capt. A. Y.
Bergham, Herbert.	Hampton, C. E.	Palmer, T. S.
Beck, Miss Jessie.	Hanker, Miss.	Peachy, Miss Kate.
Bollo, Miss Rosa.	Heyworth, Miss Maud.	Read, Mrs.
Brodie, Lt. E. W.	Hurst, R. B.	Ruby Diamond Ruby.
Caupier, Arthur H.	Hill, C. G.	Schore, T. C.
Coote, Walter.	Hill, T. W.	Sinclair, J. L.
Coxen, H.	Hurroo L[illegible]	Stewart, Rev. R.
Cratter, Geo.	Ireland, Arthur.	Stewart, Alex. G. J.
Chatterjee, Beresver.	John, George.	Scratchmeiah, Lt.-Col. F. H. (R.A.)
Cadwallader, C. J. H.	Joseph, Monsieur A.	Smith, Miss K.
Cox, A.	Jones, C. R.	Southal, William.
Collymore, Joseph.	Journel, Ferdinand.	Stevens, C.
Cooper, W. T.	Kaiser, Mr.	Tregido, S.
Cornwall, J. H.	Kermander, Mrs. M.	Willson, Mrs.
Dickinson, Harry.	L. H.	
Doyne, Capt. R. G.		

Newspapers.

Lawder, A. W.	McDonough, R.	Purbrick, Mrs.
Miller, Captain William.	Powell, Thomas.	Stewart, David.

Registered Letters.

Burrell, A. St. L.	Dickenson, Harry.	Simpson, J. A.
Cox, D. A.	Kohn, T.	Warde, Mrs.

E. C. GEORGE,
Presidency Post Master.

NOTICE.

Available from the Government Book Depôt, Allahabad, "Grammar of the Classical Arabic Language," translated and compiled from the works of the most approved native or naturalized authorities by Mortimer Sloper Howell, C.S., Member of the Asiatic Society of Bengal and Fellow of the University of Calcutta.

Part II—The Verb, and Part III—The Particle. Price, Rs. 7-8-0.

Part I is in Press.

CHAS. A. DODD, *Major,*
Curator of Govt. Books, N.-W. P.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government

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

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليني سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ٬

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا باره آنه ٬

Meteorological Publications for Sale.

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

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

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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For a Part of the CALCUTTA SERIES ...	Rs.	3 8
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Persons desiring to subscribe for or purchase the Reports, should apply to—

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MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Salaya or Serain. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*

Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mi'ya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Cheriapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

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

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Moolettivoe. *Annas 8.*
Colombo Harbour and its approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Rs. 2.*
Bay of Bengal, Eastern Sheet. *Rs. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30' N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12.*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
Hooghly River.—Gulf Point to Anchoring Creek, showing the James and Mary Shoals and entrance to the Roopnarain River. *Re. 1-8.*
False Point to Mutlah River, showing the approaches to Sandheads From the latest Government Surveys. *Re. 1.*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{3}{4}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
" 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
" 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
" 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
" 5. Kyouk Phyou Harbour. *Annas 4.*
" 6. Salween (Maulmain) River. *Annas 4.*
" 7. Approaches to Point de Galle Harbour. *Annas 4.*
" 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
" 9. Indus Banks and Kurrachee. *Annas 4.*
" 10. Pamban (Paumben) Pass. *Annas 4.*
" 11. Andaman Islands. *Annas 4.*
" 12. Jiddah Harbour Red Sea. *Annas 4.*
" 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
" 14. Red Sea, 1878. *Annas 4.*
" 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
" 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
" 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
" 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
" 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
" 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
" 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
" 22. Red Sea. Notes from various sources, 1880.
" 23. Coast of Orissa. False Point Harbour and Approaches.
" 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
" 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
" 3. Exhibition of the new fixed Light at False Point.
" 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
" 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
" 6. Alteration of position and elevation of the red Light at Cannanore.
" 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
" 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
" 9. Lights at Port Ibrahim, Suez.
" 10. Changes in the buoyage of the port, Madras.
" 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
" 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
" 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
" 14. Harbour Light at Beliling, Baly Island.
" 15. Position of Gwalia Reef, Carimata Strait.
" 16. Position of Parkin Rock, Hanish Islands.
" 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
" 18. Intended alteration in Light Apparatus, Calicut.
" 19. Lights at Port Ibrahim, Suez.
" 20. Intermittent flashing light on Pulo Undan.

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The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

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Publications for Sale at the Bengal Secretariat Press.

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Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

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Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, Rs. 3; postage, 3 annas.*

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Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Just published, pp. xxxv + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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The Quarterly Civil List for Bengal, corrected up to the 1st January 1881. *Price, Rs 3; postage, 4 annas.*

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

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Abstract of the Rules of the Road at Sea, in English. *Price, Re. 1-4; packing and postage, 1 anna 6 pies.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 5, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 28th February 1881.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Thomas McLaren of Edinburgh, Solicitor of the Supreme Court of Scotland, a Commissioner within all parts of Scotland for the purpose of taking under the law in force in British India the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,
R. BELCHAMBERS,
Registrar.

NOTICE TO MARINERS.

No. 5 of 1881.

BAY OF BENGAL—BRITISH BURMA.

AKYAB.

Beacon on Table-land of Barongo Island.

As a guide to vessels approaching the port of Akyab, and in order to distinguish Table-land from the other hills on Western Borongo, a basket beacon has been erected on the top of the old light-tower.

The tower is painted white, and, in the afternoon, shows up well against the trees in the background. The beacon is eight feet in diameter, is painted black and yellow in perpendicular stripes, and, in clear weather, can be seen above the trees from a distance of nearly 10 miles.

By direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 24th February 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts Nos. 1884, 821 and 829.

INDIAN MARINE SURVEY Chart No. 15c. Also Taylor's Sailing Directory, Vol. I, page 488.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 3rd March 1881.

Offices opened and closed during the month of February 1881:—

Name of Station.	Where situated.	Date.	REMARKS.
Colaba	Bombay City	17th	Opened.
Dewas	Central India	20th	Ditto.
Fategarh	N.-W. P.	3rd	Closed.
Moombadavie	Bombay City	15th	Opened.
Pachmarhi	Central India	24th	Re-opened.
Thull	Punjab	25th	Closed.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 25th February 1881.

No. 127.—Mr. G. W. Sealy, Superintendent, has been granted by the Deputy Director, Persian Gulf Telegraph, privilege leave for twenty-one days, under Section 13, Supplement F, of the Civil Leave Code, with effect from 9th January 1881.

The 3rd March 1881.

No. 128.—Mr. L. Gabler, Superintendent, has been granted by the Deputy Director, Persian Gulf Telegraph, privilege leave for one month and thirteen days, under Section 44 of the Civil Leave Code, with effect from 21st February 1881.

H. OLDHAM,
Offg. Examiner of Telegraph Accounts.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Sibi, the 25th February 1881.

No. 20.—Mr. P. P. Dease, C.E., Executive Engineer, 4th Grade, reported his arrival at Sibi on the forenoon of 20th February 1881, and was attached to the Superintending Engineer's Office for special duty, till further orders.

M. J. MACARTNEY, *Major, R.E.,*
Secy. and Supdg. Engr.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 25th February 1881.

No. 370.—Captain H. A. Vincent, Squadron Commander, 1st Regiment, Central India Horse, is granted ninety days' privilege leave from the 20th March 1881, or such subsequent date as he may avail himself thereof.

By Order,
J. BURNE, *Captain,*
2nd Asstt. Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Ajmere, the 26th February 1881.

No. 250 *G.*—LEAVE.—Surgeon A. Adams, in medical charge of the Kotah and Jhalawar Agencies, having returned from furlough, resumed charge of his duties on the forenoon of the 8th February 1881.

By Order,
A. C. TALBOT,
1st Asstt. Agent to the Govr. Genl.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 26th February 1881.

No. 1.—The undermentioned Assistant Surgeons are promoted to that grade, and rank from the dates, specified opposite their names:—

Names.	To what grade promoted.	Date of promotion.
Ram Chunder Mitter	1st Grade	3rd May 1880
Chetan Shah, Khan Bahadoor.	Ditto	1st Aug. „
Brojo Nath Shaha	2nd Grade	24th July „

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 18th February 1881.

No. 13.—Lieutenant J. A. Ferrier, R.E., Assistant Engineer, is appointed to officiate as Executive Engineer, Allahabad Division, Military Works, with effect from 28th December 1880, the date on which he took over charge from Captain Arnott, R.E.

The 22nd February 1881.

No. 14.—With reference to Public Works Department Notification No. 37, dated 30th January 1880, Lieutenant H. Appleton, R.E., Assistant Engineer, 2nd Grade, is posted to the Sirhind and Lahore Command, Military Works.

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

Meerut Command.

Meerut, the 25th February 1881.

No. 5.—With reference to Inspector General's Notification No. 10, dated 14th February 1881, Captain H. A. Graves, S.C., Executive Engineer, 4th Grade, temporary rank, was relieved of his duties in the Bareilly Division, Military Works, on the afternoon of the 12th instant.

The 28th February 1881.

No. 6.—With reference to Inspector General's Notification No. 12 of 14th February 1881, Mr. A. J. P. Jones, C.E., Assistant Engineer, was relieved of his duties in this Command, on the afternoon of the 24th February 1881.

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

Sirhind & Lahore Command.

The 25th February 1881.

No. 101.—Lieutenant G. K. Scott-Moncrieff, Assistant Engineer, Kasauli Division, Military Works, is granted three months' privilege leave from the 26th March, or from such subsequent date as he may avail himself of it, under Government of India No. 1822-50 G. of 21st October 1880.

The 1st March 1881.

No. 102.—Mr. A. J. P. Jones, Assistant Engineer, transferred to the Sirhind and Lahore Command, Military Works, reported his arrival at Mian Mir on the forenoon of the 25th February 1881, on the afternoon of which day he took over charge of the Lahore Division, Military Works, from Lieutenant G. H. Sim, R.E., Officiating Executive Engineer.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 25th February 1881.

No. 5.—Mr. M. J. Chabrel, Assistant Engineer, 1st Grade, is transferred from the Salt Branch Construction to the Open Line, Punjab Northern State Railway.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 23rd February 1881.

No. 90.—With reference to Public Works Department Notification No. 37, dated 20th January 1881, the undermentioned Officers were relieved of their duties on this Railway on the dates noted:—

Lieutenant J. Neville, R.E., Assistant Engineer, 1st Grade,—on the afternoon of 24th January 1881.

Lieutenant S. A. E. Hickson, R.E., Assistant Engineer, 1st Grade,—on the afternoon of the 29th January 1881.

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

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

The undermentioned Students have passed the Honour Examination in Arts:—

ENGLISH.
SECOND DIVISION.
In Order of Merit.

Mukhopadhyay, Nityagopal	...	General Assembly's Institution.
Chaudhuri, Suryyakumar	...	Ditto.
Mitra, Bankimchandra	...	Presidency College.
Som, Trailokyanath	...	Hughli College.
Chattopadhyay, Bishnupada	...	Ditto.
Dwarkadas	...	Free Church Institution.

THIRD DIVISION.
In Order of Merit.

Bandyopadhyay, Surendranath	...	Presidency College.
Chattopadhyay, Sonatan	...	Canning College.

SANSKRIT.
SECOND DIVISION.

Mukhopadhyay, Ramprasanna	...	Sanskrit College.

HISTORY.
THIRD DIVISION.

Arndt, George	...	Teacher.

MATHEMATICS.
FIRST DIVISION.

Chattopadhyay, Sureschandra	...	Presidency College.

THIRD DIVISION.
In Order of Merit.

Ghosh, Nagendranath	...	Presidency College.
Goswami, Jadunath	...	Ditto.
Chakrabarti, Harischandra	...	Hughli College.
Chattopadhyay, Ramnath	...	Presidency College.
Govindaprasad	...	Muir Central College.
Choteylal	...	Canning College.

PHYSICAL SCIENCE.
SECOND DIVISION.
In Order of Merit.

Bandyopadhyay, Kantibhushan	...	Hughli College.
Chakrabarti, Dwarkanath	...	Presidency College.
Niblett, R. H.	...	Muir Central College.
Mitra, Bhagabaticharan	...	Hughli College.
Sinha, Purnendunarayan	...	Patna College.

THIRD DIVISION.
In Order of Merit.

Chattopadhyay, Ramanimohan	...	Presidency College.
Sarkar, Biharilal	...	Ditto.

The undermentioned Students have passed the Examination for the Degree of M. A:—

In Alphabetical Order.

Bandyopadhyay, Bipinbihari	...	Canning College.
„ Kaliprasanna	...	Dacca College.
Basu, Debendrabijay	...	Presidency College.
„ Nrityagopal	...	Muir Central College.
Chattopadhyay, Digambar	...	Presidency College.
Chaudhuri, Asutosh	...	Ditto.
Datta, Krishnalal	...	Ditto.
Lahiri, Chandrakanta	...	Cathedral Mission College.
Mukhopadhyay, Binodlal	...	Muir Central College.
Namasivaya, V.	...	Presidency College.
Sen, Chandrakanta	...	Ditto.
Sinha, Nirmalchandra	...	Ditto.
Takrimuddin Ahmed	...	Ditto.

SENATE HOUSE,
The 24th February 1881.

CHARLES H. TAWNEY,
Registrar.

CALCUTTA UNIVERSITY.

NOTICE.

It is hereby notified for general information that a Convocation of the University of Calcutta will be held at the Senate House on Saturday, the 19th March at 4 P.M.

Graduates of the University in academic costume are admissible on presenting themselves at the Senate House at 3 P.M.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th March 1881.

Report of a Deserter from the 6th Regiment of Dragoon Guards, dated at Sialkot, this 23rd day of February 1881.

Number, Rank, and Name,—No. 1613, Private Henry Sharp.
Age,—23 years 2 months.
Size,—5 feet 9 inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—22nd February 1881.
Place of Desertion,—Sialkot.
Date of Enlistment,—19th October 1876.

At what Place Enlisted,—London.
Parish and County in which Born,—Pimlico, London, Middlesex.
Marks,—None.
Trade,—Carman.
Coat or Jacket,— ... } Supposed to be in a suit of dark blue serge with check shirt.
Waistcoat,— ...
Breeches or Trowsers,— ...
REMARKS,—None.
Under 5 years' service.

JOHN FRYER, *Lieut.-Col.*,
Comdg. "The Carabineers."

Report of a Deserter from the 6th Regiment of Dragoon Guards, dated at Sialkot, this 23rd day of February 1881.

Number, Rank, and Name,—No. 1715, Private Montague Charles Burney.
Age,—26 years 2 months.
Size,—5 feet 7½ inches.
Color of—
Complexion, dark; Hair, brown; Eyes, grey.
Date of Desertion,—22nd February 1881.
Place of Desertion,—Sialkot.
Date of Enlistment,—19th June 1877.

At what Place Enlisted,—London.
Parish and County in which Born,—Droxford, Hampshire.
Marks,—None.
Trade,—Clerk.
Coat or Jacket,— } Supposed to be in a suit of dark blue serge with check shirt.
Waistcoat,— ...
Breeches or Trowsers,— ...
REMARKS,—None.
Under 4 years' service.

JOHN FRYER, *Lt.-Col.*,
Comdg. "The Carabineers."

Report of a Deserter from the 6th Regiment of Dragoon Guards, dated at Sialkot, this 23rd day of February 1881.

Number, Rank and Name,—No. 1848, Private John Greenwood.
Age,—26 years 6 months.
Size,—5 feet 8¼ inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, brown.
Date of Desertion,—22nd February 1881.
Place of Desertion,—Sialkot.
Date of Enlistment,—31st January 1878.

At what Place Enlisted,—Derby.
Parish and County in which Born,—Litchurch, Derby.
Marks,—Two legs of a man on left forearm.
Trade,—Labourer.
Coat or Jacket,— ...
Waistcoat,— ...
Breeches or Trowsers— ...
REMARKS,—None.
Under 3 years' service.

JOHN FRYER, *Lt.-Col.*,
Comdg. "The Carabineers."

Statement of the Affairs of the Bank of Bengal for the week ending 1st March 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 83,05,402 2 4)			
Public Deposits at Branches (1,05,20,366 13 0)	1,88,25,768	15	4
Other Deposits at Head Office and Branches	3,27,70,023	8	3
Bank Post Bills, &c.	4,25,657	4	11
Sundries	8,66,033	1	6
RUPEES	7,53,99,644	2	4

ASSETS.	Rs.	A.	P.
Government Securities	1,13,48,359	13	0
Loans on Government Securities, &c., at Head Office and Branches	53,99,416	8	3
Accounts of Credit on Government Securities, &c., at Head Office and Branches	30,88,416	15	1
Bills discounted and purchased at Head Office and Branches	2,66,35,724	6	6
Balances with other Banks	7,45,197	5	11
Bullion	8,15,023	14	2
Dead Stock	10,84,633	12	6
Stamps	7,225	12	0
Sundries	5,08,835	2	7
	4,96,32,838	10	0
Cash and Currency Notes at Head Office (80,56,269 4 4)			
Cash and Currency Notes at Branches (1,77,10,541 4 0)	2,57,66,810	8	4
RUPEES	7,53,99,644	2	4

By order of the Directors,

J. GORDON,
Chief Accti. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 21	...	...	...	...	25,53,845	2,61,389
„ 22	...	...	...	...	25,53,845	2,61,389
„ 23	...	...	...	...	25,54,433	2,61,389
„ 24	...	...	...	...	25,54,427	2,61,389
„ 25	...	...	...	...	25,54,427	2,61,389
„ 26	...	...	...	...	25,54,174	2,61,389

CALCUTTA MINT,
The 28th Feb. 1881.

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

GOVERNMENT RESERVE TREASURY.

The following Statement shews the amount of cash held in the Reserve Treasury of the Government of India at Calcutta, upon the evenings of the last four Tuesdays:—

The 8th February 1881 ... Rs. 81,57,073-15-6.
The 15th „ „ ... „ 86,41,252-12-3.
The 22nd „ „ ... „ 90,53,142-12-3.
The 1st March „ ... „ 1,02,63,697-4-3.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 2nd March 1881.

CURRENCY NOTES.

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

Akola Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
K 3—24837 ...	50	Motiram Kashiram, Money Order Clerk, Yeotmall.

NOTES PARTIALLY LOST OR DESTROYED.

	Rs.	
K 7—36059 ...	5	Shaikh Mahomed Ismail, Officiating Clerk of Court, Deputy Commissioner's Office, Yeotmall.
C 78—77575 ...	20	
K 3—25871 ...	50	M. J. Scobie, Esq., Assistant Engineer, Yeotmall.
„ —25872 ...	50	
„ —25873 ...	50	
„ —25874 ...	50	
„ —25875 ...	50	

AKOLA,
The 23rd February 1881.

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

Allahabad Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
198 ...	D 14—41364 ...	20	Sangam Lall, Lahore.

ALLAHABAD,
The 2nd March 1881.

W. T. PIERCY, *A.A.-G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W13 ...	M 50—41349 ...	10	Lieutenant E. C. Kellie, Sibi.
W14 ...	M 38—35291 ...	500	Bhoorji Sooraj Mull Modee, Indore.
	„ —35292 ...	500	

NOTE PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H28 ...	M 35—57960 ...	50	Shaik Abdool Karim, Erinpura.

BOMBAY,
The 1st March 1881.

C. E. CRAWLEY,
Asst. Accti.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
391 ...	O 36—95459 ...	5	Babu Hurry Churn Nundy.
392 ...	O 69—98167 ...	100	Radhamohan Sirdar and Kristo Mohan Shaha.
	O 88—01580 ...	100	
394 ...	O 69—55260 ...	100	Babu Nobo Kumar Haldar.
	O 32—13907 ...	50	
395 ...	O 32—39977 to „ —39986	50 each.	Babu Guggun Chunder Sircar.
396 ...	O 74—33858 ...	1,000	Babu Issur Chunder Banerjee.
	„ —69870 ...	1,000	
	„ —69549 ...	1,000	
	O 71—25056 ...	500	
	O 88—37469 ...	100	
	„ —23488 ...	100	
	„ —20223 ...	100	
	„ —41102 ...	100	
	„ —38687 ...	100	
	O 69—38162 ...	100	
	„ —67713 ...	100	
	„ —06234 ...	100	
	„ —58820 ...	100	
	„ —90271 ..	100	
	O 88—36736 ...	100	
	O 69—76192 ...	100	
	O 88—05874 ...	100	
	„ —20178 ...	100	
	„ —03055 ...	100	
	„ —30372 ...	100	
	O 69—91189 ...	100	
	„ —08701 ...	100	
397 ...	O 69—81620 ...	100	Mr. W. J. McArthur.
	O 32—24434 ...	50	
	O 62—86512 ...	20	
399 ...	O 84—38559 ..	10	Mrs. E. Bachmann.
	„ —47871 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
371 ...	O 51—78878 ...	10	Mr. W. H. E. Wade.
372 ...	O 31—54731 ...	50	Babu Brojo Raj Banerjee.
373 ...	O 59—76565 ...	20	Revd. J. Fordyce.
374 ...	O 93—16088 ...	10	Babu Kristo Chunder Ghose.
	O 91—14358 ...	10	
	O 37—28822 ...	5	
375 ...	O 61—53083 ...	20	Babu Oodoy Chand Dutt.
376 ...	O 31—74727 ...	50	Sheikh Tajooddin Hossein.
377 ...	L 54—08554 ...	5	Babu Ram Das Bhuttacharjee.
378 ...	L 46—42380 ...	20	Babu Mutty Lall Gupta.
379 ...	L 80—83048 ...	20	Babu Peary Mohan Bose.
	L 48—98880 ...	20	
380 ...	O 31—49224 ...	50	Mrs. A. H. Alexander.
381 ...	O 38—70251 ...	5	Lieut.-Col. W. Wyllie.
382 ...	O 92—16476 ...	10	Mr. W. G. Morey.

CALCUTTA,
The 4th March 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
127	... E 15—78483 ...	50	Gunga Ram, Clerk, Deputy Commissioner's Office, Ludhiana.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
184	... E 1—49671 ...	1,000	Ahmed Bux and Radha Kishen, Peshawar.
81	... E 15—52947 ...	50	W. Payne, Esq., Calcutta.
211	... E 2—52828 ...	500	Sri Kishen ând Raj Kishen, Lahore.

LAHORE,
The 25th February 1881.

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

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
195	... B 61—52207 ...	50	Messrs. Oakes & Co., Exchange Hall, Madras.
196	... B 61—60475 ...	50	Mr. A. Daring, care of Mr. J. Crizzle, Madras.
26	... B 60—80301 } * „ —80302 }	10	Badagankutti Mapili, Manantoddy.

* Wrongly joined.

FORT SAINT GEORGE,
The 21st February 1881.

H. KEENE,
Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
H21	... F 11—08433 ...	500	Ajee Ahamed Abdoolla Gotta, 6, Amratolla Lane, Calcutta.
M3	... F 7—97865 } „ —97866 }	10	District Superintendent of Police, Nimar.

NAGPUR,
The 24th February 1881.

W. H. EGERTON,
Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 2nd March 1881.

From the 5th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for Express Passenger Dâks between Umballa and Simla.

A printed copy of the rules can be obtained from the Post Master on application.

G. J. HYNES,
Asst. Dir. Genl. of Post Office in India.

The 4th March 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	12th March	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	11th „	Str. *Ellora.*
Madras and Ceylon	6 „	12th „	P. & O. Str. *Deccan.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *vid* Hong-Kong for Yokohama; also for Australian Colonies	6 „	8th „	From Bombay.
Foreign Mails *vid* Bombay	6 „	7th „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	6th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	10th „	Str. *Simla.*
Chittagong, Akyab Kyouk Phyoo, and Rangoon	6 „	10th „	Str. *Busheer.*
Persian Gulf	6 „	5th „	From Bombay.

* Also *vid* Aden for Zanzibar, Mozambique, Natal, and the Cape o Good Hope; also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte Nossi Bé and Réunion can be forwarded by this opportunity.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 4th March 1881.

Archard, Mrs. H.	Huchting Henry, & Co.	Palmer, E. M.
Andrews, Mrs. M. A.	Hughes, Brigade-Major R. H.	Proprietor of the *Ganesa Press.*
Anderson, David.	Hill, W.	Partridge, Mrs. J.
Atkinson, F.	Kally Mohun Mookerjee.	Priestley, Mrs.
Behan, David Joseph.	Kerby, T. F.	Porter, W. N.
Besse, G.	Keough, Mr.	Porter, A. R.
Bicknell, Edward.	Kryser, J.	Rutlam, P.
Burnet, Miss Maud.	King, A. T.	Smith, Mrs. C. F.
Bradley, W. Mackenzie.	Lalla Parus Das Sahoo.	Stalpin.
Campbell, P. M.	Lewis, Miss.	Silva, W.
Cornelius, P. F.	Little, R. H.	Sherer, Lt. W. M.
D'Cruz, J.	Macknight, R. J.	Sharples, J.
Darling, Foot & Co.	Mathieu, R. G.	Stephens, A. B.
Daniel, J. E.	Mellicans, Mrs.	Thompson, Mrs.
Douglas, David.	Morgan, J. E.	Trever, R.
D'Cruz, Miss J. E.	Muir, Thomas.	Weyton, O.
Fuller, W. H.	Maskell, W. H.	White, H. J.
Grant, Mrs. T.	Moon, John.	Whitehead, Mr.
Grassput, H.	Muhamed, Ghose.	W. Walters.
Garlin, C. A.	Marten, F. C. E.	Waller, A.
Goldenberg, John.	Partridge, J. J.	Wilson, G. A. (67, Amherst Street.)
Haldon, Mrs.	Peters, J.	
Hill, S. T.		
Hanson, Mrs. D.		

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

Amey, Mrs. A. W.	Dowden, Major.	McDonough, R.
Arsene, Monsieur A.	Duncan, P.	Morton, H. A.
Akirkonde, Mr.	Dryden, A. H.	MacIntyre, A.
Bell, Mrs. Urzee.	Evans, J.	Nash, Major.
Bennet, J.	Ewing, H. M.	Palmer, Capt. A. Y.
Banofacia, C. S.	Fleming, Stanley Le.	Palmer, T. S.
Barker, Thomas W.	Fleming, James.	Peachy, Miss Kate.
Bergham, Herbert.	Gunsalles, John.	Ruby Diamond Ruby.
Beck, Miss Jessie.	Hampton, C. E.	R. A.
Bollo, Miss Rosa.	Hurst, R. B.	Schore, T. C.
Brodie, Lt. E. W.	Hurroo Lal.	Stewart, Rev. R.
Beattie, W. G.	Havard, D.	Scratchmeiah, Lt.-Col. F. H. (R.A.)
Caupier, Arthur H.	John, George.	Smith, Miss K.
Coote, Walter.	Joseph, Monsieur A.	Southal, William.
Coxen, H.	Jones, C. R.	Stevens, C.
Crafter, Geo.	Journd, Ferdinand.	Shaw, J. E.
Cadwallader, C. J. H.	Jones, J.	Simpson, J. M.
Cox, A.	Keirnander, Mrs. M. L. H.	Tregido, S.
Collymore, Joseph.	Lindesay, Harris M.	Turner, W. J.
Cooper, W. T.	Meeredy, James McG.	Willson, Mrs.
Coruwall, J. H.	Mitchell, Mrs. Murray.	Woodburn, A. F.
Cavanagh, J.	Montgomery, Miss.	Ware, H.
Dickinson, Harry.	M. K. W.	
Doyne, Capt. R. G.		

Newspapers.

Lawder, A. W.	Powell, Thomas.	Stewart, David.
McDonough, R.	Purbrick, Mrs.	

Registered Letters.

Burrell, S. St. Leger.	Kohn, T.	Warde, Mrs.
Dickenson, Harry.	Vervin, Robt.	

E. C. GEORGE,
Presidency Post Master.

NOTICE.

Available from the Government Book Depôt, Allahabad, "Grammar of the Classical Arabic Language," translated and compiled from the works of the most approved native or naturalized authorities by Mortimer Sloper Howell, C.S., Member of the Asiatic Society of Bengal and Fellow of the University of Calcutta.

Part II—The Verb, and Part III—The Particle. Price, Rs. 7-8-0.

Part I is in Press.

CHAS. A. DODD, *Major,*
Curator of Govt. Books, N.-W. P.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج

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Urya ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Urdu ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Annual Report on Inland Emigration for 1879-80. *Price, Re. 1 per copy; packing and postage, 3 annas.*

Papers regarding the Tea Industry in Bengal. *Price, Rs. 3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, Re. 1-8; postage, 1 anna.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, Rs. 6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, Rs. 6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, Rs. 3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs. 5; Colored Map, Rs. 2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, Re. 1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDER KERR, Deputy Magistrate, on special duty. *Price, Rs. 8; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, Rs. 3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

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

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, Rs. 3; postage, 3 annas.*

The Bengal Administration Report for 1879-80. *Price, Rs. 6; packing and postage, 10 annas.*

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The Bengal Administration Report for 1877-78. *Price, Rs. 4-8; postage, 8 annas.*

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Map of Bengal, 1874-75. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, Rs. 4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, Rs. 7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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

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

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

The Quarterly Civil List for Bengal, corrected up to the 1st January 1881. *Price, Rs. 3; postage, 4 annas.*

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

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 12, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

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

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

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

ADMINISTRATOR GENERAL'S OFFICE.

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

Benjamin Sharp, Revd., an Army Chaplain, Subathoo, died in England in 1879.

Percy Hill, of the United Service Club, Pall Mall, in the County of Middlesex, a Lieutenant-General in the Army, in England, on the 24th April 1880.

Severn, A. Campbell, District Superintendent of Police, Aligarh, at Aligarh, on the 28th October 1880.

Archibald Balderston, a Captain in the 34th Regiment of Foot, Nynee Tal, on the 18th September 1880.

William Frederic Schneider, formerly of No. 8, Stanley Garden, Bayswater, in the County of Middlesex, but late of Gloucester House, Oxford Gardens, Notting Hill, in the said County, Esq., in England, on the 18th August 1880,

George Atkinson, a Surgeon-Major in the Army Medical Establishment, in Afghanistan, on the 25th April 1880.

Alfred Deacon Attwell, a Tea Planter in Assam, at Tippook in Assam, on the 15th November 1879.

Benjamin Charles Dutton, a Government Pensioner of the Customs Department, at Benares, on the 2nd November 1880.

Robert Henry Shuttleworth Reid, formerly of Calcutta, Salt Contractor, at Calcutta, on the 24th May 1838.

In the following Estates certificates have been granted by the Administrator General under Sections 36 and 37, Act II of 1874, and all persons having claims against the said Estates should communicate with the persons to whom certificates have been granted:—

Henry Mariano Smith, of the Town of Calcutta, a Government Pensioner, died at Calcutta, on the 1st December 1880, to David Joseph Mercado Smith, son of the deceased.

Philip Ford, a Revenue Surveyor, 4th Grade, at Ishapore, near Calcutta, on the 21st November 1880, to Alice Ford, widow of the deceased.

James Fowler, a Guard in the G. I. P. Railway, at Jubbulpore, on the 13th June 1879, to William Fowler, father of the deceased.

Galstan Hyrapiet, an Armenian inhabitant and a Trader, at Kasauli, on the 30th August 1880, to Revd. Mackertich Peters, as attorney for the widow of the deceased.

Waterford Obrine, a Municipal Overseer in the Meerut District, at Meerut, on the 17th December 1879, to Karimmuddin and Hussein Shah, as creditors of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 3rd March 1881.

BANK OF BENGAL.

Calcutta, the 8th March 1881.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Tuesday, the 15th instant, on account of Hindoo festival "Dole Jattra."

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 10th March 1881.

No. 208.—Mr. W. W. McNair, Assistant Surveyor, 1st Grade, is granted three months' privilege leave, with effect from the 21st February 1881.

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

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 7th March 1881.

No. 2.—Mr. R. D. Farrell, Surveyor, 3rd Grade, is granted privilege leave for one month, under Section 13, Supplement F, of the Civil Leave Code, with effect from forenoon of the 23rd February 1881.

The 8th March 1881.

No. 3.—Mr. W. D. Corbett, Assistant Surveyor, 2nd Grade, is granted privilege leave for two months and four days, under Section 13, Supplement F, of the Civil Leave Code, with effect from forenoon of the 28th January 1881.

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

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Sibi, the 26th February 1881.

No. 21.—Lieutenant-Colonel A. M. Lang, R.E., Superintending Engineer, 1st Class, Military Works Branch, reported his arrival at Sibi on the forenoon of the 25th February 1881.

No. 22.—With reference to Notification No. 44, dated 4th February 1881, *Gazette of India*, Major M. J. Macartney, R.E., made over, and Lieutenant-Colonel A. M. Lang, R.E., received, charge of the Office of the Superintending Engineer and Secretary to the Agent to the Governor General for Biluchistan on the afternoon of the 25th February 1881.

No. 23.—With reference to Notification No. 45, dated 4th February 1881, Major M. J. Macartney, R.E., Executive Engineer, 1st Grade, at present Officiating Superintending Engineer and Secretary to the Agent to Governor General, reported his departure on the afternoon of 25th February 1881.

No. 24.—Lieutenant J. G. Day, R.E., Assistant Engineer, 1st Grade, reported his arrival at Sibi on the forenoon of 25th February 1881, and was attached to the Superintending Engineer's Office for special duty till further orders.

A. M. LANG, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., and Supdg. Engr.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATION.

Port Blair, the 24th January 1881.

No. 16.—Major R. J. Wimberley, Officiating Deputy Superintendent, Andaman and Nicobar Islands, is permitted to avail himself of the three months' privilege leave granted him in Home, Revenue and Agricultural Department Notification No. 401 of the 5th November 1880, on the afternoon of the 7th proximo, from which date the following officiating appointments are made:—

Major W. B. Birch, 2nd Assistant Superintendent and Officiating 1st Assistant Superintendent, to officiate as Deputy Superintendent.

Mr. F. A. deRoepstorff, Extra Assistant Superintendent, 1st Class, and Officiating 2nd Assistant Superintendent, to officiate as 1st Assistant Superintendent.

Mr. F. E. Tuson, Extra Assistant Superintendent, 2nd Class, and Officiating 3rd Assistant Superintendent, to officiate as 2nd Assistant Superintendent.

Mr. O. H. Brookes, Extra Assistant Superintendent, 2nd Class, and Officiating Extra Assistant Superintendent, 1st Class, to officiate as 3rd Assistant Superintendent.

Mr. H. Godwin-Austen, Officiating Extra Assistant Superintendent, 2nd Class, to officiate as Extra Assistant Superintendent, 1st Class.

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

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Ajmere, the 5th March 1881.

No. 615 *S.*—Whereas land is required in the Ajmere District for public purpose, *viz.*, for construction of buildings for Telegraph Department, this declaration is made in accordance with the provision of Section 6 of Act X of 1870:—

District.	Pergana.	Village.	AREA REQUIRED. For occupation. Permanently.	AREA REQUIRED. For occupation. Temporarily.	AREA REQUIRED. Total.	Purpose for which required.	Remarks.
			A. R. P.	A. R. P.	A. R. P.		
Ajmere	Ajmere	Ajmere	7 0 32	...	7 0 32	For the construction of a building for the residence and office of the Superintendent of Telegraphs.	The land plan, &c., may be seen at the office of Assistant Commissioner of Ajmere.
			5 1 21	...	5 1 21	For the construction of a building for Telegraph office and Signallers' quarters.	

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

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Camp Ajmere, the 3rd March 1881.

No. 130.—Mr. W. Jenkins, Inspector of Police, Ajmere, is placed in charge of the current duties of the Office of District Superintendent of Police, with effect from date of assuming charge.

By Order,
A. C. TALBOT,
1st Asst. to the Chief Commr.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 11th March 1881.

No. 2.—The services of 2nd Grade Assistant Surgeon Kally Doss Bose are placed at the disposal of the Chief Commissioner of British Burma.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 3rd March 1881.

No. 15.—With reference to Inspector General's Notification No. 11, dated 14th February 1881, Lieutenant F. Peel, R.E., Assistant Engineer, was relieved of his duties in the Head-quarters staff of the Inspector General of Military Works, on the afternoon of 19th February 1881.

The 4th March 1881.

No. 16.—With reference to Public Works Department Notification No. 44, dated 4th February 1881, Lieutenant-Colonel A. M. Lang, R.E., Superintending Engineer, 1st Class, was relieved of his duties in the Head-quarters Staff of the Inspector General, Military Works, on the forenoon of 18th February 1881.

No. 17.—With reference to Public Works Department Notification No. 66, dated 18th February 1881, Lieutenant J. G. Day, R.E., Assistant Engineer, 1st Grade, was relieved of his duties in the Head-quarters Staff of the Inspector General, Military Works, on the forenoon of 18th February, 1881.

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

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 3rd March 1881.

No. 6.—With reference to Government of India, Public Works Department, Notification No. 325, dated 8th October 1880, Major E. L. Maryat, R.E., reported his arrival at Lahore and assumed charge of the duties of Manager, Punjab Northern State Railway, from Captain W. Sedgwick, R.E., on the afternoon of the 12th November 1880.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 10th March 1881.

No. 17.—Mr. C. H. C. Bickerton, Assistant Engineer, 2nd Grade, passed, on the 28th December 1880, the professional examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18.

No. 18.—With reference to Public Works Department Notification No. 78 of the 2nd instant, Mr. C. H. Brereton is posted to the Indus Valley State Railway.

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

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Mooltan, the 3rd March 1881.

No. 30.—With reference to Public Works Department Notification No. 70, dated 21st February 1881, Mr. E. W. M. Hughes, Locomotive Superintendent in Class II of the State Railway Revenue Establishment, reported his arrival at Mooltan on the forenoon of the 23rd February 1881.

No. 31.—CORRIGENDUM.—In Notification No. 15, dated 20th July 1880, by the Manager, Indus Valley and Lower Section, Kandahar State Railways, *for* "afternoon," *read* "forenoon."

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari, the 3rd March 1881.

No. 91.—With reference to Director General of Railways' Notifications Nos. 15 and 16, dated 23rd February 1881, the undermentioned officers were relieved of their duties on this Railway on the dates noted:—

Mr. B. Baxter, Executive Engineer, 4th Grade, —on the afternoon of 14th February 1881.

Mr. E. Behrmann, Assistant Engineer, 1st Grade,—on the afternoon of 10th February 1881.

The 4th March 1881.

No. 92.—ERRATUM.—Engineer-in-Chief's Notification No. 81, dated 3rd January 1881, in *Gazette of India*, Part II, dated 15th January 1881—*for* "21st December 1880," *read* "31st December 1880."

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

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATION.

Rawalpindi, the 1st March 1881.

No. 1.—Mr. W. J. Chamberlain, Traffic Superintendent, transferred from the Dhond and Manmad State Railway, reported his arrival on the afternoon of the 25th February 1881.

E. L. MARRYAT, *Major, R.E.,*
Manager.

RAJPUTANA RAILWAY. Manager's Office.

NOTIFICATION.

Ajmere, the 8th March 1881.

No. 11.—With reference to Government of India, Public Works Department, Notification No. 74 of 21st February 1881, Mr. F. B. Walker, Executive Engineer, 1st Grade, made over, and Mr. W. A. Lesmond, Executive Engineer, 4th Grade, received, charge of the Serohi Division, on the afternoon of the 2nd instant.

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

CALCUTTA UNIVERSITY.

NOTICE.

It is hereby notified for general information that a Convocation of the University of Calcutta will be held at the Senate House on Saturday, the 19th March at 4 P.M.

Graduates of the University in academic costume are admissible on presenting themselves at the Senate House at 3 P.M.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th March 1881.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st January 1881.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54	4 PER CENT. LOANS								TOTAL AMOUNT.
		Of 1824-25.	Of 1829-30.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	REDUCED 4 PER CENT. LOAN OF 1879.	
Balance of 16th January 1881	54,100	38,506	3,413	15,30,240	30,47,500	2,33,79,000	1,00,61,500	1,69,39,300	2,94,96,800	8,46,91,259
ADD—										
Amount enfaced at Madras between 16th and 31st January 1881	...	...	...	...	...	...	...	...	...	
Amount enfaced at Bombay between 16th and 31st January 1881	...	...	...	...	...	500	...	500	...	1,000
Amount enfaced at Calcutta between 16th and 31st January 1881	...	...	...	...	...	1,01,000	16,500	50,500	42,000	2,10,000
	54,100	38,506	3,413	15,30,240	30,47,500	2,33,79,000	1,00,61,500	1,69,39,300	2,94,96,800	8,46,91,259
Deduct—										
Amount written off in the London Registers	...	...	...	62,400	1,000	4,49,500	2,000	3,200	42,000	5,58,100
Balance on 31st January 1881	54,100	38,506	3,413	14,67,840	30,46,500	2,29,29,500	1,00,59,500	1,69,36,100	2,94,54,800	8,41,33,159

TRANSFER LOAN OF 1879, SEVEN SHILLINGS STERLING PER CENT. PORTION.	5 PER CENT. DEBENTURE FOR 15 YEARS, RE-PAYABLE JUNE 1882.	5 PER CENT. LOAN OF 1856-57.	6½ PER CENT. LOAN OF 1859-60.	TOTAL AMOUNT.
1,01,700	34,02,000	65,800	13,400	18,73,22,559
...	...	...	...	12,700
...	...	...	...	45,800
...	...	...	...	6,14,400
1,01,700	34,02,000	65,800	13,400	18,84,95,759
1,200	...	...	...	13,01,300
1,00,500	34,02,000	65,800	13,400	18,71,94,459

TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	OF 1878.	OF 1871.	OF 1870.	4½ PER CENT. LOANS
8,43,74,200	95,88,100	4,55,000	45,82,400	
1,700	11,000	...	...	
33,800	11,000	...	...	
4,04,400	...	...	...	
8,48,14,100	96,10,100	4,55,000	45,82,400	
6,45,500	1,00,000	...	...	
8,41,68,600	96,10,100	4,55,000	45,82,400	

Notes.—From 9th June 1867 to 30th Nov. 1880, enfaced from India 4,011 lakhs; re-transferred from London, 3,467 lakhs.
" 1st Dec. 1880 to 15th Dec. " " " 5 " 13 "
" 16th " " to 31st " " " 1 " 2 "
" 1st Jan. 1881 to 15th Jan. 1881 " " 1 " 7 "
" 16th " " to 31st " " 6 " 13 "
4,024 lakhs 3,502 lakhs
3,502 " 629 lakhs.
Balance against India

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 9th March 1881.

COMPTROLLER GEN

No. 2419.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to Nov. 1879.	April to Nov. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	10,315,692	10,096,752	...	218,940
II.—Tributes	698,000	406,185	417,206	11,021	...
III.—Forest	688,400	236,754	293,639	56,885	...
IV.—Excise on Spirits and Drugs	2,782,000	1,786,048	2,006,075	220,027	...
V.—Assessed Taxes	535,000	667,471	466,226	...	201,245
VI.—Provincial Rates	2,764,000	1,346,695	1,492,634	145,939	...
VII.—Customs	2,175,000	1,355,010	1,529,864	174,854	...
VIII.—Salt	7,541,000	4,535,774	4,405,480	...	130,294
IX.—Opium	9,410,000	6,789,494	6,671,287	...	118,207
X.—Stamps	3,194,000	2,092,706	2,171,825	79,119	...
XI.—Registration	265,000	156,167	195,658	39,491	...
XII.—Mint	196,000	140,271	82,661	...	57,610
XIII.—Post Office	1,008,000	647,766	704,858	57,092	...
XIV.—Telegraph	463,100	266,193	327,492	61,299	...
XV.—Minor Departments	61,700	37,958	42,899	4,941	...
XVI.—Law and Justice	680,000	404,553	423,886	19,333	...
XVII.—Police	232,000	140,616	155,793	15,177	...
XVIII.—Marine	226,000	94,379	122,904	28,525	...
XIX.—Education	137,000	95,733	102,956	7,223	...
XX.—Medical	38,200	37,460	23,421	...	14,039
XXI.—Stationery and Printing	45,000	28,502	34,861	6,359	...
XXII.—Interest	641,000	441,506	380,276	...	61,230
XXIII.—Pensions	291,700	115,997	99,266	...	16,731
XXIV.—Miscellaneous	262,000	167,310	152,154	...	15,156
XXX.—Gain by Exchange	237,000	352,085	146,980	...	205,105
TOTAL	56,633,100	32,658,325	32,547,058	...	111,272
XXIX.—Army	800.200	629,391	698,408	69,017	...
XXVII.—Other Public Works	456,700	237,181	272,528	35,347	...
XXVI.—Irrigation and Navigation	860.200	426.689	435,392	8,703	...
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	6,197.659*	4,462,016	...	1,735,643
XXV.—State Railways	4,720,000	634,582	3,510,139	2,875,557	...
XXVIII.—Provincial and Local Deficits	247,200	324	...	...	324
TOTAL	71,217,400	40,784,151	41,925,536	1,141,385	...
England, including Army, Public Works Ordinary, &c.	203,800	163,200	229,146	65,946	...
GRAND TOTAL	71,421,200	40,947,351	42,154,682	1,207,331	...

* Includes £2,381,926 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE,
CALCUTTA,
The 10th March 1881.

E. W. KELLNER,
Deputy Comptroller General.

ERAL'S OFFICE.

Eighth month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April to Nov. 1879.	April to Nov. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	2,036,625	2,270,148	233,523	...
2.—Interest on Service Funds	398,400	279,765	226,729	...	53,036
3.—Refunds and Drawbacks	318,000	234,298	228,064	...	6,234
4.—Land Revenue	2,994,400	1,841,077	1,850,850	9,773	...
5.—Forests	527,600	209,145	231,432	22,287	...
6.—Excise	111,000	76,625	84,917	8,292	...
7.—Assessed Taxes	20,000	22,932	16,405	...	6,527
8.—Provincial Rates	53,000	26,460	31,814	5,354	...
9.—Customs	204,000	132,191	131,693	...	498
10.—Salt	368,000	208,306	252,416	44,110	...
11.—Opium	2,159,500	1,812,068	1,779,077	...	32,991
12.—Stamps	77,500	51,642	51,114	...	528
13.—Registration	166,000	96,248	116,913	20.665	...
14.—Mint	91,500	54,085	55,899	1,814	...
15.—Post Office	1,043,800	667,997	820,897	152,900	...
16.—Telegraph	380,900	246,801	237,706	...	9,095
17.—Administration	1,245,500	837,885	818,414	...	19,471
18.—Minor Departments	415,100	208,045	216,971	8,926	...
19.—Law and Justice	3,350,900	2,154,564	2,117,064	...	37,500
20.—Police	2,513,000	1,589,024	1,621,559	32,535	...
21.—Marine	419,000	174,480	248,862	74,382	...
22.—Education	1,015,800	621,032	636,188	15,156	...
23.—Ecclesiastical	158,600	101,768	102,663	895	...
24.—Medical	701,400	410,258	417,765	7,507	...
25.—Stationery and Printing	415,700	193,209	270,487	77,278	...
26.—Political	393,000	256,612	245,522	...	11,090
27.—Allowances	1,824,900	888,057	977,452	89,395	...
28.—Civil Furlough and Absentee Allowances	3,000	2,407	3,700	1,293	...
29.—Superannuation	646,300	516,962	578,097	61,135	...
30.—Miscellaneous	243,300	211,155	169,354	...	41,801
31.—Famine Relief	5,000	41,507	166	...	41,341
37.—Loss by Exchange	3,411,000	1,868,456	1,974,454	105,998	...
TOTAL	29,044,200	18,071,686	18,784,792	713,106	...
36.—Army	15,171,900	9,090,830	13,089,985	3,999,155	...
34.—Other Public Works	4,216,500	1,579,452	1,850,886	271,434	...
33.—Irrigation and Navigation	1,026,800	607,975	564,857	...	43,118
32.—Working Expenses (Guaranteed Railways)	4,675,000	3.100,692*	2,461,647	...	639,045
32.—Surplus Profits paid to Railway Companies	450,300	92,071	300,434	108,363	...
32.—Guaranteed Interest in India	9,000	8,922	11,191	2,269	...
32.—Land and Supervision	69,500	41,258	30,724	...	10,534
32.—State Railways	1,630,200	879,793	3,111,554	2,231,761	...
35.—Provincial and Local Surpluses	129,400	1,671,303	1,690,486	19,183	...
TOTAL	56,422,800	35,243,982	41,896,556	6,652,574	...
England, including Army, Public Works Ordinary, and Guaranteed Interest, &c.	14,579,600	8,589,976	9,654,299	1,064,323	...
TOTAL	71,002,400	43,833,958	51,550,855	7,716,897	...
38.—Productive Public Works—					
Capital Expenditure in India	2,346,000	1,415,553	1,742,651	327,098	...
Ditto ditto in England	966,000	343,491	350,551	7,060	...
TOTAL	3,312,000	1,759,044	2,093,202	334,158	...
GRAND TOTAL	74,314,400	45,593,002	53,644,057	8,051,055	...

* Includes £858,680 as working expenses of East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 8th March 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 90,78,586 1 11)	2,04,34,053	11	4
Public Deposits at Branches (1,13,55,467 9 5)			
Other Deposits at Head Office and Branches	2,97,20,152	0	11
Bank Post Bills, &c.	3,79,781	15	11
Sundries	8,93,127	14	11
RUPEES	7,39,39,276	15	5

ASSETS.	Rs.	A.	P.
Government Securities	1,22,29,505	15	0
Loans on Government Securities, &c., at Head Office and Branches	52,73,815	14	10
Accounts of Credit on Government Securities, &c., at Head Office and Branches	33,96,145	8	6
Bills discounted and purchased at Head Office and Branches	2,61,98,939	12	11
Balances with other Banks	5,85,136	6	11
Bullion	10,91,900	9	10
Dead Stock	10,84,014	6	7
Stamps	6,829	9	0
Sundries	5,05,778	14	7
	5,03,72,067	2	2
Cash and Currency Notes at Head Office (87,06,622 0 2)	2,35,67,209	13	3
Cash and Currency Notes at Branches (1,48,60,587 13 1)			
RUPEES	7,39,39,276	15	5

BANK OF BENGAL,
Calcutta, 10th March 1881.

J. GORDON,
Chief Accts. & Depy. Secretary.

By order of the Directors.
R. HARDIE,
Secretary & Treasurer.

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

DATE.	SILVER TENDERED, DETERMINED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department.	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed.	BALANCE OF BULLION: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 28	3,00,000	...	...	3,00,000	25,54,108	2,61,389
Mar. 1	...	...	...	3,00,000	25,54,107	2,61,389
„ 2	...	...	...	3,00,000	25,54,106	2,61,389
„ 3	...	...	...	3,00,000	25,54,106	2,61,389
„ 4	...	...	...	3,00,000	25,54,106	2,61,389
„ 5	...	...	1,57,060	1,50,409	27,03,780	4,10,979

CALCUTTA MINT,
The 7th Mar. 1881.

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

GOVERNMENT RESERVE TREASURY.

The following Statement shows the amount of cash held in the Reserve Treasury of the Government of India at Calcutta upon the evenings of the last four Tuesdays:—

The 15th February 1881 ... Rs. 86,41,252-12-3.
The 22nd „ ... „ 90,53,142-12-3.
The 1st March „ ... „ 1,02,63,697-4-3.
The 8th „ „ ... „ 1,05,39,490-4-3.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 9th March 1881.

CURRENCY NOTES.

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

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
222	... D 8—35379 ...	500	Syed Mohamed Khan, Lucknow.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
200	... D 14—38003 ...	20	Mr. J. S. Winston, Calcutta.
201	... „ —39296 ...	20	Madan Lall, Moradabad
202	... D 12—28895 ...	5	Luckhy Narain Dass, Calcutta.
34	... D 16—22032 —22033 *	10	Mr. W. P. Banett, Allahabad.

* Mismatched.

ALLAHABAD,
The 9th March 1881.

W. T. PIERCY, *A. A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
H30	... M 10—12310 ...	5	Ranchodbhai Udayaram, Bombay.
H31	... M 55—03517 ...	10	T. C. Murray, Poona.
H32	... M 52—06449 ...	10	G. Ormond, Neemuch.
M13	... M 16—71021 M 82—24372	10	Jagannath Mahadeo, Bombay.
M14	... M 49—55374 M 45—72970	10	F. Sauquet and Co., Bombay.
M15	... M 42—06747 „ —50593	10	Radhanath Chatterjee, Calcutta.

BOMBAY,
The 8th March 1881.

C. R. CRAWLEY,
Asst. Accts.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
400	... O 68—87074 ...	100	Meanut Ali.
401	... O 71—30944 ...	500	Sabuck Ram Khettry.
402	... O 32—43966 ...	50	Mr. G. Mariner.
403	... O 31—94973 ...	50	Keffil Ahamed Kajee.
405	... O 52—21818 ...	10	Babu Kristonath Mitter.

NOTE PARTIALLY LOST OR DESTROYED.

		Rs.	
383	... O 74—41752 ... O 69—28761 ...	1,000 100	Sew Tahal Ram Hurihur Prasad.
384	... O 76—39384 ...	10	Isree Prasad.
385	... O 38—61752 ...	5	Tussuduq Hosain.
387	... O 45—03573 ...	10	Mrs. Francisca Francis.
388	... O 32—03827 ...	50	Babu Chuttun Lal.
390	... L 11—05354 ...	5	The Treasury Officer, Noakhally.
391	... O 69—20680 ... „ —20643 ... O 31—92242 ... „ —92243 ...	100 100 50 50	Major J. Homfray.
392	... O 61—17643 ... O 58—98821 ...	20 20	Kissory Das.
253	... L 40—76117 L 74—36320	10	Jodoo Roy Bhanna Mull.
254	... O 79—90103 „ —90104	10	Dhanroop Kanojee.
256	... O 80—04341 „ —43646	10	Shib Chunder Dur.

CALCUTTA.
The 11th March 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Coconada Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
1 14—24716 ... „ —24717 ...	100 100	Ragadamilly Gavariah, of Kotapalli, Rajahmundry Taluk.

COCONADA,
The 24th February 1881.

E. G. RICKETTS,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
129	... E 13—92804 ... E 15—72999 ...	100 50	The District Superintendent of Police, Rawalpindi.
130	... E 13—91281 ... „ —80934 ... „ —84886 ...	100 100 100	Nawab Syad Mohamed Khan, Lucknow.
131	... E 17—45380 ... E 13—99486 ... „ —75718 ...	20 100 100	Balmukand, care of Radha Kishen and Murli Mohoher, Rawalpindi.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
47	... E 16—93958 „ —93963	10	Baboo Siva Ram Sinha, Relieving Station Master, East Indian Railway, Toondla.
174	... E 15—71783 ...	50	Mr. T. Oliver, Sukker.

LAHORE,
The March 1881.

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

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
197	... B 61—59887 ...	50	M. Nataraj Aiyar, District Registrar, North Arcot, Chittoor.
198	... B 66—08233 ... „ —08241 ... „ —13870 ... B 51—53192 ... B 45—00321 ...	100 100 100 500 1,000	Messrs. Binny & Co., for Mr. W. H. Glenny.
199	... B 46—72558 ...	5	Post Master General, Madras, for Mr. Reid, Station Master, Mettupalaiyam.
200	... B 66—22049 ... „ —46063 ...	100 100	S. Arbutha Vudiyar and Subramaniya Mudali & Co., No. 141, Market Street, Madras.
201	... B 47—02694 ...	5	Mrs. E. Saviel, care of Mr. G. P. Antony, Adjutant General's Office, Fort, Madras.
202	... B 60—26597 ... B 63—14530 ... B 66—60841 ... „ —60842 ...	10 10 100 100	N. K. Ramaswami Chetti, 144, Coral Merchant Street, Muthialpet, Madras.
27	... L 17—73079 * B 47—18089	5	M. Bapanish Chetti, Black Town, Madras.

* Wrongly joined.

FORT SAINT GEORGE,
The 28th February 1881.

H. KEENE,
Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
H23	... F 7—97556 ...	10	Narayan Gopal Kilkan, Clerk of the Court, Deputy Commissioner's Office, Bhundara.

NAGPUR,
The 3rd March 1881.

W. H. EGERTON,
Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 7th day of March 1881.

Number, Rank and Name,—No. 60Bde.—1800, Private James Morris.	Parish and County in which Born,—Wimbledon, London, Middlesex.
Age,—25 years 2 months.	Marks,—Flower on right forearm, St. George's Dragon Cannon and dots on left fore-arm.
Size,—5 feet 6¾ inches.	Trade,—Printer.
Colour of—Complexion, fresh; Hair, brown; Eyes, hazel.	Coat or Jacket,— Waistcoat,— ... Breeches or Trowsers ... (Regimentals)
Date of Desertion,—2nd March 1881.	REMARKS,—None.
Place of Desertion,—Calcutta.	Under 3 years' service.
Date of Enlistment,—17th January 1879.	
At what Place Enlisted,—London.	

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on or about the 19th June 1880, treasure consisting of one "Ramavaraha" and eleven "Vumamahaswaravarahalu" (old gold coins), valued in the aggregate at Rs. 54, were found in a ruined wall near a place now resorted as a latrine in the village of Pagidala, in the Nandikotkur Taluq, Kurnool District, in the Madras Presidency.

Any person or persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Kurnool, at his office, on the 1st of July 1881, in order to the matter being enquired into and determined in accordance with the provisions of the law.

W. H. GLENNY,
Collector.

TREASURE TROVE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that, about the 7th of November 1880, treasure consisting of 127 gold Nagar fanams, valued in the aggregate at Rs. 25-13-4, at Rs. 3-4, per fanam, was found in the pattah dry land of one Marimuthu Chetty in the village of Vellayagomedenpoliyam in the Dharmapuri Taluq.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Salem on the 8th July 1881 at his office, in order to the matter being inquired into and determined in accordance with the provisions of the said Act.

H. E. STOKES,
Acting Collector.

SALEM COLLECTOR'S OFFICE,
The 25th February 1881.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on or about the 23rd day of January 1881, treasure consisting of—

2 Ear-rings worn by Hindu females,
2 Golden ananta mudichu, and
1 Golden pattapon,

weighing in all 9¼ pagodas weight, and valued in the aggregate at Rs. 41-10, was found in the house of one Karuppen Chetty at Velampolliem, Palladam Taluk, Coimbatore District, in the Presidency of Fort St. George.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Coimbatore, at his office on the 15th July 1881, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

W. WILSON,
Collector.

COIMBATORE COLLECTOR'S OFFICE,
The 26th February 1881.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on 4th February 1879, certain treasure, to wit—

28 Shahapuri Rupees of Persian stamp,
24 Nilkanti Rupees of Persian stamp,

was found in the village of Itgi, Taluka Bidi of the Belgaum Collectorate.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector of Belgaum, on the 15th July 1881, when the Collector will proceed to hold an enquiry in accordance with the provisions of the Act.

T. D. MACKENZIE,
Acting Collector of Belgaum.

BELGAUM,
The 3rd March 1881.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on some date unknown in June 1880, certain treasure, to wit—

20 old currency Rupees,

was found in the village of Adosi, of Taluka Shahapur of the Thana Collectorate.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector of Thana, on the 18th day of July 1881, at his office, when the Collector will proceed to hold an enquiry in accordance with the provisions of the Act.

W. B. MULOCK,
Acting Collector.

THANA COLLECTOR'S OFFICE,
The 5th March 1881.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 5th February 1881.

No. 13242.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, BENGAL.

Baboo Profullo Chandra Banerjee has been appointed to be 4th Grade Superintendent, Post Offices, Bauleah Division.

Baboo Akhoykumar Sanyal has been appointed to be *sub. pro tem.* 4th Grade Superintendent, Post Offices, Burdwan Division.

Baboo Surjee Kanta Mittra, 4th Grade Superintendent, Post Offices, has been transferred to the Furreedpore Division.

Mr. M. E. Monks has been appointed to be 4th Grade Superintendent, Post Offices, Cuttack Division.

Mr. H. M. Harcourt, 3rd Grade Superintendent, Post Offices, has been transferred to the Hazaribagh Division.

Baboo Radha Kanta Datta has been appointed to be 2rd Grade Superintendent, Post Offices, Hooghly Division.

Mr. S. LeM. Lord has been appointed to be 3rd Grade Superintendent, Post Offices, Jalpaiguri Division.

Mr. J. R. Webster has been appointed to be 4th Grade Superintendent, Post Offices, Midnapore Division.

Baboo Purna Chandra Mustafi has been appointed to be 3rd Grade Superintendent, Post Offices, Rangpore Division.

Mr. G. B. Groves has been appointed to be 1st Grade Superintendent and Examiner of Post Office Accounts, Western Districts.

Mr. A. C. Boyd has been appointed to be *sub. pro tem.* 1st Grade Superintendent, Post Offices, and Examiner of Post Office Accounts, Eastern Districts.

Baboo Surja Kumar Ganguli, 2nd Grade Superintendent, has been appointed to be Examiner, Post Office Accounts, Central Districts.

Baboo Sasipada Banerjee has been appointed to be 3rd Grade Superintendent, Post Offices, Krishnagar Division.

Baboo Mudden Mohon Bysack has been appointed to be *sub. pro tem.* Superintendent, Dead Letter Office, Bengal.

OFFICE OF DIRECTOR GENERAL, POST OFFICE.

Mr. L. G. Wait has been appointed to be Assistant Director General of Post Office, Foreign Post Branch.

Mr. Max Goldmann has been appointed to be 4th Grade Superintendent, Post Offices, attached to the Office of the Director General, Post Office, Foreign Post Branch.

Baboo Sarada Prasad Rai has been appointed to be Superintendent of the Office of Director General of Post Office of India.

OFFICE OF COMPTROLLER, POST OFFICE.

Mr. W. T. Alpin has been appointed to be Assistant Comptroller, Post Office.

INDIA CIRCLE.

Mr. E. C. O'Brien, 4th Grade Superintendent of Post Offices, has been transferred to the India Circle.

Mr. A. C. Firth has been appointed to be 4th Grade Superintendent, India Circle.

The 11th March 1881.

No. 13426.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, CENTRAL PROVINCES.

Mr. J. H. Cornwall, who has been appointed to be 2nd Grade Superintendent of Post Offices, Nagpur Division, has returned from furlough and assumed charge of his Division.

Mr R. S. Burns, 4th Grade Superintendent of Post Offices, has been transferred to the Berar Division.

Mr. J. A. Betham, a 3rd Grade Superintendent of the Punjab Circle, has been temporarily appointed to the Hoshangabad Division.

POSTAL CIRCLE, RAJPUTANA.

Mr. M. LeBreton has resumed charge of his duties as Deputy Postmaster General, Rajputana, on return from deputation in South Afghanistan.

Mr. A. C. Firth, a 4th Grade Superintendent of the India Circle, has been posted to Rajputana.

The 2nd March 1881.

From the 5th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for Express Passenger Dâks between Umballa and Simla.

A printed copy of the rules can be obtained from the Post Master on application.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

The 25th February 1881.

Exchange of Money Orders with South Australia, Western Australia, New South Wales and Queensland.

On and after the 1st April 1881, Money Orders can be issued upon South Australia, Western Australia, New South Wales and Queensland, at the following rates of commission:—

					Rs.	A.
On sums not exceeding £ 2				...	0	4
Exceeding £ 2	and not exceeding		£ 5		0	8
,, £ 5	,,	,,	£ 7		0	12
,, £ 7	,,	,,	£ 10		1	0
,, £ 10	,,	,,	£ 12		1	4
,, £ 12	,,	,,	£ 15		1	8
,, £ 15	,,	,,	£ 17		1	12
,, £ 17	,,	,,	£ 20		2	0

2. No single Money Order may exceed £20 in value, and no remitter may obtain in one day more than four Money Orders payable to the same person.

3. In all other respects Money Orders drawn upon the colonies mentioned above will be subject to the rules governing Money Orders drawn upon the United Kingdom, as given in the Indian Postal Guide.

4. From the same date Money Orders issued in the colonies named above will be paid in India under the same conditions as apply to Money Orders issued in the United Kingdom.

L. G. WAIT,
Asst. Dir. Genl. of the Post Office,
Foreign Post Department.

The 11th March 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	16th March	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 ,,	18th ,,	Str. *Ethiopia.*
Madras and Ceylon	6 ,,	12th ,,	P. & O. Str. *Decean.*
Persian Gulf	6 ,,	12th ,,	From Bombay.
Foreign Mails *viâ* Bombay	6 ,,	14th ,,	From Bombay.
Do. Book Post and Pattern Packets	6 ,,	13th ,,	From Bombay.
Rangoon, Moulmein and Straits	6 ,,	17th ,,	Str. *Kilwa.*
Chittagong, Akyab and Rangoon	6 ,,	17th ,,	Str. *Commilla.*
Straits and Hong-Kong	6 ,,	16th ,,	Strs *Jipa* and *Moray.*
Port Blair and Camorta	6 ,,	18th ,,	Str. *Satara.*

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 10th March 1881.

Anderson, David.
Angus, W.
Atkinson, F.
Barley, Mr.
Baulkman, W.
Benjamin, C.
Campbell, Mrs.
Ciocci, Cesaro.
Collin, M ss.
D'Cruz, J.
Darling, Foot & Co.
Davidson, H. H.
Dey, A. C. P.
Desbois, Madame S.
Dobbin, W.
Fage, G.
Farrell, Mr.
Finch, H. C.
Grassput, H.
Garlin, C. A.
Goldenberg, John.
Gordon, Mrs. E. F.
Haldon, Mrs. A.
Hamilton, G.
Hanson, Mrs. D.
Huchting, Henry & Co.
Hughes, Brigade-Major R. H.
Hill, W.
Kally Mohun Mookerjee.
Kedder, Sergt. Norris.
King, A. T.
Lalla Parus Das Sahoo.
Law, J. S.
Leeson, Mrs. S.
Mahamed Ghose.
Mancer, Mrs
Martin, Mrs. J.
Mathien, R. G.
Mavra, H. B.
Misquintho, L. B.
Moon, John.
Muir, Thomas.
Murray, John.
Palmer, E. M.
Palmer, Miss L.
Partridge, W.
Pereira, Mrs. C.
Pike, M.
Priestley, Mrs.
Proprietor of the *Ganesa Press.*
Porter, W. N.
Robinson, J. C.
Roe, G. B.
Scanlan, A. R.
Sharpies, J.
Sherer, Lt. W. M.
Silva, W.
Simpson, R. T.
Smith, S.
Smith, Mrs. R.
Smith, Mrs. C. F.
Stuart, W.
Thompson, Mrs.
Trover, R.
Walker, Fred
Walker, A.
Weyton, O.
Wilson, G. A. (57, Amherst Street.)
Woodford, J. G.

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

Akirkonde, Mr.
Arsene, Monsieur A.
Banofacia, C. S.
Barker, Thomas W.
Bell, Mrs. Ursee.
Bennet, J.
Bergham, Herbert.
Beck, Miss Jessie.
Beattie, W. G.
Bollo, Miss Rosa.
Brodie, Lt. E. W.
Burton, Miss Marie.
Burrill, William.
Campbell, Arthur H.
Cavanagh, J.
Coote, Walter.
Cox, A.
Cozen, R.
Gallymore, Joseph.
Cooper, W. T.
Cornwill, J. H.
Cranston, Geo.
Cuppy, Capt. A. G.
Dowden, Major.
Dryden, A. H.
Duncan, P.
Elston, J.
Elwell, A. H.
Evans, J.
Fleming, Stanley Le.
Fleming, James.
Ford, Geo. Henry.
Gunsalles, John.
Hampton, C. E.
Havard, D.
Hurroo Lal.
Hurst, R. B.
John, George.
Joseph, Monsieur A.
Jones, C. B.
Journd, Ferdinand.
Keirnander, Mrs. M. "Kitty."
L. R.
Lindesay, Harris M.
Mitchell, Mrs. Murray.
Macintyre, A.
Montgomery, Miss.
Morton, H. A.
Nash, Major.
Palmer, Capt. A. Y.
Palmer, T. S.
Peachy, Miss Kate.
Ruby Diamond Ruby.
R. A.
Schore, T. C.
Scratchmeiah, Lt.-Col. F. H. (R.A.)
Shaw, J. E.
Simpson, J. M.
Southal, William.
Stewart, Rev. R.
Stevens, C.
Tregido, S.
Turner, W. J.
Willson, Mrs.
Woodburn, A. F.
Ware, H.

Newspapers.

Fewell, Thomas.
Partirich, Mrs.
Stewart, David.

Registered Letters.

Fitzgerald, E. V.
Kohn, T.
Packenham, J. H., Chief Officer.
Sander, J. W.
Vervin, Robt.
Warde, Mrs.

E. C. GEORGE,
Presidency Post Master

NOTICE.

Available from the Government Book Depôt, Allahabad, "Grammar of the Classical Arabic Language," translated and compiled from the works of the most approved native or naturalized authorities by Mortimer Sloper Howell, C.S., Member of the Asiatic Society of Bengal and Fellow of the University of Calcutta.

Part II—The Verb, and Part III—The Particle. Price, Rs. 7-8-0.

Part I is in Press.

CHAS. A. DODD, *Major,*
Curator of Govt. Books, N.-W. P.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which those dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 80 or 90 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Div.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج '

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جوکوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه '

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورۂ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه '

Meteorological Publications for Sale.

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

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

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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MESSRS. THACKER, SPINK AND CO., CALCUTTA;
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THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

Books required for the public service cannot be supplied on payment; they are only issued on the authority of the Department to which the indenting officer is subordinate. In sending for books for personal use, it should be stated that they are required for this purpose, to avoid the delay of enquiry before complying with the requisition.

Just published.

Super-royal octavo, cloth.

Tribes of the Hindoo Koosh. *Price, Rs. 6; packing and postage, 6 annas.*

Army List.

The Official Quarterly Bengal Army List, corrected up to 31st December 1880. This number will contain the Furlough and Service Fund Regulations, War Services of Officers, &c.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

THE INDIAN STATUTE-BOOK.

REVISED EDITION.

A.—General Acts.

Vol. I.—From 1834 to 1863.

Vol. II.—From 1864 to 1871.

Vol. III.—From 1872 to June 1876. *Price of each Volume, Rs. 8; packing and postage, 12 annas.*

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Vol. IV.—The Madras Code. *Price, Rs. 8; packing and postage, 8 annas.*

Vol. V.—The Oudh Code. *Price, Rs. 4-8; packing and postage, 6 annas.*

Vol. VI.—The North-Western Provinces Code. *Price, Rs. 8; packing and postage, 8 annas.*

Vol. VII.—The British Burma Code. *Price, Rs. 3; packing and postage, 6 annas.*

Vol. VIII.—The Panjáb Code. *Price, Rs. 4-8; packing and postage, 8 annas.*

Vol. IX.—The Lower Provinces Code, Vol. I. *Price, Rs. 8; packing and postage, 8 annas.*

Vol. X.—The Lower Provinces Code, Vol. II. *Price, Rs. 8; packing and postage, 12 annas.*

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Vol. XII.—The Bombay Code. *Price, Rs. 8; packing and postage, 12 annas.*

Vol. XIII.—The Coorg Code. *Price, Rs. 2; packing and postage, 6 annas.*

In the Press:

Vol. XIV.—The Central Provinces Code.

Vol. XV.—The Statutes relating to India.

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INDEX to the enactments relating to India. Compiled, under the orders of the Government of India, by Stephen Jacob, B.C.S., to which are prefixed Chronological Tables of the Acts and Regulations of the Indian Legislatures. *Price, Rs. 10; packing and postage, 12 annas.*

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To Government Officers (except those mentioned below) and to the public at large. *Rs. 4.*

To all officers employed in Government Departments, who are on receipt of salaries under Rs. 500 per mensem, on a certificate being furnished declaring that the book is to be purchased only for the personal use of the officer. *Rs. 3.*

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Mollusca, Re. 1-8; Geology, Re. 1-8; Ichthyology, Rs. 3-8; Reptilia and Amphibia, Rs. 2-8; Hymenoptera, Re. 1-8; Neuroptera, As. 12; *packing and postage, 2 annas each.*

Ditto—Mammalia, Rs. 35; *packing and postage, 7 annas.*

A sketch of the Túrkí language as spoken in Eastern Turkistan (Káshghar and Yarkand), together with a collection of Extracts, by R. B. Shaw, F.R.G.S. *Price, Rs. 5; packing and postage, 8 annas.*

Suggestions regarding the demarcation and management of the Forests in Kulu with Map. *Price, Re. 1; packing and postage, 3 annas.*

Suggestions regarding Forest Administration in the Hyderabad Assigned Districts. *Price, Re. 1; packing and postage, 3 annas.*

Suggestions regarding the management of the Forests included in the Forest School Circle, N. W. Provinces. *Price, Re. 1; packing and postage, 3 annas.*

Suggestions regarding Forest Administration in Assam. *Price, Re. 1; packing and postage, 3 annas.*

A Manual of Chinchona Cultivation in India, by Dr. G. King, M.B., F.L.S. Second Edition, 1880. *Price, Re. 1; packing and postage, 4 annas.*

Silk in India. Some account of Silk in India, especially of the various attempts to encourage and extend sericulture in that country. Compiled by J. Geoghegan. *Price, Rs. 2; packing and postage 4 annas.*

☞ *The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.*

A Manual of Tibetan, being a Guide to the Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. *Price, Rs. 6; postage, 3 annas.*

Copies are to be had at the Office of the Director of Public Instruction.

Publications for Sale at the Bengal Secretariat Press.

Rules for the Guidance of Officers in the Administration of Wards' and Attached Estates. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1; packing and postage, 2 annas.*

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☞ *Printed slips containing alterations and additions will be available to purchasers monthly, at Rs. 2 per annum, including postage.*

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Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

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The Report of the Rent Law Commission, with the Draft of a Bill to consolidate and amend the Law of Landlord and Tenant in Bengal. Vols. I and II. *Price, Rs. 3-8; packing and postage, 9 annas.*

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Urdu ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Annual Report on Inland Emigration for 1879-80. *Price, Re. 1 per copy; packing and postage, 3 annas.*

Papers regarding the Tea Industry in Bengal. *Price, Rs. 3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, Re. 1-8; postage, 1 anna.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, Rs. 6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, Rs. 6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, Rs. 3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs. 5; Colored Map, Rs. 2-8.*

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Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, Rs. 3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

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

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, Rs. 3; postage, 3 annas.*

The Bengal Administration Report for 1879-80. *Price, Rs. 6; packing and postage, 10 annas.*

The Bengal Administration Report for 1878-79. *Price, Rs. 6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, Rs. 4-8; postage, 8 annas.*

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The Bengal Administration Report for 1874-75. *Price, Rs. 4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, Re. 4; postage, 5 annas.*

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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Price, per volume, Re. 4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

Buddha Gayá, the Hermitage of Sákya [illegible]. By Rájendralála Mitra, LL.D., C.I.E., Honorary [illegible] of the Royal Asiatic Society of Great Britain and [illegible] and of the Physical Class of the Imperial Aca[illegible], Vienna; Corresponding Member of the [illegible] American Oriental Societies; of the [illegible] Hungary, and of the [illegible] Berlin; Fellow of the Royal [illegible], Copenhagen, &c., &c. [illegible] Re. 1-4.

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

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

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

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

The Quarterly Civil List for Bengal, corrected up to the 1st January 1881. *Price, Re. 3; postage, 4 annas.*

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

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

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

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The Statistical Reporter, edited by H. J. S. COTTON, Junior Secretary to the Government of Bengal.
Vol. I, bound in full cloth, lettered ... Rs. 10 0 0
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 19, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

NOTICE TO MARINERS.

No. 6 of 1881.

BAY OF BENGAL—COROMANDEL COAST.

(1) ARMEGHON (ARMOGHAM).

Intended Temporary Discontinuance of Light.

Notice is hereby given that it is intended to exhibit a 4th order Dioptric white *Revolving* light at Armeghon; and that, in order to effect this change, the white *fixed* light, now shown at that place, will be discontinued on and after the 17th April 1881.

(2) PULICAT.

Intended Change of Colour of Light.

Also that it is intended to change the Pulicat *red* fixed light to a *white* fixed light.

Due notice will be given of the dates of exhibition of the above new lights.

By direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 8th March 1881.

This Notice affects the following :—

BRITISH ADMIRALTY Charts Nos. 71*c*, 828, 70 and 748*b*. Light List for 1881.

INDIAN MARINE SURVEY Charts Nos. 15*b* and 103*a*. Light List for 1881. Taylor's Sailing Directory, Vol. I, pages 459 and 460.

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

NOTICE TO MARINERS.

No. 7 of 1881.

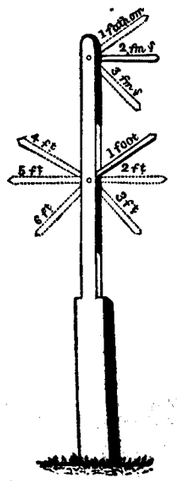
BAY OF BENGAL—CHITTAGONG COAST.

ENTRANCE TO THE CHITTAGONG OR KORNAFULI RIVER.

Erection of Bar Tidal Semaphore.

Notice is hereby given that a tidal Semaphore, as illustrated below, has been erected on Jooldea flagstaff hill, entrance to Chittagong or Kornafuli river.

The Semaphore is now in working order, and denotes the rise of the tide on the bar.



By Direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 10th March 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 84 and 859.

INDIAN MARINE SURVEY Charts Nos. 126 and 115*a*; also Taylor's Sailing Directory, Vol. I, page 484.

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

NOTICE TO MARINERS.

No. 8 of 1881.

INDIA—WEST COAST.

RATNAGIRI.

Alteration in Colour of Light.

Notice is hereby given that, on the 1st June 1881, the *red* fixed light, at present exhibited from the south bastion of Ratnagiri fort will be changed to a *white* fixed light.

The above light cannot be mistaken for the light on Fattal high land—about 35 miles to the northward,—as the latter light is extinguished during the south-west monsoon, *i. e.*, from 1st June to 1st October.

By Direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 14th March 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts Nos. 56, 739, 2736, 826, 827 and 748*b*, and Sailing Directions, West Coast of Hindustan Pilot, page 118, and Light List for 1881.

INDIAN MARINE SURVEY Charts, Nos. 1190, 15 and 15*a*; and Hydrographic Notice, No. 17; and Light List for 1881; also Taylor's Sailing Directory, Vol. I, page 389.

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

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 11th March 1881.

No. 209.—Major E. P. Leach, R.E., V.C., Assistant Superintendent, 2nd Grade, is appointed to officiate in the 1st grade, with effect from the 1st February 1881, until further orders, *vice* Mr. J. Campbell, Assistant Superintendent, 1st Grade, who has been granted furlough from that date.

The 16th March 1881.

No. 210.—Mr. G. Belcham, Surveyor, 4th Grade, Survey of India, is granted privilege leave from 19th February to 1st April 1881.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 12th March 1881.

No. 3.—Assistant Surgeon Rajendra Chandra Mittra, 3rd Medical Officer, Port Blair, is permitted to resign the service.

No. 4.—Assistant Surgeon Amar Chand Mukerjee is permitted to resign the service.

The 17th March 1881.

No. 6.—In accordance with the orders of the Government of India provincializing Assistant Surgeons, the following Assistant Surgeons are transferred for permanent employment in Bengal:—

No.	NAME.	Grade.	Date of rank.	REMARKS.
	Tameez Khan, Khan Bahadur	1st	16th June 1847.	
	Jaudub Chunder Ghose, Rai Bahadur		16th June 1847.	
	Ram Soonder Ghose, Rai Bahadur		16th June 1847.	
	Tara Chand Banerjee		16th June 1847.	
5	Buddinath Bromo		16th June 1847.	
	Koylas Chunder Chatterjee	2nd	21st April 1853.	
	Ram Chunder Sen		21st April 1853.	
	Chunder Nath Bises	3rd	21st April 1853.	
	Grees Chunder Dutt	1st	21st April 1853.	
10	Konoy Lall Dey, Rai Bahadur	3rd	27th April 1854.	
	Soorjee Coomar Mookerjee	1st	27th April 1854.	
	Bany Madhub Tagore	2nd	24th April 1855.	
	Juggobundo Bose, M.D.		25th April 1856.	
	Unnoda Churn Kastogry		11th May 1857.	
15	Dinobundhoo Dutt	1st	14th April 1858.	
	Kassee Chunder Dutt	2nd	7th April 1859.	
	Anund Chunder Mookerjee	1st	7th October 1859.	Now serving in the N. W. P. and Oudh.
	Tareenee Churn Dutt	2nd	6th February 1860.	
	Neem Chand Goopta	1st	17th March 1860.	
20	Ooma Churn Mitter	3rd	23rd May 1861.	
	Doorga Dass Roy	2nd	3rd December 1861.	
	Bhuggobutty Churn Mookerjee	3rd	5th June 1863.	
	Bully Chunder Sen	2nd	10th June 1863.	
	Money Lall Dutt		2nd July 1863.	
25	Nund Lall Ghose		26th May 1864.	
	Chunder Mohun Ghose	3rd	6th June 1864.	
	Kalee Prosono Ghosal	2nd	11th June 1864.	
	Doyal Chunder Shome		30th July 1864.	
	Soorjee Narain Singh		13th May 1865.	
30	Bany Madhub Bose	3rd	17th May 1865.	
	Ockhoy Coomar Dey		12th June 1865.	
	Poornoo Chunder Banerjee		21st June 1865.	
	Ram Chunder Mitter	1st	3rd May 1866.	
	Ram Chunder Goopta	2nd	4th May 1866.	
35	Chooney Lall Dass		1st June 1866.	
	Gobind Chunder Chatterjee		6th June 1866.	
	Nocoor Chunder Banerjee	3rd	17th June 1867.	
	Mohendro Nath Goopta		17th June 1867.	
	Woomesh Chunder Roy		26th June 1867.	
40	Taraprosunno Roy		14th January 1868.	
	Bireshur Palit		5th May 1868.	
	Rajmohun Banerjee	2nd	5th May 1868.	
	Gooroodyal Dass Goopta	3rd	19th October 1868.	
	Preonath Bose	2nd	20th October 1868.	
45	Doyal Kishen Ghose	3rd	16th January 1869.	
	Gopaul Chunder Dey	2nd	20th January 1869.	
	Preumber Nath Mitter		29th May 1869.	
	Tarok Nath Gangooly		5th July 1869.	
	Upendro Nath Sen		17th July 1869.	
50	Shib Chunder Basu	3rd	19th July 1869.	
	Raj Coomar Coondoo		19th July 1869.	Now serving in the N. W. P. and Oudh.
	Umrito Lall Deb		20th July 1869.	
	Mohendro Lall Bose		28th October 1869.	
	Lal Madhub Mookerjee		18th November 1869.	
55	Kedarnath Sen		18th November 1869.	
	Jodoonath Bose		18th May 1870.	
	Modu Sudun Goopta		13th June 1870.	
	Ramkali Goopta		17th June 1870.	
	Khurgshur Bose	2nd	1st July 1870.	
60	Hurry Narain Banerjee	3rd	16th July 1870.	
	Dinno Nath Mitter	2nd	17th April 1871.	
	Peary Laul Sen		28th April 1871.	
	Zuhur Uddeen	3rd	28th April 1871.	
	Gopal Chunder Bose		5th May 1871.	
65	Aumreto Lall Mozoomdar		10th May 1871.	
	Kristo Charn Basu		6th July 1871.	
	Poorno Chunder Singh	2nd	18th December 1871.	
	Nil Kanta Chatterjee	3rd	12th April 1872.	Now serving in the N. W. P. and Oudh.
	Jadub Kristo Sen		18th April 1872.	
70	Sonatun Bysack		18th April 1872.	
	Aughore Nath Basu		23rd April 1872.	
	Nidhu Lall Haldar		1st May 1872.	
73	Abhaya Kumar Sen		18th July 1872.	

No.	NAME.	Grade.	Date of rank.	REMARKS.
74	Mothura Nath Sen	3rd	8th November 1872.	
75	Ramana Krishna Dé	3rd	30th April 1873.	
	Chunder Coomar Goopta	3rd	1st May 1873.	
	Devendra Nath Roy	2nd	1st May 1873.	
	Prisitosh Haldar	3rd	9th May 1873.	
	Ashu Tosh Laha.	3rd	10th May 1873	Now serving in the N. W. P. and Oudh.
80	Nobin Chunder Dutt	3rd	9th June 1873	Now serving in the N. W. P. and Oudh.
	Jogendro Nath Ghosh	3rd	13th June 1873.	
	Kamikha Nath Acharjee	3rd	28th June 1873.	
	Nobin Chunder Ghose	3rd	18th July 1873.	
	Brojo Nath Shaha	2nd	24th July 1873.	
85	Koonjo Behary Nundy	2nd	5th August 1873.	
	Umesh Chundra Sen	2nd	9th August 1873	Now serving in the N. W. P. and Oudh.
	Purna Chunder Dass	2nd	26th September 1873.	
	Bejoy Gobind Chowdry	2nd	20th March 1874.	
	Bejoy Coomar Chuckerbutty	2nd	13th April 1874.	
90	Neemy Churn Chatterjee	2nd	16th April 1874.	
	Behary Lall Paul	2nd	17th April 1874.	
	Dwarka Nath Sen	2nd	18th April 1874.	
	Tariney Churn Bose	2nd	22nd April 1874.	
	Girish Chunder Dé	2nd	22nd April 1874.	
95	Benode Behary Doss	2nd	30th May 1874.	
	Kishoree Mohun Ghose	2nd	15th June 1874.	
	Akbur Khan	2nd	6th August 1874.	
	Heera Lall Bose	2nd	10th September 1874.	
	Jogendro Nath Mullick	2nd	3rd December 1874.	
100	Abdoor Razzack	2nd	4th December 1874.	
	Girish Chundra Bhar.	2nd	7th January 1875.	
	Benode Krishna Bose	2nd	16th January 1875.	
	Anshoke Krishna Shaha	2nd	1st May 1875.	
	Debendra Nath Goopta	2nd	29th May 1875.	
105	Hira Lall Dutt.	2nd	2nd June 1875.	
	Bepin Kristo Coomar	2nd	3rd June 1875.	
	Muttylal Mookerjee	2nd	3rd July 1875.	
	Radha Bomun Ghose	2nd	1st May 1876.	
	Nagendra Nath Bhuttacharyya	2nd	11th May 1876.	
110	Hari Dass Mittra	2nd	13th May 1876.	
	Akshoy Kumar Pain	2nd	3rd July 1876.	
	Gopal Chunder Chatterjee	3rd	5th July 1876.	
	Kanai Lal Mullick	3rd	11th August 1876.	
	Ram May Ray	3rd	21st September 1876.	
115	Jadub Kristo Sircar	3rd	2nd April 1877.	
	Shoshe Bhushun Sing	3rd	18th July 1877	
	Lall Bihary Roy	3rd	18th July 1877.	Now serving in the N. W. P. and Oudh.
	Syama Pada Ghosh	3rd	18th July 1877.	
	Aumrito Lal Mookerjey	3rd	18th July 1877.	
120	Gunga Gobinda Sarkara	3rd	18th July 1877.	
	Amrita Lal Banerjee	3rd	18th July 1877.	
	Debendra Nath Dé	3rd	18th July 1877.	
	Mohendra Nath Biswas	3rd	18th July 1877.	
	Bepin Vihari Gupta	3rd	18th July 1877.	
125	Bhagabut Chundra Rudra, M.D.	3rd	18th July 1877.	
	Jogendra Nath Ghosh	3rd	18th July 1877.	
	Chundra Bhoosun Bose	3rd	18th July 1877.	
	Amulya Chundra Champati	3rd	18th July 1877.	
	Onooccool Chunder Chatterjee	3rd	18th July 1877.	
130	Kunja Lall Sanyal	3rd	18th July 1877.	
	Narendra Nath Gupta	3rd	18th July 1877.	
	Durga Nanda Sen	3rd	18th July 1877.	
	Nritto Gopal Mittra	3rd	21st July 1877.	
	Prasana Coomara Dey	3rd	21st July 1877.	
135	Probodhe Chunder Bose	3rd	26th July 1877.	
	Amrita Lall Dass	3rd	1st August 1877.	
	Nitai Churn Haldar	3rd	13th September 1877.	
	Basanta Kumar Sen	3rd	13th September 1877	
139	Kali Prasunno Chowdry	3rd	24th October 1877.	Now serving in the N. W. P. and Oudh.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 16th March 1881.

No. 23.—Mr. G. M. Robinson, an Assistant Superintendent of the 1st Grade, is allowed furlough for twelve months under Section 23 of the Civil Leave Code, with effect from the forenoon of the 10th March 1881.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 8th March 1881.

No. 442.—Lieutenant J. G. Morris, Boundary Settlement Officer, Bhopal, is granted subsidiary leave for fifteen days from the date on which he may avail himself thereof, to enable him to appear before a Medical Board at Jubbulpore.

The 9th March 1881.

No. 450.—Mr. Bala Parshad, Inspector of Police, officiated as Superintendent of Police, Holkar and Sindia-Neemuch State Railway, from 29th March to 20th October 1880.

This Office Notification No. 2115, dated 24th December 1880, is hereby cancelled.

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

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Camp Nusseerabad, the 11th March 1881.

No. 688 *S.*—Mr. C. E. Hansden, Assistant Engineer, 2nd Grade, is granted privilege leave for forty days from 15th April 1881 to 25th May, under Chapter VII of the Civil Leave Code.

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

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 8th March 1881.

No. 18.—With reference to Public Works Department Notification No. 71, dated 21st February 1881, Lieutenant W. A. Gale, R.E., Assistant Engineer, 2nd Grade, is posted to the Sirhind and Lahore Command, Military Works.

The 10th March 1881.

No. 19.—With reference to Public Works Department No. 74 M. & C.-E., dated 18th February 1881, Lieutenant-Colonel Æ. Perkins, C.B., R.E., Superintending Engineer, 1st Class, is posted to the Rawalpindi Command, Military Works.

Colonel Perkins took over charge of the Office of Superintending Engineer, Rawalpindi Command, Military Works, from Major Manderson, R.E., on forenoon of 5th March 1881.

The 11th March 1881.

No. 20.—Major T. C. Manderson, R.E., Executive Engineer, 1st Grade, is transferred from the Rawalpindi Command, Military Works, to the Meerut Command, Military Works.

No. 21.—Lieutenant W. T. Shone, R.E., Executive Engineer, 4th Grade, temporary rank, is transferred from the Sirhind and Lahore Command, Military Works, to the Rawalpindi Command, Military Works.

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

Meerut Command.

Meerut, the 11th March 1881.

No. 7.—With reference to Inspector General's Notification No. 11 of 14th February 1881, Lieutenant F. Peel, R.E., Assistant Engineer, is posted to Ranikhet Division, which he joined on the afternoon of 28th February 1881.

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

Presidency & Oudh Command.

Lucknow, the 14th March 1881.

No. 5.—Privilege leave for a period of three months is granted to Lieutenant J. A. Ferrier, R.E., Assistant Engineer, 1st Grade, and Officiating Executive Engineer, Allahabad Division, Military Works, from 6th April next, or from such subsequent date as he may avail himself of the same.

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

Rawalpindi Command.

Rawalpindi, the 8th March 1881.

No. 870.—With reference to Inspector General of Military Works' Notification No. 10, dated the 14th February 1881, Captain H. A. Graves, S.C., Executive Engineer, 4th Grade, temporary rank, joined the Rawalpindi Command, Military Works, on the forenoon of the 20th February 1881, and is posted to the Sialkot Division, which he joined on the afternoon of the same date.

Æ. PERKINS, *Colonel, R.E.,*
Supdg. Engr., Rawalpindi Command, Military Works.

Sirhind & Lahore Command.

The 11th March 1881.

No. 103.—Lieutenant G. H. Sim, R.E., Assistant Engineer, 1st Grade, is granted six weeks' privilege leave from 26th February 1881.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 9th March 1881.

No. 7.—With reference to the Director General's Notification No. 179 of 1880, Mr. W. J. Chamberlain, Traffic Superintendent, is posted to the Open Line, Punjab Northern State Railway.

No. 8.—Mr. J. Rickie, Assistant Locomotive Superintendent, is transferred from the Indus Valley State Railway to the Open Line, Punjab Northern State Railway.

The 12th March 1881.

No. 9.—Mr. G. E. Thomas, Locomotive Superintendent, Indus Valley State Railway, is granted six months' special leave on urgent private affairs from such date as he may avail himself of it.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 14th March 1881.

No. 19.—Mr. F. W. Morse, Assistant Engineer, 1st Grade, is granted language leave for three months and privilege leave in continuation thereof for two and half months.

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

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 9th March 1881.

No. 32.—With reference to Notification No. 22, dated 24th November 1880, by the Manager, Indus Valley and Lower Section, Kandahar State Railways, Mr. P. Duncan, Executive Engineer, 4th Grade, is granted an extension of fifteen days' privilege leave.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 7th March 1881.

No. 93.—ERRATUM.—In Engineer-in-Chief's Notification No. 90, dated 23rd February 1881, *for* "Lieutenant S. A. E. Hickson, R.E., Assistant Engineer, 1st Grade, on the afternoon of 29th January 1881," *read* "on the afternoon of 19th January 1881."

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

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATION.

Rawalpindi, the 9th March 1881.

No. 2.—With reference to Executive Engineer, Way and Works, Lahore Division's No. 193, dated 8th February 1881, Mr. F. Wolley Dod, Assistant Engineer, Jhelum Sub-Division, Punjab Northern State Railway, is granted three months' privilege leave, with effect from 1st April 1881.

E. L. MARRYAT, *Major, R.E.,*
Manager.

CALCUTTA UNIVERSITY.

NOTICE.

It is hereby notified for general information that a Convocation of the University of Calcutta will be held at the Senate House on Saturday, the 19th March at 4 P.M.

Graduates of the University in academic costume are admissible on presenting themselves at the Senate House at 3 P.M.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th March 1881.

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

The following selections in languages are appointed for the Examinations of 1882 and 1883-84:—

ENTRANCE EXAMINATION,

1882.

English.

Lethbridge's Selections from Modern English Literature. (The portions to be read will be notified during the year.)

1883.

Greek.

Xenophon ... Anabasis, Books I and II.
Homer ... Iliad, Book I.

Latin.

Cæsar ... Commentarii de Bello Gallico, Book I.

Arabic.

* Selections by Major Fuller.

Persian.

Iqd-i-gul Iqd-i-Manzum. ... Pages 1 to 105.

Hebrew.

The Book of Genesis.

Bengali.

* Selections by the Rev. K. M. Banerjea, D.L.

Urdu.

* Selections in Prose by Raja Sivaprasad, C.S.I.
* Selections in Poetry by Mr. Browning.

Hindi.

Rámáyana ... Balkánda.
Rajniti ... The first two chapters.

Uriya.

Rámáyana ... Sundrakánda.
Jiban Charita ... Translation from Iswara Chandra Vidyasagara, by Fakeer Chand Senapati.

Armenian.

History of Armenia ... Books I—III.

Burmese.

Zeneka. Dhamma Pada-ga-hta ... Selections (Rangoon Mission Press, 1873.)

Pali.

(i.) Pali Miscellany, by Professor Trenckner (28 pages of text.)
(ii.) Selections from the Játakas (Professor Fausböll's edition), the Apannakajataka (36 pages of text.)

FIRST EXAMINATION IN ARTS, 1883.

English.

Goldwin Smith ... Life of Cowper (Morley's English Men of Letters Series.)
Collins ... Homer's Odyssey (Ancient Classics for English Readers.)
Blackie ... Self Culture.
Stopford Brooke ... Primer of English Literature, page 108 to the end, (Literature Primers edited by J. R. Green, M.A.)
Cowper ... The Task, Books I and IV (Hales.)
Gray ... Poems (Rivington's English School Classics.)
Wordsworth ... Excursion, Book I, The Wanderer: (Rivington's English School Classics.)

Greek.

Herodotus ... Book IV.
Euripides ... Hecuba.

Latin.

Virgil ... Æneid, Book VI.
Cicero ... Orations against Catiline, III and IV.

Sanskrit.

Raghuvansa ... Books I to VIII inclusive.
Bhattikavya ... Books I to V inclusive.

Arabic.

* Selections by Mr. Kempson.

Hebrew.

Genesis.
Ruth.
Psalms I—LXXII.
Job, I—V.

Persian.

Sih nasar-i-Zahuri ... First 25 pages.
Ruquat-i-Mirza Bedil ... Do.
Buasaid-i-Urfi ... Do.
Sekandar Namah ... Do.

Pali.

(i.) Jatakas (Fausböll's edition); Vaggo I—IV, inclusive, pages 95—234.
(ii.) Dhammapada (Fausböll's edition); the first Bhanavaram, pages 1—35.

Bengali Subjects for Female Candidates.

Sivanath Sastri ... Nirbasitar vilap.
Akshaykumar Datta ... Dharmaniti.

B. A. EXAMINATION, 1884.

English.

Myers ... Wordsworth (Morley's English Men of Letters.)
Fowler ... Locke (Morley's English Men of Letters.)
Locke ... Conduct of the Understanding (edited by Fowler.)
Arnold's Selections from the Spectator, pages 1—228.
Shakespeare ... The Taming of the Shrew, King John, Coriolanus, (with Dowden's Shakespeare Primer.)
Milton ... Paradise Lost, Books VIII, IX and X.
Palgrave's Golden Treasury, Book IV, edited by Peter Peterson, M.A.

Greek.

Sophocles ... Philoctetes.
Demosthenes ... De Corona.

Latin.

Horace ... Odes, Books I and II.
Cicero ... Pro Cluentio.
Tacitus ... Germania.

Sanskrit.

Kumar Sambhava ... Books I to VII.
Meghaduta.
Sakuntala ... (Devanagari Recension.)

Hebrew.

Deuteronomy.
Psalms, I—XII.
Isaiah, I—XXXIX.
Daniel, I—VII.
Proverbs.

*Arabic.**

Tarikh-i-Yamani ... } As contained in Selections by Colonel Lees.
Hamasah, first 39 pages ... }
Mutanabbi ... }

Persian.

Veqai Neamat Khan Ali ... The first half.
Durra-i-Nadiri ... 50 pages from page 181.
Qasaid Khaqani ... First 50 pages.
Quasid Badar Chachi ... Do.

Pali.

(i.) Kacchayano (Senart's edition.)
(ii.) Abhidamma Sangaha.

Bengali Subjects for Female Candidates.

"Karnarjuna Kavya" first six Cantos, by Baladeva Palita.
"Vahyavastur sahita Manavaprakritir Sambandha Vichar," by Akshay Kumar Datta.

HONOUR EXAMINATION, 1883-84.

History.

(*a*) As a period—The History of England in the reign of George III.

The following books are recommended:—

Massey's History of England during the reign of George III.
Erskine May's Constitutional History of England.
Stanhope's History of England.
Stanhope's Life of Pitt.
Trevelyan's Early Life of C. J. Fox.
Brougham's Men of Letters of the time of George III.
Jesse's Memoirs of the Reign of George III.
Alison's History of Europe.
(*b*) Constitutional History of England as in Hallam.
(*c*) History of Modern Civilization as in Guizot.
(*d*) Political Economy.
(*e*) Taylor's Historical Evidence (Transmission of Ancient Books.)

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 14th March 1881.

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

The undermentioned students have passed the Medical Examinations:—

SECOND M. B. EXAMINATION.

FIRST DIVISION.

In Alphabetical Order.

1 Sanyal, Pulinchandra ... Medical College.
2 Ghosh, Srinath ... Ditto.

SECOND DIVISION.

In Alphabetical Order.

1 Adhyay, Binodbihari ... Medical College.
2 Basu, Sanatkumar ... Ditto.
3 Chattopadhyay, Debendranath ... Ditto.
4 Ghosh, Khudiram ... Ditto.
5 Lahiri, Nikunjamohan ... Ditto.
6 Pal, Janakinath ... Ditto.
7 Ray, Matilal ... Ditto.

SECOND L. M. S. EXAMINATION.

In Alphabetical Order.

1	Bagchi, Bijaygobinda ...	Medical College.
2	Bal, Taranath ...	Ditto.
3	Bandyopadhyay, Abinaschandra	Ditto.
4	Bandyopadhyay, Umeschandra	Ditto.
5	Chakrabarti, Krishachandra ...	Ditto.
6	Chattopadhyay, Khirodprasad	Ditto.
7	Das, Harischandra ...	Ditto.
8	Datta, Priyanath ...	Ditto.
9	Ghosh, Kamakshanath ...	Ditto.
10	" Prasannakumar ...	Ditto.
11	Kar, Amritalal ...	Ditto.
12	Kundu, Ambikacharan ...	Ditto.
13	Majumdar, Ramchandra ...	Ditto.
14	Mandal, Nilmani ...	Ditto.
15	Mukhopadhyay, Aghornath ...	Ditto.
16	" Sasibhushan ...	Ditto.
17	Saha, Gopiballabh ...	Ditto.

FIRST M. B. EXAMINATION.

FIRST DIVISION.

In Order of Merit.

1	Bagchi, Ramaprasad ...	Medical College.
2	Mukhopadhyay, Gopalchandra	Ditto.
3	Bandyopadhyay, Nilmani ...	Ditto.
4	Adhikari, Nilratan ...	Ditto.
5	Lahiri, Hrisikes ...	Ditto.
6	Pillai, S. K. ...	Ditto.
7	De, Ramnath ...	Ditto.

SECOND DIVISION.

In Alphabetical Order.

1	Bhattacharyya, Kumadnath ...	Medical College.
2	Datta, Mahendranath ...	Ditto.
3	De, Jaharlal ...	Ditto.
4	Ray, Phatikchandra ...	Ditto.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 17th March 1881.

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

Date.	Silver tendered, estimated value.	Certificates issued on General Treasury.	Certificates issued on Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 7	...	...	1,55,721	201	28,50,209	5,59,320
" 8	...	...	...	201	28,52,163	5,59,320
" 9	2,009	...	...	2,211	28,52,132	5,59,320
" 10	...	...	210	2,009	28,52,304	5,59,522
" 11	...	...	...	2,009	28,52,277	5,59,522
" 12	...	77,744	...	2,009	28,58,845	4,86,620

CALCUTTA MINT,
The 14th Mar. 1881.

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

GOVERNMENT RESERVE TREASURY.

The following Statement shows the amount of cash held in the Reserve Treasury of the Government of India at Calcutta upon the evenings of the last four Tuesdays:—

The 22nd February 1881 ... Rs. 90,53,142-12-3.
The 1st March " ... " 1,02,63,697--4-3.
The 8th " " ... " 1,05,39,490--4-3
The 15th " " ... " 98,25,256--2-9.

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 16th March 1881.

Statement of the Affairs of the Bank of Bengal for the week ending 14th March 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 89,52,935 A. 11 P. 8); Public Deposits at Branches (Rs. 1,02,93,868 A. 12 P. 7)	1,92,46,804	8	3
Other Deposits at Head Office and Branches	3,17,86,148	7	8
Bank Post Bills, &c.	5,93,073	10	7
Sundries	9,11,148	10	3
RUPEES	7,50,49,336	9	1

ASSETS.	Rs.	A.	P.
Government Securities	1,21,76,311	7	0
Loans on Government Securities at Head Office and Branches	50,94,209	6	11
Accounts of Credit on Government Securities at Head Office and Branches	55,32,879	15	11
Bills discounted and purchased at Head Office and Branches	2,53,48,031	10	11
Balances with other Banks	5,03,066	0	5
Bullion	9,87,038	13	0
Dead Stock	10,90,891	14	1
Stamps	8,396	15	0
Sundries	5,03,153	9	7
	5,12,43,909	12	10
Cash and Currency Notes at Head Office (Rs. 1,00,98,769 A. 13 P. 9); Cash and Currency Notes at Branches (Rs. 1,37,06,656 A. 14 P. 6)	2,38,05,426	12	3
RUPEES	7,50,49,336	9	1

By order of the Directors,

BANK OF BENGAL,
Calcutta, 17th March 1881.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

STATEMENT *of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th February 1881.*

Particulars.	3½ per cent. Loan of 1853-54	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Transfer Loan of 1879, seven shillings sterling per cent. Portion.	5 per cent. Debenture for 15 years, re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	Total Amount.
Balance of 31st January 1881	54,100	38,506	3,413	14,67,840	30,46,500	2,29,36,400	1,09,59,000	1,69,36,100	2,94,54,800	45,82,400	4,55,000	95,10,100	8,41,68,600	1,00,500	34,02,000	65,800	13,400	18,71,94,459
Add—																		
Amount enfaced at Madras between 1st and 15th February 1881	...	...	...	...	5,000	...	...	5,700	...	...	...	...	3,00,500	...	...	...	...	3,10,500
Amount enfaced at Bombay between 1st and 15th February 1881	...	...	...	...	3,000	1,50,000	2,700	1,36,000	82,000	...	...	1,46,000	5,70,000	...	...	...	...	10,89,700
Amount enfaced at Calcutta between 1st and 15th February 1881	...	...	...	36,480	3,500	2,05,700	9,300	3,47,200	2,28,400	...	...	1,89,500	3,84,400	...	7,000	...	...	13,11,380
	54,100	38,506	3,413	15,04,320	30,58,000	2,32,92,100	1,09,70,900	1,73,24,300	2,97,65,200	45,82,400	4,55,000	98,45,600	8,54,23,500	1,00,500	34,09,000	65,800	13,400	18,99,06,039
Deduct—																		
Amount written off in the London Registers	...	...	...	...	7,000	2,39,800	7,600	12,000	6,08,000	11,000	...	45,000	6,06,000	...	...	...	...	15,35,800
Balance on 15th February 1881	54,100	38,506	3,413	15,04,320	30,51,000	2,30,52,300	1,09,63,900	1,73,12,300	2,91,57,200	45,71,400	4,55,000	98,00,600	8,48,17,500	1,00,500	34,09,000	65,800	13,400	18,83,70,239

NOTE.—From 9th June 1867 to 15th Dec. 1880, enfaced from India 4,016 lakhs; re-transferred from London, 3,480 lakhs.

" 16th Dec. 1880 to 31st " "	" 1 "	" "	2 "
" 1st Jan. 1881 to 15th Jan. 1881	" 1 "	" "	7 "
" 16th " " to 31st " "	" 6 "	" "	13 "
" 1st Feb. " to 15th Feb. "	" 27 "	" "	15 "
	4,051 lakhs.		3,517 lakhs.
	3,517 "		
Balance against India	534 lakhs.		

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 15th March 1881.

CURRENCY NOTES.

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

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
223	... D 17—03466 ...	50	Lieutenant G. E. H. Cates, Agra.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
203	... D 17—04332 ...	50	Dabee Dass Ram Bux, Karawlee.
35	... D 16—20598 } * „ —20599 }	10	L. S. Saunders, Esq., Ajmere.

* Mismatched.

ALLAHABAD,
The 15th March 1881.

W. T. PIERCY, *A.A.-G.*,
In charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
406	... O 93—12141 ...	10	Babu Nim Chand Mukerjee.
408	... O 74—31599 ...	1,000	Hajee Mohamed Kazem Isfaham.
	„ —60049 ...	1,000	
	„ —56117 ...	1,000	
409	... O 69—89271 ...	100	Shaik Komuruddeen Beparee.
410	... O 88—48276 ...	100	Mr. T. Martin.
	„ —48270 ...	100	
	„ —48242 ...	100	
411	... O 74—51870 ...	1,000	Chugmul Das.
	„ —56120 ...	1,000	
412	... O 88—30355 ...	100	Luteef Mundle.
	„ —30354 ...	100	
	„ —01778 ...	100	
	„ —25134 ...	100	
	„ —36173 ...	100	
	„ —27148 ...	100	
	„ —28244 ...	100	
	„ —28245 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
393	... O 84—00479 ...	10	Babu Uma Das Banerjee.
394	... O 62—43941 ...	20	Mr. R. Hollingbery.
395	... A 98—53147 ...	10	Babu Shosheebhoosun Mookerjee.
258	... O 56—84198 } „ —84197 }	20	Juggurnath Deonarayan.
259	... L 17—82434 } D 10—53800 }	5	Messrs. Bolye Chand Dutt & Co.

CALCUTTA,
The 18th March 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 8—10515 ...	5	P. Soobayar, Esq., Deputy Collector, Tinnevelly.
J 13—08726 ...	20	S. H. Powell, Esq., Maypady, Wynad.
J 9—55085 ...	10	K. Ahmed Cooty, Cochin.

CALICUT,
The 9th March 1881.

BROOKE LEGGATT,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
132	... E 17—33990 ...	20	Heera Lal, Treasurer, R.A., Meean Meer.
133	... E 16—12089 ...	10	The Post Master General, Punjab.
	E 17—48271 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
169	... E 15—48895 ...	50	Shadi Ram, Rawalpindi.
179	... E 12—99841 ...	20	Messrs. Gillon & Co., Lahore, on behalf of Captain Jervois.
	„ —99842 ...	20	
	E 13—51787 ...	100	
192	... E 17—43855 ...	20	Miss G. L. West, the Mission, Ludhiana.
208	... E 17—39355 ...	20	Aya Ram, Jhang.
212	... E 8—33462 ...	5	Robert Pringle, Esq., Veterinary Surgeon, R.A., Meean Meer.
	E 15—67089 ...	50	
	E 13—77237 ...	100	
	E 20—00571 ...	100	
176	... E 7—65277 ...	5	P. deChaves, Esq., through Mr. N. deChaves, of Bombay.
	E 8—38727 ...	5	

LAHORE,
The 12th March 1881.

C. G. VAN ITTART,
Asst. to Accts. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
102	... B 61—62061 ...	50	K. F. Nordman, Esq., Executive Engineer, Cuddapah Division.
103	... B 63—33217 ...	10	K. Ekhirajah Pillai Ayl.
	B 64—19063 ...	20	Love.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
203	... B 57—25623 ...	20	Venkoba Rao, Contractor, Tumkur.
	„ —82083 ...	20	
204	... B 42—15904 ...	20	Meheer Lall Chatterji, Government Telegraph Store Department, Allpore, Calcutta.
205	... B 66—12588 ...	100	Gudu Bhai, Yusuf Sahib & Co., Madras.
206	... B 61—71602 ...	50	Rungane Mondrey Ambali, Shimoga, Mysore Province.
	B 66—55682 ...	100	
28	... B 53—03456 } * „ —03455 }	10	Namar Nadar, Namasivaya Chetti Street, Madras.

* Wrongly joined.

FORT SAINT GEORGE,
The 7th March 1881.

H. KEENE,
Offg. Asst. Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
H20	... F 9—86278 ...	50	Govind Sunto, Carkoon Deputy Commissioner's Office, Woon District, Yeotmall.
H22	... F 8—71640 ...	20	Shookee Singh, Chuprasi of Gunga Bishen and Chotay Lall Gyawalla, Allahabad.
	„ —71642 ...	20	

NAGPUR,
The 10th March 1881.

W. H. EGERTON,
Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 2nd March 1881.

From the 5th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for Express Passenger Dâks between Umballa and Simla.

A printed copy of the rules can be obtained from the Post Master on application.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

The 25th February 1881.

Exchange of Money Orders with South Australia, Western Australia, New South Wales and Queensland.

On and after the 1st April 1881, Money Orders can be issued upon South Australia, Western Australia, New South Wales and Queensland, at the following rates of commission:—

				Rs.	A.
On sums not exceeding £ 2			...	0	4
Exceeding £ 2 and not exceeding	£	5	0	8	
„ £ 5 „ „	£	7	0	12	
„ £ 7 „ „	£	10	1	0	
„ £ 10 „ „	£	12	1	4	
„ £ 12 „ „	£	15	1	8	
„ £ 15 „ „	£	17	1	12	
„ £ 17 „ „	£	20	2	0	

2. No single Money Order may exceed £20 in value, and no remitter may obtain in one day more than four Money Orders payable to the same person.

3. In all other respects Money Orders drawn upon the colonies mentioned above will be subject to the rules governing Money Orders drawn upon the United Kingdom, as given in the Indian Postal Guide.

4. From the same date Money Orders issued in the colonies named above will be paid in India under the same conditions as apply to Money Orders issued in the United Kingdom.

L. G. WAIT,
Asst. Dir. Genl. of the Post Office, Foreign Post Department.

The 18th March 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	26th March	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	25th „	Str. *Khandalla.*
Madras and Ceylon	6 „	26th „	P. & O. Str. *Verona.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai, also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	22nd „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	21st „	From Bombay.
Do. Book Post and Pattern Packets	6 „	20th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	24th „	Str. *Baghdad.**
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6 „	24th „	Str. *Madras.*
Persian Gulf	6 „	19th „	From Bombay.

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

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 17th March 1881.

Arnold, R. J.	Gordon, Mrs. E. F.	Mylen, G. C.
Baulkman, W.	Galterman, H.	Moorhouse, Rev. H. A. B.
Brown, M.	Godwin, Mrs.	Meredith, Miss.
Bond, Miss Bridget.	Hamilton, G.	Morice, J. E. L.
Clark, Mrs. Susan.	Henderson, Brother & Co.	O'Connell, T.
Collier, Miss.	Holms, Miss.	Palmer, Miss L.
Cunningham, A.	Johnson, F. G.	Pereira, Mrs. C.
Cunningham, Miss.	Jones, P.	Pearce, Lt. J.
Connor, John (57, Amherst Street).	Kally Mohun Mookerjee.	Perrie, Capt. W.
Darlimg, Foot & Co.	King, W. A.	Robinson, J. C.
Desbois, Madame S.	Kelly, George.	Roe, Capt.
Dobbin, W.	Kelly, John (care of Capt. Stalky).	Smith, S.
Dundas, R. H. D.	Kelly, Dr.	Smith, Mrs. Glass.
Dunn, Mrs.	King, A. T.	Smith, Mrs. R. C.
DeCruz, E.	Keevan, William.	Stuart, G. T.
Eckert, Mrs. L.	Lalla Parus Das Sahoo.	Slack, G. W.
Fags, G.	Law, J. S.	Seager, Mrs. E.
Farrell, Mr. J.	Leeson, Mrs. S.	Sellezer, Mrs. B.
Fournier, Messrs. A. & G.	Law, Rev. W.	Thompson, Mrs.
Fairweather, Mrs.	Mahamed Ghose.	Trever, G. L.
Forbes, Messrs. W. S. & Co.	Mancer, Mrs	Taylor, M.
Fullum, J. P.	Martin, Mrs. J.	Turner, Miss.
French, Rev. G.	Misquintho, L. B.	Taylor, R. E. S.
Garlin, C. A.	Muir, Thomas.	Waller, A.
	Murray, John.	Weyton, O.
		Williams, E.
		Williamson, J.

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

Akirkonde, Mr.	Coan, John.	Lindesay, Harris M.
Arsene, Monsieur A.	Dowden, Major.	Loch, Lt. G. H.
Addis, G. W. C.	Davison, T. M.	Mitchell, Mrs. Murray.
Banofacia, C. S.	Elwell, A. H.	MacIntyre, A.
Barker, Thomas W.	Evans, J.	Montgomery, Miss.
Bennet, J.	Fleming, Stanley Le.	Morton, H. A.
Bergham, Herbert.	Fleming, James.	Palmer, Capt. A. Y.
Beck, Miss Jessie.	Ford, Geo. Henry.	Palmer, T. S.
Beattie, W. G.	Gunsalles, John.	Peachy, Miss Kate.
Bollo, Miss Rosa.	Hampton, C. E.	Ruby Diamond Ruby.
Brodie, Lt. E. W.	Havard, D.	Scratchmeiab, Lt.-Col. F. H. (R.A.)
Burton, Miss Marie.	Hurroo Lal.	Shaw, J. E.
Caupier, Arthur H.	Hurst, R. B.	Simpson, J. M.
Cavanagh, J.	Hely, Miss.	Southal, William.
Coote, Walter.	John, George.	Stewart, Rev. R.
Cox, A.	Joseph, Monsieur A.	Stevens, C.
Coxen, H.	Jones, C. R.	Senior, Major H.
Collymore, Joseph.	Jourud, Ferdinand.	Willson, Mrs.
Cooper, W. T.	Kermander, Mrs. M.	Woodburn, A. F.
Cornwall, J. H.	"Kitty."	
Cratter, Geo.		

Newspapers.

Powell, Thomas.	Purbrick, Mrs.	Stewart, David.

Registered Letters.

Beck, Henry.	Packenham, J. H., Chief Vervin, Robt.	
Kelso, A.	Officer.	Warde, Mrs.
Kohn, T.	Sander, J. W.	

E. C. GEORGE,
Presidency Post Master.

NOTICE.

William Heather, late Road Cess Overseer, Rungpore, having been convicted of dishonest misappropriation of property, was dismissed from the service.

A descriptive roll of the prisoner is given below in order that he may not be employed again in any Government Office.

Name of Offender,—William Heather.	Offence,—Dishonest misappropriation of property, Section 403, Indian Penal Code.
Height and other distinguishing marks,—5 feet 7 inches, fair complexion, grey hair.	Punishment,—Rigorous imprisonment of 3 months and fine of Rs. 100, in default to further 3 weeks rigorous imprisonment.
Sex,—Male.	
Religion,—Irish, Protestant.	Occupation before Dismissal,—Overseer, Rungpore Road Cess.
Residence,—Rungpore.	

H. E. STALEY,
for *Magistrate.*

RUNGPORE MAGISTRACY,
The 8th March 1881.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel*,
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج ٗ

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ٗ

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ٗ

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانوں ميں بکتي هی ماسواے قيمت مذکورهٗ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا باره آنه ٗ

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	2	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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The price of each Part purchased separately will vary according to the amount of matter it contains, and will be printed on the wrapper. It will, however, never be below the following:—

For a Part of the CALCUTTA SERIES ...	Rs.	3 8
„ „ MADRAS SERIES ...	„	1 0
„ „ BOMBAY SERIES ...	„	1 0
„ „ ALLAHABAD SERIES.	„	1 0
Complete set	„	4 0

Persons desiring to subscribe for or purchase the Reports, should apply to—

MESSRS. THACKER, SPINK AND CO., CALCUTTA;

MESSRS. THACKER AND CO., BOMBAY;

MESSRS. HIGGINBOTHAM AND CO., MADRAS;

THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;

THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

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

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Lacon Roads. *Re. 1.*
Samuie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{312}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878 *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Vizadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Mannanore.
„ 7. Discontinuance of the exhibition of maroons from the [illegible] Hooghly River.
„ 8. [illegible] at Tolkeshwar, Dabhol or Anjanvel.
„ 9. [illegible] Suez.
„ 10. [illegible] of the port, Madras.
No. 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulationsfor Pilot Brigs.
„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
„ 4. Java, North Coast, Harbour Light at Tegal.
„ 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.

*** *The above rates are exclusive of mounting, colouring, packing, and postage.*

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

Books required for the public service cannot be supplied on payment; they are only issued on the authority of the Department to which the indenting officer is subordinate. In sending for books for personal use, it should be stated that they are required for this purpose, to avoid the delay of enquiry before complying with the requisition.

Just published.

Super-royal octavo, cloth.

Tribes of the Hindoo Koosh. *Price, Rs. 6; packing and postage, 6 annas.*

Army List.

The Official Quarterly Bengal Army List, corrected up to 31st December 1880. This number will contain the Furlough and Service Fund Regulations, War Services of Officers, &c.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

☞ *The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.*

A Manual of Tibetan, being a Guide to the Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. *Price, Rs. 6; postage, 3 annas.*

Copies are to be had at the Office of the Director of Public Instruction.

Publications for Sale at the Bengal Secretariat Press.

Rules for the Guidance of Officers in the Administration of Wards' and Attached Estates. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1; packing and postage, 2 annas.*

Board's Rules, or Rules for the guidance of Officers engaged in the administration of the Revenue Department in the Lower Provinces of Bengal. Revised edition, Vol. I. *Price, Rs. 4; postage, 5 annas: interleaved copy, Rs. 5; postage, 8 annas.*

☞ *Printed slips containing alterations and additions will be available to purchasers monthly, at Rs. 2 per annum, including postage.*

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Settlement Manual, 1879. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1-8; packing and postage, 2 annas.*

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The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

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Papers regarding the Tea Industry in Bengal. *Price, Rs. 3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, Re. 1-8; postage, 1 anna.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, Rs. 6; postage, 8 annas.*

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Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, Re. 1-8; postage, 2 annas.*

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Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, Rs. 3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

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

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

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Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 2, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

NOTICE TO MARINERS.

No. 9 of 1881.

CEYLON—WEST COAST.

COLOMBO.

Red Light on Breakwater.

The Master Attendant of Colombo notifies that, at the close of the present North-east Monsoon, the Titan Crane will be moved in from the end of the Breakwater. The Red Light now shown from the Titan will then be exhibited from the mast of a boat, at an elevation of 30 feet. The boat will be moored as close as possible to the end of the Breakwater, and will remain there throughout the South-west Monsoon, or when the Titan is not in position.

By Direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I. [illegible]),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 24th March 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Chart No. 813, Sailing Directions, West Coast of Hindustan Pilot, page 52, and Light List for 1881.

INDIAN MARINE SURVEY Chart No. 1175, and Light List for 1881; also Taylor's Sailing Directory, Vol. I, page 426.

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

APR. 8

NOTICE TO MARINERS.

No. 10 of 1881.

BAY OF BENGAL—GODAVERY DISTRICT.

COCANADA.

Red Buoy off Point Gordeware (Godavery.)

The Port Officer, Cocanada, has given notice that the large *red* buoy, with pole and basket, has been removed from its former position (*viz.*, 2 miles eastward of Gordeware point) and is now placed in 6¼ fathoms, low water, to the northward of the Godavery shoals—the *black* buoy, formerly in that locality, being now taken up.

The dry sandy point Gordeware will be marked by a tripod beacon surmounted by a pole with basket.

The bearing of Hope island light from the *red* buoy is S.-by-W. ¾ W.; the Vakalapudi light bears from the buoy N.-W.-by-W. (magnetic.)

Approaching Cocanada from the southward by night, a ship should not haul in for Vakalapudi light till it bears W.-N.-W.; by day, she should pass fully half a mile northward and eastward of the buoy.

By Direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 25th March 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts Nos. 81, 71*a*, 70*a*, 828 and 829.

INDIAN MARINE SURVEY Charts Nos. 113, 1172, 15*b*, 15*c* and 103*a*. Also Taylor's Sailing Directory, Vol. I, page 465.

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

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 31st March 1881.

No. 4.—Privilege leave for three months from forenoon of the 28th January 1881, under Section 13, Supplement F, of the Civil Leave Code, is granted to Mr. W. D. Corbett, Assistant Surveyor, 2nd Grade, in supersession of the leave granted in Notification No. 3, dated 8th March 1881, published in *Gazette of India* of the 12th March 1881.

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

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 24th March 1881.

No. 129 I.-E.—Mr. J. Scroggie, Assistant Superintendent, has been granted by the Deputy Director, Persian Gulf Telegraph, furlough for one year and three months, under Section 8, and subsidiary leave, not exceeding eight days, under Section 11 of Supplement F of the Civil Leave Code, with effect from 1st March 1881, subject to confirmation by the Director-in-Chief, Indo-European Telegraph.

F. G. OLDHAM, *Major, R.E.,*
Offg. Examiner of Telegraph Accounts.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 23rd March 1881.

No. 551.—Lieutenant-Colonel J. C. Berkeley, Madras Native Infantry, Political Agent, Baghelkhand, is permitted to proceed to Europe on furlough in anticipation of the furlough which will hereafter be granted to him by the Government of Madras, and is granted subsidiary leave for thirty days, under Section 34 of the Civil Leave Code, from 1st April, or such subsequent date as he may avail himself of the same.

The 24th March 1881.

No. 555.—Lieutenant J. G. Morris, Bengal Staff Corps, Boundary Settlement Officer, Bhopal, is permitted to proceed to Europe on furlough in anticipation of the furlough which will hereafter be granted to him by the Government of India, and is granted subsidiary leave for fifteen days, under Section 34 of the Civil Leave Code, from 1st April, or such subsequent date as he may avail himself of the same.

D. W. K. BARR,
1st Asst. to the Agent, Govr. Genl., for Central India, In charge of Residency.

The 25th March 1881.

No. 561.—Captain D. W. K. Barr, 1st Assistant to the Agent to the Governor General for Central India, is granted privilege leave for three months from the 1st April 1881.

By Order,

J. BURNE, *Captain,*
2nd Asst. to the Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 23rd March 1881.

No. 436 *G.*—APPOINTMENT.—Captain P. W. Smith, attached to the Deoli Irregular Force, resumed his station staff office duties from Major J. H. L. Greenfield on the afternoon of the 8th March 1881.

No. 442 *G.*—With reference to Foreign Department Notification No. 202 G.-G., dated 4th February 1881, Major Charles Grant and Lieutenant Charles W. Ravenshaw, respectively, delivered

over and received charge of the Office of Superintendent of Police and Magistrate, 2nd Class, Rajputana and Sindia State Railways jurisdiction, on the forenoon of the 14th February 1881.

The 26th March 1881.

No. 462 *G.*—APPOINTMENT.—Major J. H. L. Greenfield, 2nd-in-Command, Deoli Irregular Force, held charge of the office of Commandant, Deoli Irregular Force, from the 11th to the 16th January 1881, both days inclusive.

No. 467 *G.*—APPOINTMENT.—Second Class Hospital Assistant Gurucharan Lusker is appointed to the medical charge of the Jail and of the Detachment of the Erinpura Irregular Force at Abu, with effect from the 21st November 1880, in addition to his other duties.

No. 470*G.*—The undermentioned Civil Hospital Assistants have passed the examination in the English language required to enable them to draw the higher rates of pay of their grades (under Resolution of the Government of India, Home Department, Medical, No. 16 of 9th January 1878) from 5th March 1881:—

Class.	Name.	Place.
I	Najeeb Khan ...	Jeypore Mayo Hospital.
II	Sheikh Abdoollah ...	Rajputana State Railway, Ajmere.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 21st March 1881.

No. 22.—With reference to Public Works Department No. 410 G., dated 14th March 1881, Major W. H. Pierson, R.E., Executive Engineer, 1st Grade, was relieved of his duties in the Military Works Branch on the forenoon of 16th March 1881.

No. 23.—Lieutenant H W. Duperier, R.E., Executive Engineer, 4th Grade, temporary rank, is transferred from the head-quarters staff of the Inspector General of Military Works to the Sirhind and Lahore Command, Military Works. Lieutenant Duperier was relieved of his duties in Simla on the forenoon of 24th February 1881.

No. 24.—Honorary Captain J. Modget, Barrack Master, 1st Class, is granted twenty months' leave in India on medical certificate.

The 23rd March 1881.

No. 25.—Lieutenant W. G. Bowyer, R.E., Assistant Engineer, 1st Grade, is appointed to officiate as Executive Engineer, Rawalpindi Division, Military Works, with effect from the afternoon of 28th February 1881.

The 25th March 1881.

No. 26.—Captain W. L. Greenstreet, R.E., Executive Engineer, 2nd Grade, on return from furlough, is posted to the Presidency and Oudh Command, Military Works.

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

Meerut Command.

Meerut, the 25th March 1881.

No. 8.—With reference to Inspector General Military Works' No. 1341 of 17th March 1881, Captain S. C. Turner, R.E., Executive Engineer, 3rd Grade, was relieved of the charge of the Meerut Division, Military Works, on the afternoon of the 19th March 1881, and reported his departure for field service on the same date.

No. 9.—Lieutenant J. T. Johnston, R.E., Executive Engineer, 4th Grade, received charge of the Meerut Division, Military Works, on the afternoon of the 19th March 1881, from Captain S. C. Turner, R.E., proceeded on field service.

No. 10.—With reference to Inspector General Military Works' No. 1341 of 17th March 1881, Lieutenant R. A. Wahab, R.E., Assistant Engineer, 1st Grade, was relieved of his duties in the Agra Division, Military Works, on the forenoon of the 19th March 1881, and reported his departure for field service on the same date.

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

Rawalpindi Command.

Rawalpindi, the 24th March 1881.

No. 1057.—With reference to Government of India, Military Department, Notification No. 90, dated the 18th February 1881, Captain M. A. Alves, R.E., Executive Engineer, 2nd Grade, was relieved of his duties in the Rawalpindi Command, Military Works, on the afternoon of the 17th March 1881.

Æ. PERKINS, *Colonel, C.B., R.E.,*
Supdg. Engr., Rawalpindi Command, Military Works.

Sirhind & Lahore Command.

The 23rd March 1881.

No. 104.—Major W. H. Beckett, Executive Engineer, made over, and Lieutenant Duperier, R.E., Executive Engineer, received, charge of the Kasauli Division, Military Works, on the forenoon of the 17th March 1881.

The 28th March 1881.

No. 105.—Lieutenant W. T. Shone, R.E., Temporary Executive Engineer, 4th Grade, made over, and Major W. H. Beckett, Executive Engineer, received, charge of the Ferozepore Division, Military Works, on the afternoon of the 21st March 1881.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 22nd March 1881.

No. 20.—Mr. G. G. Hiley, Port Store-keeper, State Railway Department, Karachi, availed himself of the privilege leave granted him in this Office Notification No. 14, dated 15th February 1881, on the forenoon of the 12th February 1881, and returned to duty on the forenoon of the 1st March 1881.

During Mr. Hiley's absence his duties were carried on by Mr. B. Baxter, Executive Engineer, 4th Grade, temporary rank.

The 24th March 1881.

No. 21.—Mr. A. T. Chiodetti, Assistant Engineer, 3rd Grade, is placed at the disposal of the Director of State Railway Stores, temporarily for employment on special duty at Karachi. Mr. Chiodetti took up his duties on the forenoon of the 14th February 1881.

The 28th March 1881.

No. 22.—With reference to Public Works Department Notification No. 70, dated 21st February 1881, Mr. E. W. M. Hughes, Locomotive Superintendent, in Class II of the State Railway Revenue Establishment, is placed at the disposal of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

BHOPAL STATE RAILWAY.

NOTIFICATION.

Hoshangabad, the 26th March 1881.

No. 5.—Mr. J. R. Bell, Executive Engineer, 2nd Grade, having been relieved of the executive charge of Saugor Survey Division by Mr. J. M. Campion, Executive Engineer, 3rd Grade, on the afternoon of the 23rd March 1881, reported his departure for Lucknow on the afternoon of the same day.

H. T. GEOGHEGAN,
Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 26th March 1881.

No. 33.—With reference to Public Works Department Notification No. 78, dated 2nd March 1881, Mr. C. H. Brereton, a candidate for the superior classes of the State Railway Revenue Establishment, reported his arrival at Mooltan on the forenoon of the 25th March 1881.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari Gorge, the 21st March 1881.

The Office of the Engineer-in-Chief, Upper Section, Kandahar State Railway, will be closed from the 26th instant.

The 22nd March 1881.

The Office of the Executive Engineer, Survey Division, Kandahar State Railway, is abolished from the 26th March 1881.

Captain F. W. Joseph, Executive Engineer, 2nd Grade, in charge, is deputed from that date on special duty in connection with the survey of stores, Kandahar State Railway.

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

RAJPUTANA RAILWAY, Manager's Office.

NOTIFICATIONS.

Ajmere, the 25th March 1881.

No. 14.—Mr. T. W. Bartlett, Executive Engineer, 3rd Grade, is granted three months' privilege leave of absence, with effect from such date as he may avail himself of it.

The 28th March 1881.

No. 15.—Mr. H. W. Bennett, Assistant Engineer, 2nd Grade, is granted one month's privilege leave of absence, in continuation of the three months' language leave granted in Consulting Engineer for Railways', Bombay, Notification No. 112 of the 12th November 1880.

The 29th March 1881.

No. 16.—With reference to Government of India, Public Works Department, Notification No. 390 of the 19th November last, Mr. P. J. Dudgeon, Assistant Locomotive Superintendent, Class IV of the Revenue Establishment, joined this Railway on the forenoon of the 18th instant.

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

Wanted a European Pilot for Aden Harbour.

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2. Pay to commence on date of joining.
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W. K. THYNE,
Port Officer, Aden.

PORT OFFICE; ADEN, *The 11th March 1881.*

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 21	...	...	30	...	28,77,108	2,78,897
„ 22	...	...	...	...	28,77,081	2,78,897
„ 23	...	...	...	...	28,81,439	2,78,897
„ 24	...	...	...	...	28,82,047	2,78,897
„ 25	...	...	...	...	28,82,019	2,78,897
„ 26	...	...	...	...	28,81,042	2,78,897

CALCUTTA MINT, *The 28th Mar. 1881.* J. F. TENNANT, *Col., R.E., Mint Master.*

Statement of the Affairs of the Bank of Bengal for the week ending 29th March 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 93,76,967 4 11)	1,91,85,197	3	7
Public Deposits at Branches (Rs. 98,08,229 14 8)			
Other Deposits at Head Office and Branches	3,09,73,577	4	4
Bank Post Bills, &c.	16,24,304	5	0
Sundries	9,62,790	12	7
RUPEES	7,52,58,030	13	10

ASSETS.	Rs.	A.	P.
Government Securities	1,31,14,937	1	0
Loans on Government Securities at Head Office and Branches	52,06,442	3	9
Accounts of Credit on Government Securities at Head Office and Branches.	31,91,941	13	0
Bills discounted and purchased at Head Office and Branches	2,43,80,328	7	1
Balances with other Banks	7,84,517	1	0
Bullion	9,62,743	0	4
Dead Stock	10,94,280	2	11
Stamps	7,698	1	0
Sundries	4,83,783	0	11
	4,92,26,670	15	0
Cash and Currency Notes at Head Office (Rs. 1,17,63,752 12 4)	2,60,31,359	14	10
Cash and Currency Notes at Branches (Rs. 1,42,67,607 2 6)			
RUPEES	7,52,58,030	13	10

BANK OF BENGAL, *Calcutta, 31st March 1881.*

By order of the Directors.
J. GORDON, *Chief Accit. & Depy. Secretary.*
R. HARDIE, *Secretary & Treasurer.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
206	... D 12—27591 ...	5	Baboo Gyananund Mitter, Lucknow.
37	... L 47—26207 * „ —26206	20	The Chief Pay Master, East Indian Railway, Calcutta.

* Mismatched.

ALLAHABAD, *The 30th March 1881.*

GODREZJEE D. PUDUMJEE, *A. A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1881. W18	... M 43—74429 ...	100	Cowasji Edulji, Mhow.

NOTES PARTIALLY LOST OR DESTROYED.

H36	... M 53—30779 ...	20	A. Rosaria, Poona.
	M 51—84970 ...	10	
H37	... M 52—52647 ...	10	Vithal Lakhuman, Bombay.
M18	... M 2—27936 „ —27933	5	Kapoorchand Jootha, Bombay.

BOMBAY, *The 29th March 1881.*

C. E. CRAWLEY,
Asst. Accit.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
424	... O 31—85323	50	Babu Nobin Chunder Mullick.
	O 59—58222	20	
	O 61—41983	20	
	L 79—54501	20	
	O 48—40831	10	
	O 52—17803	10	
	O 78—97865	10	
	O 79—44042	10	
	„ —44043	10	
	„ —44044	10	
	„ —44046	10	
	O 37—55938	5	
	„ —07282	5	
426	... O 74—88403	1,000	Babu Nogendra Nath Mullick.
	„ —88097	1,000	
	O 71—39497	500	
	O 88—63198	100	
	„ —62258	100	
	„ —62259	100	
	O 32—49745	50	
427	... O 94—40365	10	Mr. T. W. Babonau.
429	... O 88—01735	100	Noor Bux Bepari.
	O 68—25929	100	
430	... O 74—66430	1,000	Hajee Abid Hossein.
431	... O 71—21871	500	Babu Hara Chandra Sanyal.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
270	... L 29—15359 „ —15358	5	Babu Jodunath Pan.
271	... L 32—12037 „ —12038	10	Babu Bharut Chunder Shaw.
	L 29—89419 „ —89416	5	
	L 10—70027	5	
	L 9—89886		
272	... O 38—61684 „ —61682	5	Babu Denonath Chatterjee.
273	... O 77—32383 „ —32382	10	Babu Grish Chunder Das.
404	... O 90—46724 ...	10	The Agent, Chartered Mercantile Bank of India, London and China—Calcutta.
405	... O 88—20241 ...	100	Babu Govindo Chunder Poddar.
406	... O 71—11267 ...	500	Mr. C. F. Magrath.
407	... O 66—36421 ...	100	Messrs. Ibrahim Soloman & Co.
408	... O 83—18514 ...	10	Mr. C. M. Ananda, Tirtha Ram.
409	... O 74—41114 ...	1,000	Ram Lal Sohanlal Sahookar.
410	... O 24—15716 ...	20	Babu Bharut Chunder Shaw.
411	... L 11—16146 ...	5	Major C. F. Gleig.
	„ —16147 ...	5	
	„ —16151 „	5	
412	... O 66—73451 ...	100	Chottey Lal Agurwalla.
413	... O 23—45064 ...	20	Babu Ram Lal Mukerjee.
	„ —45066 ...	20	
	O 25—28050 ...	20	
414	... O 31—97230 ...	50	Kaiveel Ram and Mithun Lal.

CALCUTTA, *The 1st April 1881.*

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Coconada Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
I 10—23670 ...	10	Vobillisetty Veerasawmy, of Coconada.

COCONADA,
The 22nd March 1881.

E. G. RICKETTS,

Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 10—47556 ...	100	Mr. A. D. Reuben, Commissariat Inspector, Nari Bank.
„ —52647 ...	100	
„ —53578 ...	100	
„ —54402 ...	100	
G 8—54942 *	20	Rugoonath Dadaji, Compositor, E. S. Press, Bombay.
„ —54946 *		

* Mismatched.

KURRACHEE,
The 22nd March 1881.

W. PATTON,

Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
135	... E 17—29800 ...	20	J. Woodward, Esq., Lahore.

LAHORE,
The 25th March 1881.

C. G. VANSITTART,

Asst. Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
105	... B 66—60392 ...	100	Mukatti Vallapil Pokar, Kurumbranad Taluk, Malabar.
106	... B 66—47306 ...	100	Gokaram, of Tadpatri.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
213	... B 22—C6273 ...	20	W. Venkiah, Black Town Madras.
30	... B 47—11299 *	5	Pandiamathan, care of C. Munuswami Nayadu, Govindappa Naik Street, Madras.
	„ —11298 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 23rd March 1881.

C. HALL,

Offg. Chief Clerk of the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 27th March 1881.

The public are hereby informed that under a general revision of the Post Office working of this town, which will have effect on and from 1st April next, the undermentioned three new Town Receiving Offices will be opened:—

1. Ballygunge.
2. Fort William.
3. Burra Bazar.

This revision secures also to the public the following increased facilities, *viz.*:—

(1) The early morning clearing of the letter boxes, which will enable the letters posted the night previous to be delivered by the first delivery next morning in any part of the town of Calcutta.

(2) That letters, &c., for the Darjeeling, Northern Bengal, and Assam line mails, can be posted an hour later at the Town Receiving Office than at present.

(3) That registered letters and parcels will be received, at all the Town Receiving Offices, an hour later than is now done, *i.e.*, from 7 to 8 A.M. and 12 noon to 5 P.M.

(4) That instead of only a few of the Town Receiving Offices, as at present, having parcel and insurance powers, that these same powers will be extended now to all the Town Receiving Offices, together with the receipt of money orders.

(5) That *Poste Restante* Offices will be opened at all the Town Receiving Offices where letters will await the addressees calling for them for ten days prior to their transfer to the General Post Office, where they will complete their further time of detention under the rules.

(6) That the deposit or *Poste Restante* Department of the Calcutta General Post Office will be opened at 8 A.M., and continue open throughout the day up to 5 P.M., instead of, as at present, from 10 A.M. to 5 P.M.

The 1st April 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	9th April	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	8th „	Str. *Chindwara.*
Madras and Ceylon	6 „	9th „	P. & O. Str. *Ancona.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	5th „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	4th „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	3rd „	From Bombay.
Rangoon, Moulmein and Straits	6 „	7th „	Str. *Purulia.*
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6 „	7th „	Str. *Commilla.*
Persian Gulf	6 „	2nd „	From Bombay.

* Also *viâ* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Bé and Réunion; can be forwarded by this opportunity.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 1st April 1881.

Alexander, C. A.	Gomes, S. A.	Shama Churn Ghose.
Aspa, H. J.	Holliway, C. B.	Stewart, C.
Atkinson, Mrs. C. E. L.	Hanny, Mrs. J. E. D.	Smith, Miss M. L.
Baldham, W.	Harker, Mr. J. A.	Selleger, B.
Bhobun Mohun Boral.	Henderson, Mrs. H. M.	Saram Sing.
Bailey, F. G.	Jenkinson, Mrs. S.	Sanders, Mrs. E.
Beale, Miss.	Kureemodeen & Co.	Strong, J. G.
Beck, J.	Lennox, H. M.	Stewart, Miss.
Cammel, M.	Mancer, Mrs.	Sandford, C. W.
Connor, John.	Mcdonald, S.	Thompson, Miss L.
Cooke, Miss Victoria.	Miller, Miss.	Transfield, J.
Cockerine, Mrs.	Miller, Mrs.	Wade, W. M. N.
Desbois, Madame S.	Madge, J. L.	Willis, Miss C.
DeCruz, J.	O'Connell, T.	White, Mr. J.
DeSanto, Thomas.	Pereira, H.	Waller, A.
Douglas, E. S.	Peters, Miss E. T.	Weyton, O.
D'Silva, Mrs. A. C.	Partridge, Mrs. J.	Wilson, Mrs. C. H. (S. S. *Navarino.*)
Forth, Mr.	Paul, K. P.	
Forster, E.	Pinto, Miss E.	Walker, H. S.
Grant, Mrs. George.	Rodriques, C.	Wigley, J. G. M.
Gopenath, Sandusweys.	Rose, Miss V.	

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

Alexander, Miss.	Coan, John.	Morton, H. A.
Akirkonde, Mr.	Dowden, Major.	Merchaeles, Louis.
Arsene, Monsieur A.	Davison, T. M.	Palmer, Capt. A. Y.
Addis, G. W. C.	Elwell, A. H.	Palmer, T. S.
Bush, Rev. T. C.	Evans, J.	Peachy, Miss Kate.
Burns, Mrs.	Farber, L.	Phillips, W. H.
Banofacia, C. S.	Fleming, Stanley Le.	Reilly, G. B.
Barker, Thomas W.	Fleming, James.	Ruby Diamond Ruby.
Bennet, J.	Galtely, Mrs. E.	Stevenson, Mrs.
Bergham, Herbert.	Gomes, Leopoldino Valiriano.	Scratchmelah, Lt.-Col. F. H. (R.A.)
Beck, Miss Jessie.	Gray, H. D.	Shaw, J. E.
Beattie, W. G.	Gunsalles, John.	Simpson, J. M.
Bollo, Miss Rosa.	Hurroo Lal.	Southal, William.
Brodie, Lt. E. W.	Hurst, R. B.	Stewart, Rev. R.
Burrill, William.	Hely, Miss.	Stevens, C.
Brooksbank.	Joseph, Monsieur A.	Senior, Major H.
Campier, Arthur H.	Jones, C. R.	Smith, E.
Christy, W. H.	Journd, Ferdinand.	Smith, John.
Cavanagh, J.	J. O. N.	Stewart, G. G.
Coote, Walter.	Keirnander, Mrs. M.	Wyllie, Lt. J. A.
Cox, A.	"Kitty."	Willson, Mrs.
Coxen, H.	Koch, Horun E.	Woodburn, A. F.
Collymore, Joseph.	Mitchell, Mrs. Margaret.	Ware, Mr. H. C.
Cooper, W. T.	Macintyre, A.	Watson, W.
Cornwall, J. H.	Montgomery, Miss.	
Crafter, Geo.		

Newspapers.

Bradshaw, Lt. J. L. E.	Stewart, David.	Wyllie, Lt. J. A.
Johnson, E. C.	Senior, Major H. W. J.	

Registered Letters.

Beck, Henry.	Kohn, T.	Meares, C.
Bailey, Mr.	Loumon, Adolph.	Warde, Mrs.
Kelso, A.		

E. C. GEORGE,
Presidency Post Master.

GOVERNMENT STATIONERY OFFICE.

4, CHURCH LANE, CALCUTTA.

Calcutta, the 24th March 1881.

Sealed tenders will be received at this office up to the 1st July 1881, for the supply of the undermentioned Stationery Stores during the official year 1882-83.

The quantities given in the following list are the *estimated* requirements of the year, but some alterations may be found necessary in these figures when contracts are settled. Contractors must be prepared to supply stores to the extent of 25 per cent. over and above the contract quantities at contract rates, if required to do so.

The stores are required in four equal instalments: the first on 1st April 1882, and the rest at intervals of three months.

Each tender must be accompanied with duplicate samples. Tenderers are *particularly* requested to send a *distinct* sample for each item, and to quote on it the number of the item in the printed list. Of books, it will suffice if one of each size is put in to show the quality of paper and the binding.

Contractors whose tenders may be accepted, will be required to deposit ten per cent. of the amount of their contracts as security for the due fulfilment of the same.

Payment will be made in Indian money fourteen days after delivery and approval here by the responsible officers of Government.

In the event of any dispute as to the quality of the goods tendered, or on any other point arising out of a contract, the decision of the Board of Revenue, Lower Provinces, shall be held to be final.

Any further information on this subject can be obtained by applying at the Office of the Superintendent of Stationery, where detailed lists can also be had.

Drawing materials, paper ...	...	134 Rms.
Writing paper ...	...	27,352 „
Printing, cartridge, colored, marble, blotting and carbonic paper ...	...	103,406 „
Blank books ...	...	29,900 No.
Mill, straw and pasteboards ...		1,720 cwt.
Ink, quills, steel-pens, pencils, pen-knives, erasers, scissors ...	...	...
Miscellaneous articles ...	...	...
Printing materials ...	...	...
Stearine candles ...	...	14,500 lb.

NOTICE.

William Heather, late Road Cess Overseer, Rungpore, having been convicted of dishonest misappropriation of property, was dismissed from the service.

A descriptive roll of the prisoner is given below in order that he may not be employed again in any Government Office.

Name of Offender,—William Heather.	Offence,—Dishonest misappropriation of property, Section 403, Indian Penal Code.
Height and other distinguishing marks,—5 feet 7 inches, fair complexion, grey hair.	Punishment,—Rigorous imprisonment of 3 months and fine of Rs. 100, in default to further 3 weeks rigorous imprisonment.
Sex,—Male.	
Religion,—Irish, Protestant.	Occupation before Dismissal,—Overseer, Rungpore Road Cess.
Residence,—Rungpore.	

H. E. STALEY,
for *Magistrate.*

RUNGPORE MAGISTRACY,
The 8th March 1881.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road :

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway :

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج ٔ

یہہ دوا کوئیناٴین کے خوب قایم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سیواے اونکے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہین یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ ٔ

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

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

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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„ MADRAS SERIES ...	„ 8	„ 9
„ BOMBAY SERIES ...	„ 8	„ 9
„ ALLAHABAD SERIES	„ 8	„ 9
Complete set... ...	„ 45	„ 47-8

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„ „ BOMBAY SERIES ...	„ 1 0
„ „ ALLAHABAD SERIES.	„ 1 0
Complete set	„ 4 0

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 9, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

NOTICE TO MARINERS.

No. 11 of 1881.

INDIA—MADURA AND MALABAR DISTRICTS.

SLIGHT ALTERATION IN LIGHTS.

Paumben Pass—Gulf of Manár.

The Port Officer, Madras, notifies that, in consequence of certain repairs at the Paumben Lighthouse, the range of visibility of the light will be diminished from the 10th April 1881; from which date it will only be seen about 7 miles off.

Tellicherry—Malabar Coast.

Notice is also given that the light at Tellicherry will in future be exhibited from a tower near the flagstaff, and at an elevation of 70 feet above the sea, instead of from the flagstaff as heretofore.

By Direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 1st April 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Light List for 1881.

INDIAN MARINE SURVEY Light List for 1881.

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

BANK OF BENGAL.

Calcutta, the 6th April 1881.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Monday, the 11th instant, on account of the Hindu festival "Choit Sungkranti," and on Friday, the 15th, and Saturday, the 16th instant, on account of the "Easter Holidays."

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 6th April 1881.

Mr. O. L. Fraser, 2nd Assistant Superintendent, took over charge, from Mr. G. Nevill, of the Office of 1st Assistant Superintendent on the forenoon of the 17th March 1881.

H. B. MEDLICOTT,
Honorary Secretary, Trustees, Indian Museum.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 4th April 1881.

No. 214.—Lieutenant H. J. Harman, R.E., Assistant Superintendent, Survey of India, is granted privilege leave for three months, with effect from the 15th instant, or such date as he may avail himself thereof.

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

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 4th April 1881.

No. 34.—Mr. J. C. Douglas, a Superintendent of the 3rd Grade, is allowed furlough for twenty months, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 14th March 1881.

The 6th April 1881.

No. 35.—Mr. C. B. P. Gordon, a Superintendent of the 1st Grade, is allowed privilege leave for three months, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 27th March 1881.

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

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

NOTIFICATION.

Indore, the 31st March 1881.

No. 3.—With reference to Government Notifications Nos. 113 and 114, dated 16th March 1881, Captain C. H. P. Christie, R.E., and Major H. R. LeM. Carey, S.C., respectively made over and received charge of the Office of Examiner of Public Works Accounts, Central India, on the forenoon of the 26th instant.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 28th March 1881.

No. 472 *G.*—APPOINTMENT.—With reference to Foreign Department Notification No. 241 G.-G., dated 8th February 1881, Surgeon D. ffrench Mullen made over medical charge of the Meywar Bheel Corps to 3rd Class Hospital Assistant Amanat Ally on the afternoon of the 10th March 1881.

The 29th March 1881.

No. 477 *G.*—ERRATUM.—The date of entering the Government service of 2nd Class Hospital Assistant Mahomed Bux is "1st August 1861," and not "27th May 1869," as stated in this Office Notification No. 92 A., dated 11th March 1880.

No. 481 *G.*—Hospital Assistants Bedhee Chand and Shahamat Khan having failed to pass the lowest standard professional examination, their names have been struck off the establishment list of Civil Hospital Assistants for Rajputana.

No. 489 *G.*—Second Class Hospital Assistant Jowala Pershad held medical charge of the detachments of Irregular Corps forming the escort with the camp of the Agent to the Governor General, Rajputana, from the 29th January to 28th February 1881.

No. 493 *G.*—Lieutenant-Colonel C. K. M. Walter and Colonel C. R. Blair respectively delivered over and received charge of the Office of the Meywar Political Agency on the afternoon of the 16th March 1881.

The 31st March 1881.

No. 517 *G.*—Assistant Surgeon B. C. Rudra, M.D., and Surgeon D. ff. Mullen, M.D., respectively delivered over and received medical charge of the Meywar Political Agency on the forenoon of the 12th March 1881.

The 2nd April 1881.

No. 565 *G.*—The undermentioned Hospital Assistants having passed the prescribed examination are promoted to the class specified against their respective names from the 1st March 1881 :—

Previous Class of Hospital Assistant.	Name.	Place of employment.	Class to which promoted.	With or without qualification in English for this class.	Date of promotion.
2nd	Eradutoollah ...	Jhalrapatan Dispensary.	1st	With ...	1st March 1881.
3rd	Syed Noor Khan ...	Ajmere Jail ...	2nd	Without	
3rd	Ram Lall ...	Bikanir Dispensary.	2nd	Without	
3rd	Sobha Ram ...	Beawar Dispensary.	2nd	Without	

No. 569 *G.*—Second Class Hospital Assistant Mahomed Fakeer assumed medical charge of the Erinpura Irregular Force from Surgeon-Major L. D. Spencer, M.D., on the afternoon of the 16th March 1881.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 29th March 1881.

No. 793 *R.*—Mr. Bhugut Singh, Assistant Engineer, 1st Grade, is transferred from the Ajmere Division to the Special Survey Division, with effect from the forenoon of the 19th current, the date of his departure from Ajmere for Bithura.

J. P. STEEL, *Major, R.E.,*
Superintending Engineer, Rajputana.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 29th March 1881.

No. 199.—With reference to Notification No. 130, dated 3rd March 1881, Mr. W. Jenkins assumed charge of the current duties of the Office of District Superintendent of Police, Ajmere, on the forenoon of the 16th March 1881.

Major J. H. Lassalle, Assistant Commissioner, Ajmere, held charge of the above office from the afternoon of the 15th to the forenoon of the 16th idem.

By Order,
E. A. FRASER,
1st Asstt. to the Chief Commr.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Sirhind & Lahore Command.

The 30th March 1881.

No. 106.—Lieutenant E. Glennie, R.E., Temporary Executive Engineer, 4th Grade, granted three months' privilege leave in Sirhind and Lahore Command Notifications Nos. 88 and 98 of 1880, reported his return therefrom on the afternoon of the 15th instant.

The 1st April 1881.

No. 107.—Lieutenant W. A. Gale, R.E., Assistant Engineer, 2nd Grade, transferred to the Sirhind and Lahore Command, Military Works, reported his arrival on the forenoon of the 29th March 1881, at Superintending Engineer's Office, and is posted for duty to the Lahore Division, Military Works, which he joined on the afternoon of the same date.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 2nd April 1881.

With reference to the Notification of the Government of India in the Public Works Department, No. 113, dated the 16th ultimo, Major L. Conway-Gordon, R.E., made over, and Captain C. H. P. Christie, R.E., received, charge of the Office of Examiner of Accounts to the Government of India for Guaranteed Railways, Calcutta, on the forenoon of the 1st April 1881.

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

Lahore, the 2nd April 1881.

No. 10.—Mr. C. W. Hodson, Executive Engineer, 4th Grade, temporary rank, Indus Valley State Railway, passed the Departmental Standard Examination on the 28th February 1881.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 1st April 1881.

No. 23.—The undermentioned Officers are transferred from the late Gwalior-Jhansi Survey Division of the Sindia State Railway to the Delhi-Ferozepore State Railway :—

Mr. A. S. Gerrard, Assistant Engineer, 1st Grade.

Mr. J. W. Parry, Assistant Engineer, 2nd Grade.

Mr E. R. Lloyd, Assistant Engineer, 2nd Grade.

Mr. E. H. Johns, Assistant Engineer, 2nd Grade.

The 4th April 1881.

No. 24.—CORRIGENDUM.—In Director General's Notification No. 57 of the 7th April 1880, *for* 'furlough," *read* "leave on medical certificate."

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

KANDAHAR STATE RAILWAY,
Upper Section.

NOTIFICATIONS.

Nari, the 26th March 1881.

Lalla Jai Kishen Das, Assistant Surgeon, ceased to belong to the Kandahar State Railway from the afternoon of 17th August 1880.

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

The 31st March 1881.

ERRATUM.—In Notification No. 97, dated 17th March 1881, *for* "forenoon of 17th March 1881," *read* "forenoon of 11th March 1881," as the date from which Mr. Collet, Assistant Engineer, ceased to belong to the Kandahar State Railway.

H. F. STOREY,
Engineer-in-Chief.

KANDAHAR STATE RAILWAY,
Lower Section.

NOTIFICATION.

Jacobabad, the 30th March 1881.

No. 3.—Mr. Parry, Temporary Executive Engineer, 4th Grade, reported his departure from this Railway on the afternoon of 23rd March 1881.

H. F. STOREY,
Engineer-in-Chief.

RAJPUTANA RAILWAY,
Manager's Office.

NOTIFICATIONS.

Ajmere, the 5th April 1881.

No. 17.—With reference to Notification No. 5 of 24th January 1881, of the Consulting Engineer for Railways, Bombay, Mr. R. L. Campbell, Assistant Engineer, 2nd Grade, availed himself of the 6 months' furlough therein granted him on the afternoon of the 28th March 1881.

No. 18.—With reference to Government of India, Public Works Department, Notification No. 51 of the 10th February 1881, Mr. J. J. Jones, Executive Engineer, 3rd Grade, joined the Rajputana Railway on the forenoon of the 28th March last.

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

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 4th April 1881.

No. 4.—With reference to Government of India, Public Works Department, Notifications Nos. 429, dated 22nd December 1880, and 56, dated 14th February 1881, Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, and Mr. S. Rebsch, Assistant Engineer, 1st Grade, reported their departure from Agra to the Bombay Government as follows:—

Mr. S. Rebsch, Assistant Engineer, 1st Grade, —3rd January 1881.

Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade,—10th March 1881.

H. D. LATOUCHE,
Engineer-in-Chief.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 2nd day of April 1881.

Number, Rank and Name,—No. 60Bde.—1104, Private John Manion.	At what Place Enlisted,—Preston, Lancashire.
Age,—22 years 1 month.	Parish and County in which Born,—Preston, Lancashire.
Size,—5 feet 4¾ inches.	Marks,—Sailor carrying flag and 5 sloes on left forearm, anchor on right forearm.
Colour of—Complexion, fresh; Hair, light brown; Eyes, blue.	Trade,—Piercer.
Date of Desertion,—22nd March 1881.	Coat or Jacket,— / Waistcoat,— ... / Breeches or Trowsers ... } Regimentals.
Place of Desertion,—Calcutta.	REMARKS,—None.
Date of Enlistment,—27th February 1877.	Under 5 years' service.

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 2nd day of April 1881.

Number, Rank and Name,—No. 60Bde.—1139, Private Wm. John Kearney.	At what Place Enlisted,—Belfast.
Age,—22 years.	Parish and County in which Born,—Lisburn, Antrim, Ireland.
Size,—5 feet 4¾ inches.	Marks,—None.
Color of—Complexion, fresh; Hair, light brown; Eyes, blue.	Trade,—Labourer.
Date of Desertion,—27th March 1881.	Coat or Jacket,— / Waistcoat,— ... / Breeches or Trowsers— ... } Regimentals.
Place of Desertion,—Calcutta.	REMARKS,—None.
Date of Enlistment,—1st February 1877.	Under 5 years' service.

R. M. ROGERS, *Col. & Lt.-Col.,*
Comdg. 90th L. I.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, in or about the month of October 1880, certain treasure, to wit golden coins, &c., as shown below, of an aggregate value of Rs. 2,698, was found in removing the steps of a temple called "Jain Mutt," at Sonda, in Sirsi Taluka, in the District of North Kanara.

		Estimated Value. Rs.	A.	P.
530	Pagodas	2,389	8	0
12	Half pagodas	26	8	0
2	Putlees	10	0	0
2	Pagodas with Persian characters inscribed	34	0	0
1	Pagoda called Khudsir ...	11	0	0
1	Golden chain	17	0	0
1	Golden chain	17	0	0
1	Golden chain	16	0	0
2	Golden beads of necklace ...	34	0	0
3	Pieces of a golden chain ...	29	0	0
	A piece of gold plate	0	4	0
2	Pieces of golden chain... ...	53	0	0
1	Golden chain	33	0	0
1	Golden ring with seal on ...	44	12	0
		2,698	0	0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector, on the 1st August 1881, at Karwar, when the Collector will proceed to hold an enquiry in accordance with the provisions of the Act.

R. E. CANDY,
Acting Collector of North Kanara.

NORTH KANARA COLLECTOR'S OFFICE, YELLAPUR, *The 31st March 1881.*

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 28	...	...	...	...	28,80,799	2,78,897
„ 29	...	...	...	...	28,80,769	2,78,897
„ 30	...	...	...	...	28,80,768	2,78,897
„ 31	...	...	...	...	28,80,459	2,78,897
April 1	...	...	...	...	28,80,459	2,78,897
„ 2	...	...	...	...	28,80,895	2,78,897

CALCUTTA MINT, *The 4th April 1881.* J. F. TENNANT, *Col., R.E., Mint Master.*

Statement of the Affairs of the Bank of Bengal for the week ending 5th April 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office 96,54,393 6 10 / Public Deposits at Branches 1,18,93,248 5 11	2,15,47,641	12	9
Other Deposits at Head Office and Branches	2,75,33,523	3	9
Bank Post Bills, &c.	17,83,393	8	9
Sundries	10,43,373	3	7
RUPEES	7,44,20,093	1	2

ASSETS.	Rs.	A.	P.
Government Securities	1,28,52,605	13	0
Loans on Government Securities at Head Office and Branches	53,42,692	15	7
Accounts of Credit on Government Securities at Head Office and Branches.	47,91,948	9	2
Bills discounted and purchased at Head Office and Branches	2,35,94,762	4	6
Balances with other Banks	6,61,304	8	7
Bullion	9,01,168	7	11
Dead Stock	10,96,647	12	0
Stamps	7,556	11	0
Sundries	4,12,759	11	4
	4,96,64,446	13	1
Cash and Currency Notes at Head Office 95,12,880 2 3 / Cash and Currency Notes at Branches 1,52,42,766 1 10	2,47,55,646	4	1
RUPEES	7,44,20,093	1	2

By order of the Directors.

BANK OF BENGAL, *Calcutta, 7th April 1881.* J. GORDON, *Chief Accti. & Depy. Secretary.* R. HARDIE, *Secretary & Treasurer.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
91	D 18—66311 ...	100	Baboo Punchanun Chatterjee, Calcutta.
92	D 6—01261 / „ —01262	10	J. L. Lyell, Esq., Mussoorie.
93	D 18—23966 ...	100	Baboo Grish Chunder Bhuttacharjee, Allahabad.

ALLAHABAD, *The 6th April 1881.*
GODREZJEE D. PUDUMJEE, *A. A.-G., In charge of Paper Currency Office.*

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1881.			
W19	... M 46—18879 ...	50	Jamsetji and Sons, Sojat Road Station.

NOTES PARTIALLY LOST OR DESTROYED.

H38	... M 46—25081 ...	50	Pestonji Ruttonji, Kharaghora.
H39	... M 40—12542 ...	10	Gopal Antaji, Sawade.
M19	... M 34—71510 / „ —71509	20	Haji Ayub Adam, Bombay.

BOMBAY, *The 5th April 1881.*

C. E. CRAWLEY,
Asst. Accti.-Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
432	O 59—45133	20	Padma Lochun Dawn.
	O 79—02513	10	
	O 36—68187	5	
	O 37—15699	5	
1	O 88—12615	100	Chadey Lall Agurwallah.
	O 69—23131	100	
	O 32—27364	50	
2	O 88—62266	100	Kasi Nath Ghose.
	„ —64783	100	
	„ —64784	100	
	„ —64785	100	
	„ —64786	100	
3	O 69—55043	100	Mr. J. C. H. R. Robertson.
4	O 74—70945	1,000	Shaik Kalloo Meah.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
415	O 69—78055	100	Kartick Chunder Hazrah.
	„ —93613	100	
	„ —98448	100	
	„ —08166	100	
	„ —12765	100	
	„ —85080	100	
	„ —86944	100	
	„ —86943	100	
	„ —98911	100	
	„ —75371	100	
1	O 71—05102	500	Gopal Chunder Chatterjee.
	„ —05103	500	
	O 69—34939	100	
2	O 81—39841	10	Akhoy Coomar Basu.
3	O 93—39493	10	Triguna Nath Mookerjee.
	O 38—79750	5	
4	O 62—44944	20	Mr. J. W. King.
1	O 19—20765	10	Prosono Coomar Dutt.
	„ —46935		
2	L 58—15101	10	Soshee Bhoosun Chatterjee.
	„ —95328		
3	O 30—59095	50	Mr. H. Bell.
	E 15—54827		
4	O 58—88847	20	Boycunto Chunder Sen.
	„ —88842		
	L 31—59452	5	
	„ —59451		
5	O 3—37862	20	Messrs. Jardine, Skinner & Co.
	„ —37863		
	L 11—06925	5	
	„ —06923		

CALCUTTA,
The 7th April 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 10—56518	100	Lieutenant W. O. Cavanagh Cannanore.
J 10—40255	100	The Kariyastan of the Nilambur Raja.
„ —55802	100	

NOTES PARTIALLY LOST OR DESTROYED.

Rs.		
J 13—02308	20	T. Tippu Saib, Madras.
J 8—14483 *	5	Panjatcharam Moodeliar, Rice Merchant, Ootacamund.
„ —14484 *		

* Mismatched.

CALICUT,
The 26th March 1881.

BROOKE LEGGATT,
Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
I 14—24154		100	C. N. K. Appavu Aiyangar, Kariyastan to the Raja of Nilambur, Madras.
„ —24155		100	

Coconada Circle —*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 10—27487	10	Bodi Hanamantha Row, of Chicacole.
I 11—25759	20	
I 10—18970	10	Mrs. E. M. R. Stricke, of Waltair, Vizagapatam.

COCONADA,
The 28th March 1881.

E. G. RICKETTS,
Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 11—08398	500	Tatuldas Narendas, Merchant, Sukur.
„ —08399	500	
„ —08400	500	
G 12—27029	1,000	

KURRACHEE,
The 26th March 1881.

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

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
136	E 20—01626	100	Revd. C W. Forman, Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
205	E 15—81854	50	Jewan Ram, Delhi.
207	E 15—48751	50	Sri Gopal, Mukhtar, Bulandshahar.
„	—54003		
209	E 8—17003	5	Hari Sing and Co., Peshawar.
„	—25025		
216	E 16—60147	10	Mr. Geo. Toogood, Toondla.

LAHORE,
The 2nd April 1881.

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
107	B 61—71235	50	C. N. K. Appavu Aiyangar, Kariyastan to the Raja of Nilambur.
	„ —81128	50	
	„ —81129	50	
	„ —81130	50	
	„ —81132	50	
	„ —81135	50	
	B 66—19531	100	
	„ —50795	100	
	„ —79883	100	
	B 45—08923	1,000	
109	B 66—66412	100	Post Master General, Madras, for Muhammad Usub Sahib, Krishnagiri.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
214	B 66—37990	100	A. Masilamani Pillai, Bangalore.
215	B 66—64623	100	C. C. Mustanna Rowther, Ammapet, Tanjore.
„	—69464	100	
„	—69754	100	

FORT SAINT GEORGE,
The 28th March 1881.

C. HALL,
Offg. Chief Clerk of the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th April 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	16th April	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	15th „	Str. *Malda.*
Madras and Ceylon	6 „	9th „	P. & O. Str. *Ancona.*
Foreign Mails *viâ* Bombay	6 „	11th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	10th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	14th „	Str. *Oriental.*
Chittagong, Akyab and Rangoon	6 „	14th „	Str. *Pemba.*
Persian Gulf	6 „	9th „	From Bombay.
Port Blair and Camorta	6 „	16th „	St. *Satara.*

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 7th April 1881.

Allert, C. J.
Angus, J. W.
Anderson, K. W. O.
Aspa, H. J.
Baldham, W.
Bennet, Miss.
Berman, James.
Bradley, Mrs. P.
Cooke, Miss Victoria.
Davis, Mrs. L. H.
D'Silva, Mrs. A. C.
Dickens, F.
Douglas, E. S.
Forth, Mr.
Gomes, S. A.
Hamilton, Miss J.
Kureemodeen & Co.
Kellie, Mrs. Archard.
Madge, J. L.
Mancer, Mrs.
Mcdonald, S.
Miller, Miss.
Miller, Mrs.
O'Connell, T.
O'Connor, Mrs.
Partridge, Mrs. J.
Peters, Miss E. T.
Rodriques, C.
Rose, Miss V.
Sanders, Mrs. E.
Saram Sing.
Stewart, C.
Strong, J. G.
Thompson, Miss L.
Thompson, H. D.
Thomas, Mrs. G.
Weyton, O.
Willis, Miss C.

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

Alexander, Miss.
Addis, G. W. C.
Akirkonde, Mr.
Arsene, Monsieur A.
Barker, Thomas W.
Banoflacia, C. S.
Bennet, J.
Beck, Miss Jessie.
Beattie, W. G.
Bingham, Herbert.
Bollo, Miss Rosa.
Brooksbank.
Brodie, Lt. E. W.
Burrill, William.
Bush, Rev. T. C.
Burns, Mrs.
Campier, Arthur H.
Cavanagh, J.
Christy, W. H.
Coote, Walter.
Cox, A.
Coxen, H.
Cornwall, J. H.
Cox, F.
Cratter, Geo.
C. X. Z.
Davison, T. M.
Dowden, Major.
Elwell, A. H.
Evans, J.
Fleming, Stanley Le.
Fleming, James.
Galtely, Mrs. E.
Gallatty, G.
Gray, H. D.
Gunsalles, John.
Hely, Miss.
Hurroo Lall.
Hurst, R. B.
Joseph, Monsieur A.
Jones, C. E.
Journd, Ferdinand.
J. O. N.
J. R. P
Keirnander, Mrs. M.
"Kitty."
Mitchell, Mrs. Margaret.
Montgomery, Miss.
Morton, H. A.
Merchaeles, Louis.
Palmer, Capt. A. Y.
Palmer, T. S.
Peachy, Miss Kate.
Phillips, W. H.
Peterson, C.
Reilly, G. B.
Ruby Diamond Ruby.
R. A.
Stevenson, Mrs.
Scratchmeiah, Lt.-Col. F. H. (R.A.)
Shaw, J. E.
Simpson, J. M.
Southal, William.
Stevens, C.
Senior, Major H.
Smith, E.
Smith, John.
Stewart, G. G.
Stewart, Rev. R.
Stewart, A. G. J.
Straw, F. T.
Ware, Mr. H. C.
Watson, W.
Wyllie, Lt. J. A.
Willson, Mrs.
Woodburn, A. F.

Newspapers.

Bradshaw, Lt. J. L. E.
Johnson, E. C.
Senior, Major H. W. J.
Wyllie, Lt. J. A.

Registered Letters.

Beck, Henry.
Bailey, Mr.
James Francis Sturt & Co.
Kelly, John.
Kelso, A.
Kohn, T.
Loumon, Adolph.
Platt, S.
Sproule, Dr. R.
Warde, Mrs.
Wollstan, A.

E. C. GEORGE,
Presidency Post Master.

Wanted a European Pilot for Aden Harbour

TERMS.

1. A free passage to Aden.
2. Pay to commence on date of joining.
3. Pay Rs. 150 a month, rising to Rs. 200 by five yearly increments of Rs. 10 each month.
4. Free quarters.
5. Six months' notice on either side of termination of agreement.

Apply, stating age, &c., with copies of testimonials, to the Port Officer, Aden.

W. K. THYNE,
Port Officer, Aden.

PORT OFFICE;
ADEN,
The 11th March 1881.

GOVERNMENT STATIONERY OFFICE.

4, CHURCH LANE, CALCUTTA.

Calcutta, the 24th March 1881.

Sealed tenders will be received at this office up to the 1st July 1881, for the supply of the undermentioned Stationery Stores during the official year 1882-83.

The quantities given in the following list are the *estimated* requirements of the year, but some alterations may be found necessary in these figures when contracts are settled. Contractors must be prepared to supply stores to the extent of 25 per cent. over and above the contract quantities at contract rates, if required to do so.

The stores are required in four equal instalments: the first on 1st April 1882, and the rest at intervals of three months.

Each tender must be accompanied with duplicate samples. Tenderers are *particularly* requested to send a *distinct* sample for each item, and to quote on it the number of the item in the printed list. Of books, it will suffice if one of each size is put in to show the quality of paper and the binding.

Contractors whose tenders may be accepted, will be required to deposit ten per cent. of the amount of their contracts as security for the due fulfilment of the same.

Payment will be made in Indian money fourteen days after delivery and approval here by the responsible officers of Government.

In the event of any dispute as to the quality of the goods tendered, or on any other point arising out of a contract, the decision of the Board of Revenue, Lower Provinces, shall be held to be final.

Any further information on this subject can be obtained by applying at the Office of the Superintendent of Stationery, where detailed lists can also be had.

Drawing materials, paper	...	134 Rms.
Writing paper	...	27,352 „
Printing, cartridge, colored, marble, blotting and carbonic paper	...	103,406 „
Blank books	...	29,900 No.
Mill, straw and pasteboards	...	1,720 cwt.
Ink, quills, steel-pens, pencils, pen-knives, erasers, scissors	...	...
Miscellaneous articles	...	...
Printing materials	...	...
Stearine candles	...	14,500 lb.

NOTICE.

William Heather, late Road Cess Overseer, Rungpore, having been convicted of dishonest misappropriation of property, was dismissed from the service.

A descriptive roll of the prisoner is given below in order that he may not be employed again in any Government Office.

Name of Offender,—William Heather.	Offence,—Dishonest misappropriation of property, Section 403, Indian Penal Code.
Height and other distinguishing marks,—5 feet 7 inches, fair complexion, grey hair.	Punishment,—Rigorous imprisonment of 3 months and fine of Rs. 100, in default to further 3 weeks rigorous imprisonment.
Sex,—Male.	Occupation before Dismissal,—Overseer, Rungpore Road Cess.
Religion,—Irish, Protestant.	
Residence,—Rungpore.	

H. E. STALEY,
for *Magistrate.*

RUNGPORE MAGISTRACY,
The 8th March 1881.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd „ „ 1 „ „

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج '

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

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

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

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

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" 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

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The 15th March 1881.

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For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 8th April 1881.

Until further order, and with effect from the 1st of March last, the Honorable the Chief Justice has, with the approval of His Excellency the Governor General of India in Council, appointed Mr. Charles Piffard, Barrister-at-Law, to be Clerk of the Crown for the purpose of performing the duties connected with the Criminal Sessions, with liberty to him to practise as an Advocate, except during the Criminal Sessions or in cases connected therewith, or for or against persons charged with offences for which they are liable to be committed to the High Court for trial.

By Order,
R. BELCHAMBERS,
Registrar.

ACCOUNTANT GENERAL'S OFFICE, Public Works Department.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 7th April 1881.

No. 3.—With reference to Public Works Department Notification No. 116, dated 16th March 1881, Mr. W. F. Barrow, Deputy Examiner of Accounts, joined the Office of Accountant General, Public Works Department, on the forenoon of the 1st April 1881.

The 9th April 1881.

No. 4.—Mr. S. K. L. Yeatts, Assistant Examiner, 2nd Grade, attached to the Office of Examiner of Telegraph Accounts, is transferred to the Office of Examiner of Public Works Accounts, Bengal.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 13th April 1881.

No. 5.—Mr. R. B. Smart, Assistant Surveyor, 1st Grade, is granted privilege leave for three months, under Section 13, Supplement F, of the Civil Leave Code, with effect from afternoon of the 4th April 1881.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 8th April 1881.

Offices opened and closed during the month of March 1881:—

Name of Station.	Where situated.	Date.	Remarks.
Ahmedabad Camp	Bombay Presdy.	26th	Opened.
Alipore	Calcutta	31st	Ditto.
Ali Musjid	Afghanistan	19th	Closed.
Dehra Dhoon	N. W. P.	14th	Ditto.
Fort William	Calcutta	3rd	Opened.
Garden Reach (No. 13)	Ditto	12th	Ditto.
Hangu	Punjab	4th	Ditto.
Howrah (No. 8, Fanshitollah Lane)	Calcutta	23rd	Ditto.
Kalka	Punjab	8th	Ditto
Lundi Kotal	Afghanistan	10th	Closed.
Malabar Hill	Bombay City	2nd	Opened.
Malabar Point	Ditto	18th	Ditto.
Mandvie	Ditto	15th	Ditto.
Parell	Ditto	18th	Closed.

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

COMMISSIONER, INLAND CUSTOMS.

NOTIFICATIONS.

Agra, the 31st March 1881.

No. 58.—Mr. W. C. Howard, Assistant Commissioner, Didwana, is granted three months' privilege leave, under Section 13, Supplement F, of the Civil Leave Code, with effect from the date of his making over charge of his duties to Mr. T. L. Barrow.

No. 59.—Mr. T. L. Barrow, Inspector, Internal Branch, is appointed an Officiating Assistant Commissioner, and posted to Didwana, *vice* Mr. W. C. Howard, proceeding on leave.

The 1st April 1881.

No. 63.—Mr. J. Bolster, Inspector, Punjab Mines, is appointed an Officiating Assistant Commissioner, and posted to the charge of the Punjab Mines, *vice* Mr. G. A. Bradford, proceeding on leave.

No. 64.—Mr. G. A. Bradford, Assistant Commissioner, Punjab Mines Division, is granted three months' privilege leave of absence, under Section 13, Supplement F, with effect from the 1st April 1881, or such subsequent date as he may avail himself of the leave.

W. S. HALSEY,
Commissioner, Inland Customs.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 7th April 1881.

No. 657.—Major A. H. S. Neill, Officiating 2nd-in-Command, 2nd Regiment, Central India Horse, is granted ninety days' privilege leave from the date in April on which he may avail himself thereof.

By Order,
J. BURNE, *Captain,*
2nd Asst. to the Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.
Bhopal State Railway.

NOTIFICATION.

Indore, the 11th April 1881.

No. 2.—Mr. W. E. Newham, Assistant Engineer, 2nd Grade, of the Bhopal State Railway, has been granted three months' examination leave from 1st May next, or such subsequent date as he can be spared.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 5th April 1881.

No. 593 *G.*—Surgeon-Major L. D. Spencer, M.D., and 1st Class Hospital Assistant Habib Oollah Khan, respectively, delivered over, and received, medical charge of the Western Rajputana States Agency on the afternoon of the 16th March 1881.

No. 596 *G.*—With reference to this Office Notification No. 176 G., dated 25th January 1881, Mr. Yar Mahomed Khan, Attaché, Rajputana Agency, returned to duty on the forenoon of the 11th March 1881.

No. 601 *G.*—Surgeons-Major G. S. Sutherland and L. D. Spencer, respectively, delivered over, and received, charge of the Office of Surgeon to the Rajputana Agency, and Superintendent General of Dispensaries and Vaccination in Rajputana, on the forenoon of the 21st March 1881.

The 9th April 1881.

No. 658 *G.*—LEAVE.—Major J. H. L. Greenfield, 2nd-in-Command and Squadron Officer of the Deoli Irregular Force, availed himself of the privilege leave granted him in this Office Notification No. 367 G., dated 16th March 1881, on the afternoon of the 28th March 1881.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 6th April 1881.

No. 226.—APPOINTMENT.—Third Class Hospital Assistant Syed Noor Khan held medical charge of the Ajmere Jail Hospital from 30th November 1880 to 28th February 1881, *vice* Hospital Assistant Badoollah, transferred to the pension establishment.

The 9th April 1881.

No. 236.—The Chief Commissioner of Ajmere-Merwara is pleased to invest Major A. Conolly, Officiating Cantonment Magistrate, Deoli, with the powers of a Magistrate of the 2nd Class, as described in Section 20 of the Criminal Procedure Code, and with the powers of a Subordinate Judge of the 2nd Class, to hear suits of a civil nature up to Rs. 500 in value.

The 11th April 1881.

No. 245.—APPOINTMENT.—Second Class Hospital Assistant Syed Noor Khan, of the Ajmere Jail, held medical charge of the Merwara Battalion, in addition to his own duties, from 22nd January to 1st March 1881.

Third Class Hospital Assistant Abdoollah Khan, of the Ajmere Jail, held medical charge of the Merwara Battalion, in addition to his own duties, from 2nd to 30th March 1881.

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

PUBLIC WORKS DEPARTMENT—
Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 11th April 1881.

No. 11.—With reference to Inspector General's Notification No. 20 of 11th March 1881, Major T. C. Manderson, R.E., reported his arrival at Ranikhet on the 20th March, and is posted to Ranikhet Division from that date.

No. 12.—Major A. C. Padday, R.E., Executive Engineer, 2nd Grade, made over, and Major T. C. Manderson, R.E., Executive Engineer, 1st Grade, received, charge of the Ranikhet Division, Military Works, on the afternoon of 24th March 1881.

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

Sirhind & Lahore Command.

The 6th April 1881.

No. 108.—Lieutenant G. K. Scott-Moncriff, R.E., Assistant Engineer, Kasaulie Division, Military Works, granted three months' privilege leave in this Command Notification No. 101 of 25th February 1881, availed himself of the same on the forenoon of the 28th March 1881.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 12th April 1881.

No. 11.—In supersession of Notification No. 26, dated 10th February 1879, by the late Director of State Railways, Western System, the following re-arrangement of Divisions on the Indus Valley State Railway is sanctioned, with effect from 1st January 1881:—

1st Division	from mileage	0	to mileage	202.
2nd "	"	202	to "	304.
3rd "	"	304	to "	501.

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

BHOPAL STATE RAILWAY.

NOTIFICATION.

Hoshangabad, the 6th April 1881.

No. 6.—The following Divisions of the Bhopal-Jhansi Survey have been abolished on the dates noted against them:—

Saugor Survey Division,—10th March 1881.

Bhelsa Survey Division,—16th March 1881.

H. T. GEOGHEGAN,
Engineer-in-Chief.

DELHI TO FEROZEPORE STATE RAILWAY.

NOTIFICATION.

Delhi, the 11th April 1881.

No. 4.—With reference to Notification No. 99, dated 11th March 1881, Mr. H. Lambert, Superintending Engineer, II Class, handed over, and Mr. F. L. Dibblee, Executive Engineer, 1st Grade, received, charge of the Delhi and Ferozepore State Railway as Engineer-in-Chief on the afternoon of 26th March 1881.

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

INDUS VALLEY STATE RAILWAY,
Manager's Office.

NOTIFICATIONS.

Mooltan, the 6th April 1881.

No. 34.—With reference to Government of India, Public Works Department, Notification No. 78, dated 2nd March 1881, Mr. D. F. Powell, Assistant Traffic Superintendent, was relieved of his duties on the Indus Valley State Railway on the afternoon of the 30th idem.

No. 35.—CORRIGENDUM.—In Notification No. 29, dated 9th February 1881, by the Manager, Indus Valley and Lower Section, Kandahar State Railways, *for* "afternoon of 23rd January 1881," *read* "afternoon of 18th January 1881."

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

KANDAHAR STATE RAILWAY,
Upper Section.

NOTIFICATION.

Nari, the 6th April 1881.

The undermentioned Officers transferred to the Establishment under the Government of Bengal, were relieved of their duties on this Railway on the dates specified:—

Mr. W. deW. Peel, Assistant Engineer, 1st Grade,—7th February 1881, afternoon.

Mr. R. S. J. Routh, Assistant Engineer, 2nd Grade,—10th February 1881, afternoon.

H. F. STOREY,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Manager's Office.

NOTIFICATIONS.

Rawalpindi, the 8th April 1881.

No. 5.—Mr. F. R. Upcott, Executive Engineer, Salt Branch, took over charge from Mr. C. A. Bull, Executive Engineer, Rawalpindi Division, on the forenoon of the 1st April 1881.

No. 6.—Mr. C. A. Bull, Executive Engineer, Rawalpindi Division, made over charge to Mr. F. R. Upcott, Executive Engineer, Salt Branch, on the forenoon of the 1st April 1881.

No. 7.—Mr. H. S. Harrington, Assistant Engineer, Sohowa, took over charge from Mr. M. C. Mackinnon, Executive Engineer, Rattyal Ravines Division, on the afternoon of the 31st March 1881.

No. 8.—Mr. M. C. Mackinnon, Executive Engineer, Rattyal Ravines Division, made over charge to Mr. H. S. Harrington, Assistant Engineer, Sohowa, on the afternoon of the 31st March 1881.

No. 9.—Mr. C. A. Bull, Executive Engineer, Rawalpindi Division, is granted three months' privilege leave from the 2nd May 1881.

E. L. MARRYAT, *Major, R.E.*,
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Northern Section.

NOTIFICATION.

Rawalpindi, the 5th April 1881.

No. 7.—Mr. T. J. Dumayne, Executive Engineer, 4th Grade, is granted three months' privilege leave, with effect from the forenoon of the 4th April 1881.

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

Statement of the Affairs of the Bank of Bengal for the week ending 12th April 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 91,94,865 1 0)	2,28,84,559	1	11
Public Deposits at Branches (Rs. 1,36,89,694 0 11)			
Other Deposits at Head Office and Branches	2,96,07,460	9	2
Bank Post Bills, &c.	11,42,422	11	0
Sundries	10,58,628	2	9
RUPEES	7,72,05,231	13	2

ASSETS.	Rs.	A.	P.
Government Securities	1,26,22,446	0	0
Loans on Government Securities at Head Office and Branches	56,17,287	3	2
Accounts of Credit on Government Securities at Head Office and Branches.	32,45,696	0	9
Bills discounted and purchased at Head Office and Branches	2,38,67,332	6	3
Balances with other Banks	7,52,230	3	2
Bullion	9,12,469	9	9
Dead Stock	10,95,338	0	7
Stamps	7,832	8	0
Sundries	4,17,183	13	10
	4,85,37,815	13	6
Cash and Currency Notes at Head Office (Rs. 1,19,89,068 15 10)	2,86,67,415	15	8
Cash and Currency Notes at Branches (Rs. 1,66,78,346 15 10)			
RUPEES	7,72,05,231	13	2

BANK OF BENGAL,
Calcutta, 14th April 1881.

J. GORDON,
Chief Accti. & Depy. Secretary.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department.	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed.	BALANCE OF BULLION: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
April 4	...	...	...	...	28,80,872	2,78,897
,, 5	...	...	...	...	28,80,872	2,78,897
,, 6	...	...	...	...	28,81,604	2,78,897
,, 7	...	...	...	...	28,81,604	2,78,897
,, 8	6,890	...	...	...	28,85,517	2,78,897
,, 9	...	...	...	...	28,85,518	2,78,897

CALCUTTA MINT,
The 12th April 1881.

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

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
94	... D 11 92370 ...	10	Sohun Lall, Bareilly.
	D 16—06553 ...	10	
	D 14 35794 ...	20	
95	... ,, 30083 ...	20	Ghafuruddin, Etah.
20	... D 11—87006 * ,, —87007	10	Lucky Narain Mullick, Calcutta.
21	... D 14—49317 * ,, —49316	20	Hafiz Fuzle Huck and Nabee Bux, Calcutta.
22	... D 12—30024 * ,, —30026	5	Doorga Churn Dass, Calcutta.

* Mismatched.

ALLAHABAD,
The 13th April 1881.

GODREZJEE D. PUDUMJEE, *A. A.-G.*,
In charge of Paper Currency Office.

Calcutta Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
9	... O 74—69803	... 1,000	Mahanto Ram Churn Das.

NOTES PARTIALLY LOST OR DESTROYED.

6	... O 64—44346 ,, —44349	20	Messrs. Bird & Co.
7	... O 68—09574 ,, —08934	100	Messrs. Turner, Morrison & Co.
	L 21—58225 ,, —58227	5	
8	... O 81—03142 ,, 49—15711	10	The Treasury Officer, Jessore.
5	... O 88—42380 ...	100	Babu Punchanun Chatterjee.
	,, —30367 ...	100	
	,, —35451 ...	100	
	O 69—01416 ...	100	
	O 32—30809 ...	50	
	O 91—97883 ...	10	
	... O 52—08491 ...	10	The Officer Commanding Right Half Battalion, 44th Regt., S. L. I., Shillong.
	O 83—27159 ...	10	
7	... O 94—71017 ...	10	Babu Denonath Bose.

CALCUTTA,
The 14th April 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Coconada Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value. Rs.	Name of Claimant.
I 12—21116 ...	50	Doyal Konjee Sait of Coimbatore.

COCONADA,
The 5th April 1881.

E. G. RICKETTS,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
218	... E 15—75914 ...	50	Jaggan Nath, Jhelum.
49	... E 16—38655 ,, —38665	10	Ram Saran, Jhelum.

LAHORE,
The 9th April 1881.

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1	... B 61—83056 ...	50	S. Rajahrat nam Mudali, Office of Controller, Military Accounts, Fort St. George.
	,, —83057 ...	50	
	,, —83058 ...	50	
	,, —83059 ...	50	

NOTES PARTIALLY LOST OR DESTROYED.

216	... B 62—61765 ...	100	Kupurji and Uslaji, of Shimoga.
217	... B 59—94939 ...	100	Messrs. Dinshaw Maneckji & Co., Rajkot.
1	... B 63—25446 ...	10	N. Srinivasulu Nayadu, Chittoor, North Arcot.
	B 57—98771 ...	20	
31	... B 66—31101 * ,, —13619	100	Kupurji and Uslaji, of Shimoga.
32	... B 66—57436 * ,, —57439	100	S. B. Abdul Ghafur, Mandi, Madras.
	B 59—32544 *	100	
	B 58—38490		

* Wrongly joined.

FORT SAINT GEORGE,
The 4th April 1881.

C. HALL,
Offg. Chief Clerk of the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880-81.			
M5	... F 13—27236 ,, —27234	5	Succaram Withal, Clerk in the Office of the Examiner, Public Works Accounts, Bombay.

NAGPUR,
The 8th April 1881.

W. H. EGERTON,
Asst. Comptroller, Central Provinces, in charge of Paper Currency.

COMPTROLLER GEN

Account of Security Deposits held by the Comptroller General on the 31st March 1881,

STOCK CERTIFICATES, &c.	AMOUNT OF STOCK CERTIFICATES, NOTES, AND DEBENTURES.								TOTAL.
	3½ per cent., 1853-54.	4 per cent., 1832-33, Sicca Loan.	4 per cent. of 1865, and others.	4 per cent. R., 1879.	4½ per cent., 1870.	4½ per cent., 1871.	4½ per cent., 1879.	5 per cent. debentures, 1867.	
Stock Certificates and Debenture in hand	8,500	...	90,99,000	1,80,300	1,26,600	10,000	9,81,900	1,000	1,04,07,300
Government Promissory Notes in hand	...	5,000	98,300	...	2,000	...	20,300	...	1,25,600
Ditto temporarily in Public Debt Office	...	...	11,500	...	...	...	...	...	11,500
Government Promissory Notes in possession of Public Debt Office (096558 of 1865) and under objection	...	...	500	...	...	...	...	...	500
Government Promissory Notes in course of return	...	...	1,500	...	...	...	...	...	1,500
TOTAL ...	8,500	5,000	92,10,800	1,80,300	1,28,600	10,000	10,02,200	1,000	1,05,46,400

NOTE.—Besides the above, the following half notes have been received, but are not yet brought to account—

Comptroller, B. Burma	5,000
Comptroller, Assam	3,400

COMPTROLLER GENL.'S OFFICE,
CALCUTTA,
The 13th April 1881.

RAL'S OFFICE.

published in conformity with para. 12 of Financial Notification No. 276, dated 30th April 1880.

IN TRUST FOR	AMOUNT OF INVESTMENT.								TOTAL.
	3½ per cent., 1853-54.	4 per cent., 1832-33 Sicca Loan.	4 per cent., 1865.	4 per cent. R., 1879.	4½ per cent., 1870.	5½ per cent., 1871.	4½ per cent., 1879.	5 per cent. debentures, 1867.	
NOTES RECEIVED AND CONVERTED INTO STOCK CERTIFICATES AND ONE DEBENTURE—									
Comptroller, Central Provinces	...	...	2,70,200	...	...	...	24,000	...	2,94,200
Examiner of Tel. Accounts ...	...	...	19,000	...	500	...	5,000	1,000	25,500
Examiner of Accounts, Tirhoot, Patna, Gya, and Nalhati State Railway ...	...	...	4,000	...	...	...	...	...	4,000
Examiner of Public Works Accounts, Central Provinces	...	...	20,000	...	...	...	...	...	20,000
Examiner of Accounts, Rajputana State Railway ...	...	...	9,700	...	...	...	...	...	9,700
Examiner of State Railway Accounts, Central Provinces	...	...	1,000	...	...	...	10,000	...	11,000
Deputy Examiner, Public Works Accounts, Assam ...	...	...	2,000	...	...	...	...	...	2,000
Examiner of Public Works Accounts, Bengal ...	...	...	44,200	...	4,000	...	...	...	48,200
Accountant General, Bengal	6,000	...	67,03,300	1,80,300	93,100	10,000	8,85,900	...	78,78,600
Examiner of Accounts, Sindia State Railway ...	...	...	1,51,000	...	...	...	...	...	1,51,000
Examiner of Accounts, Military Works, Simla ...	...	...	23,100	...	1,000	...	500	...	24,600
Controller of Military Accounts	2,500	...	5,69,900	...	5,000	...	14,600	...	5,92,000
Comptroller, Assam ...	...	...	1,50,000	...	...	...	16,700	...	1,66,700
Comptroller, Post Office, India	...	...	21,100	...	...	...	...	...	21,100
Accountant General, Punjab	...	...	500	...	...	...	...	...	500
Comptroller General, Civil Officers	...	...	10,87,900	...	21,500	...	700	...	11,10,100
Comptroller General, Savings Bank Department ...	...	...	22,100	...	1,500	...	24,500	...	48,100
	8,500	...	90,99,000	1,80,300	1,26,600	10,000	9,81,900	1,000	1,04,07,300
GOVERNMENT PROMISSORY NOTES RECEIVED BUT NOT YET CONVERTED INTO STOCK CERTIFICATES—			Various 4 per cent. Loans.						
Controller of Military Accounts, part of Receipt No. LII ...	...	1,000	...	...	...	...	...	...	1,000
Controller of Military Accounts, Receipt No. LXXIII	...	...	5,000	...	500	...	1,000	...	6,500
Controller of Military Accounts, Receipt No. LXXIV	...	...	3,500	...	...	...	...	...	3,500
Accountant General, Bengal, part of Receipt XL ...	...	...	...	...	...	...	800	...	800
Accountant General, Bengal, Receipt No. LXXV ...	...	...	92,400	...	...	...	700	...	93,100
Comptroller General, Savings Bank Department, Receipt No. LXXII ...	...	...	500	...	1,500	...	...	...	2,000
Accountant General, Punjab, Receipt No. LXXVI ...	...	...	...	...	...	...	17,800	...	17,800
Comptroller General, Civil Officers, Receipt Nos. XVI, XVII and XVIII ...	..	...	8,400	...	...	...	...	...	8,400
Comptroller General, Civil Officers, part of Receipt No. X ...	...	4,000	...	...	...	...	...	...	4,000
	...	5,000	1,09,800	...	2,000	...	20,300	..	1,37,100
RECEIVED BY COMPTROLLER GENERAL BUT OBJECTED TO BY PUBLIC DEBT OFFICE AND NOW BEING RETURNED—									
Examiner of Public Works Accounts, Bengal, part of case No. LXIV, No. 13048 of 1842-43 ...	...	...	500	...	...	...	...	...	500
Controller of Military Accounts, part of case No. LXX, No. 117038 of 1865	...	...	1,000	...	...	...	...	...	1,000
Controller of Military Accounts, part of case No. LXVI, No. 096558 of 1865	...	...	500	...	...	...	...	...	500
	...	...	2,000	...	...	...	...	...	2,000
GRAND TOTAL ...	8,500	5,000	92,10,800	1,80,300	1,28,600	10,000	10,02,200	1,000	1,05,46,400
ACCOUNT OF PROMISSORY NOTES RECEIVED BY THE COMPTROLLER GENERAL FOR SAFE CUSTODY, UNDER F. D. No. 3214 OF 21ST OCTOBER 1880—			Ordinary 4 per cent. Loans.						
Examiner, Public Works Accounts, Bengal ...	...	...	7,100	...	...	...	...	...	7,100

J. WESTLAND,
Offg. Comptroller Gen

TREASURE TROVE.

It is hereby notified, under Section 5 of Indian Treasure Trove Act (VI of 1878), that, on or about the 16th March 1880, treasure, consisting of 74 Veerarayanchandram fanams valued at Rs. 18-8, was found in Survey Field No. 87, situated in the village of Chinnapuram, Erode Taluk, Coimbatore District, in the Presidency of Fort St. George, which field is in the possession of Syed Kasim.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Coimbatore, at his office on the 15th August 1881, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

W. WILSON,
Collector.

COIMBATORE COLLECTOR'S OFFICE,
The 29th March 1881.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 15th April 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
Persian Gulf	6 P. M.	1881. 23rd April	From Bombay.
Madras, Ceylon and the Intermediate Ports.			
Madras and Ceylon	6 ,,	22nd ,,	
	6 ,,	21st ,,	P. & O. Str. *Kaiser-i-Hind.*
Galle, Penang Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 ,,	19th ,,	From Bombay.
Foreign Mails *viâ* Bombay	6 ,,	18th ,,	From Bombay.
Do. Book Post and Pattern Packets	6 ,,	17th ,,	From Bombay.
Rangoon, Moulmein and Straits	6 ,,	21st ,,	Str. *Mecca.**
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 ,,	21st ,,	Str. *Bushrer.*
Straits and Hong-Kong	6 ,,	19th ,,	Strs. *A. Apcar & Suez.*
Persian Gulf	6 ,,	16th ,,	From Bombay.

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

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

W. MERRETT,
for *Presidency Post Master.*

List of Unclaimed Letters lying in the Calcutta Post Office on the 15th April 1881.

Allert, C. J.
Aspa, H.
Alexander, E. & Co.
Bennet, Miss.
Bayley, Miss A.
Barley, F. G.
Berrill, C. D.
Blunt, Pilot.
Barrone, B.
Collins, Mrs. L. G.
Chakerbutty, Mrs. A. B.
Carter, Lt. W. G.
Cox, Miss M.
Cumming, H. G.
Clark, R. (c.s.)
D'Silva, Mrs. E.
Duff & Nephew, Messrs.
Dey, B. M. & Co.
DeLanney, E.
Donza, Mrs. A.
Dennis, Mrs. E.
Douglas, W.
Dumaine, C.
Duke, Mrs. E.
Evance, Mrs A.
Gomes, C. T.
Garnett, O. G.
Graves, H.
Grant, Mrs. E. C.
Hamilton, Miss J.
Heward, A. S.
Harrison, J. H.
Hicks, Mrs. R.
Jenkins, Mrs.
Kellie, Mrs. A.
Logan, Capt. John.
Lyman, B. S.
Lyman, Private R.
Lyon, J. W.
Mcdonald, S.
Miller, J.
Munro, Master G.
Major, W. F.
Mee, Mrs.
Mendis, Alex. T.
Mechumbia, W.
O'connell, T.
Oldham Brothers & Co.
Poorna Chunder Bose.
Payne, Captain.
Payne & Co.
Roe, Mrs.
Roe, Miss Kathy.
Ram Chand Pyne.
Rendell, Major-General.
Rohanan B & Co.
Rajnarain Ghose & Co.
Stapl s, J. E. L.
Stanley, F.
Stephen, A.
Thomas, Mrs. G.
Weyton, O.
Willis, Miss C.
Wallace Miss.
Waller, A.
Wood, J. D.

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

Alexander, Miss.
Akirkonde, Mr.
Arsene, Monsieur A.
Ascell, F.
Barker, Thomas W.
Banoficia, C. S.
Bennet, J.
Beck, Miss Jessie.
Beattie, W. G.
Bingham, Herbert.
Bello, Miss Rosa.
Brooksbank.
Brodie, Lt. E. W.
Burrill, William.
Burns, Mrs.
Berman, MonsieurJames.
Bruce, A.
Cavanagh, J.
Campbell, A. D.
Coan, John.
Coote, Walter.
Cornwall, J. H.
Cox, A.
Cox, F.
Coxen, H.
Cratter, Geo.
Cumine, Rev. R. A.
Davison, T. M.
Dowden, Major.
Deane, Mrs. H. A.
Desbois, Madame S.
Elwell, A. H.
Evans, J.
Evans, Mrs. P. A.
Fleming, Stanley Le.
Fleming, James.
Farber, L.
Galtely, Mrs. E.
Goltermann, H. Monsieur.
Greve, E. C.
Gomes, Leopaldeno Valeriano.
Hurroo Lall.
Hurst, R. R.
Joseph, Monsieur A.
Jones, C. R.
Journd, Ferdinand.
J. O. N.
J. R. P.
Jones, H. R.
Jones, David William.
Keiramder, Mrs. M.
Koch, E. Heron.
Morton, H. A.
Marshall, Henry.
Palmer, Capt. A. Y.
Palmer, T. S.
Peachy, Miss Kate.
Phillips, W. H.
Peterson, C.
Palmar, Mrs. F.
P. M. J.
Ruby Diamond Ruby.
Stevenson, Mrs.
Shaw, J. E.
Simpson, J. M.
Southal, William.
Senior, Major H.
Smith, E.
Smith, John.
Stewart, Rev. R.
Stewart, A. G. J.
Straw, F. T.
Short, J. R. (Examiner, Postal Account.)
Sandeman, W. A.
Watson, W.
Wyllie, Lt. J. A.
Willson, Mrs.
Woodburn, A. F.
Wilson, T. E.
Wallascon, A.
Webster, Miss.

Newspapers.

Johnson, E. C.
Senior, Major H. W. J.
Stewart, David.
Wyllie, Lt. J. A.

Registered Letters.

Beck, Henry.
Bailey, Mr.
Cumberland, B. L.
Cox, F.
Finlayson, G.
Hunter, Col.
James Francis Street & Co.
Kelly, John.
Kohn, T.
Lountz, Rosa.
Tyrer J.
Warde, Mrs.

E. HUTTON.
Presidency Post Master.

Wanted a European Pilot for Aden Harbour.

TERMS.

1. A free passage to Aden.
2. Pay to commence on date of joining.
3. Pay Rs. 150 a month, rising to Rs. 200 by five yearly increments of Rs. 10 each month.
4. Free quarters.
5. Six months' notice on either side of termination of agreement.

Apply, stating age, &c., with copies of testimonials, to the Port Officer, Aden.

W. K. THYNE,
Port Officer, Aden.

PORT OFFICE;
ADEN,
The 11th March 1881.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd ,, ,, 1 ,, ,,

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd ,, ,, 1 ,, ,,

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج ٔ

يهه دوا کوئيناڤين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ٔ

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ٔ

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونميں بکتي هی ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارهٔ آنه ٔ

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

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Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

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

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang Pra. *Re. 1*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1*
Lacon Roads. *Re. 1.*
Samuie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude: the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile. Compression $\frac{1}{304}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
,, 2. Cancelled: superseded by Notice No. 8. *Annas 4.*
,, 3 Cancelled: superseded by Notice No. 18. *Annas 4.*
,, 4. Cancelled: superseded by Notice No. 23. *Annas 4.*
,, 5 Kyouk Phyou Harbour. *Annas 4.*
,, 6. Salween (Maulmain) River. *Annas 4.*
,, 7. Approaches to Point de Galle Harbour. *Annas 4.*
,, 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
,, 9. Indus Banks and Kurrachee. *Annas 4.*
,, 10. Pamban (Paumben) Pass. *Annas 4.*
,, 11. Andaman Islands. *Annas 4.*
,, 12. Jiddah Harbour Red Sea. *Annas 4.*
,, 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
,, 14. Red Sea, 1878. *Annas 4.*
,, 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
,, 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
,, 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
,, 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*

No. 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
,, 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
,, 21. Arabian Coast. Ras Matbakh, 1880. *Annas 4.*
,, 22. Red Sea. Notes from various sources, 1880.
,, 23. Coast of Orissa. False Point Harbour and Approaches.
,, 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
,, 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
,, 3. Exhibition of the new fixed Light at False Point.
,, 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
,, 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
,, 6. Alteration of position and elevation of the red Light at Cannanore.
,, 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
,, 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
,, 9. Lights at Port Ibrahim, Suez.
,, 10. Changes in the buoyage of the port, Madras.
,, 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
,, 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
,, 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
,, 14. Harbour Light at Belilling, Baly Island.
,, 15. Position of Gwalia Reef, Carimata Strait.
,, 16. Position of Parkin Rock, Hanish Islands.
,, 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
,, 18. Intended alteration in Light Apparatus, Calicut.
,, 19. Lights at Port Ibrahim, Suez.
,, 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulationsfor Pilot Brigs.
,, 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
,, 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
,, 4. Java, North Coast, Harbour Light at Tegal.
,, 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.

*** The above rates are exclusive of mounting, colouring, packing, and postage.*

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

Books required for the public service cannot be supplied on payment; they are only issued on the authority of the Department to which the indenting officer is subordinate. In sending for books for personal use, it should be stated that they are required for this purpose, to avoid the delay of enquiry before complying with the requisition.

P. W. D. Code, 4th Edition.

Vol. I.—(For the use of Sub-divisional as well as Divisional Officers)—

Chap. I. Organization of the Department.—II. Rules for candidates for appointment or promotion.—III. Duties of Departmental Officers.—IV. Rules affecting personal conduct.—V. Special Rules applicable to all branches.—VI. Office arrangements.—VII. Designs and Estimates.—VIII. Contracts.—IX. Execution of works.—X. Cash and stores.—XI. Public buildings.—XII. Accounts. *Price, Rs. 2-8; packing and postage, 4 annas: interleaved copies, Rs. 3; packing and postage, 6 annas.*

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Tribes of the Hindoo Koosh. *Price, Rs. 6; packing and postage, 6 annas.*

Just published.

Army List—New Number.

The Official Quarterly Bengal Army List, corrected up to 31st March 1881.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

THE INDIAN STATUTE-BOOK.

REVISED EDITION.

A.—General Acts.

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Vol. II.—From 1864 to 1871.
Vol. III.—From 1872 to June 1876.
Price of each Volume, Rs. 8; packing and postage, 12 annas.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 23, 1881.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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ACCOUNTANT GENERAL'S OFFICE, Public Works Department.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 14th April 1881.

No. 5.—With reference to Public Works Department Notification No. 91, dated 10th March 1881, Mr. R. G. Macdonald, Assistant Accountant General, Public Works Department, was relieved of his duties in the Office of Accountant General, Public Works Department, on the afternoon of the 25th March 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 16th April 1881.

No. 36.—Mr. R. F. Dallas, a Superintendent of the 3rd Grade, is allowed furlough for one year, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 11th March 1881.

The 19th April 1881.

No. 1.—Mr P. V. Luke, an Assistant Superintendent of the 1st Grade, is allowed furlough for one year, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 2nd April 1881.

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

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 18th April 1881.

No. 215.—Mr. N. C. Gwynne, Surveyor, 4th Grade, is granted privilege leave for one month, with effect from the 1st May next.

No. 216.—Mr. P. F. Prunty, Assistant Surveyor, 3rd Grade, is granted privilege leave for one month, with effect from the 15th May next.

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

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 9th April 1881.

No. 1.—Major S. Clarke, R.E., Executive Engineer, 1st Grade, made over, and Mr. P. P. Dease, C.E., Executive Engineer, 4th Grade, took over charge of the Sibi Division on the afternoon of the 4th April 1881.

A. M. LANG, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 13th April 1881.

No. 691 G.—LEAVE.—With reference to Foreign Department Notification No. 704 G.-G., dated 8th April 1881, Captain E. A. Fraser, Political Agent, 3rd Class, substantive *pro tempore*, and 1st Assistant Agent to the Governor General, Rajputana, on return from furlough, was granted subsidiary leave from the forenoon of the 9th March to the afternoon of the 16th March 1881, to enable him to join his appointment.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 16th April 1881.

No. 252.—With reference to Foreign Department Notification No. 706 G.-G., dated 8th April 1881, Captain D. Robertson and Major A. W. Roberts, respectively, made over and assumed charge of the Office of Assistant Commissioner, Merwara, on the afternoon of the 12th March 1881.

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 14th April 1881.

No. 13.—Lieutenant F. Peel, R.E., Assistant Engineer, has been transferred from Ranikhet Division, Military Works, to Bareilly Division, Military Works, the former of which he left on the 2nd, and joined the latter on the 3rd instant, afternoon.

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

Presidency & Oudh Command.

Lucknow, the 11th April 1881.

No. 6.—With reference to Inspector General Military Works' Notification No. 26 of 25th ultimo, Captain W. L. Greenstreet, R.E., Executive Engineer, 2nd Grade, on return from furlough, joined this Command on the afternoon of 31st idem, and is posted to the Lucknow Division, Military Works.

Captain Greenstreet took over charge of the Lucknow Division from Captain J. F. Garwood, R.E., Executive Engineer, 3rd Grade, on the afternoon of 11th instant.

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

Sirhind & Lahore Command.

The 13th April 1881.

No. 109.—Lieutenant G. H. Sim, R.E., Assistant Engineer, reported his return at Superintending Engineer's Office, Lahore, on the afternoon of the 9th April 1881, from the six weeks' privilege leave granted him in this Command Notification No. 103 of 11th March 1881.

The 18th April 1881.

No. 110.—Lieutenant A. H. Mason, R.E., Personal Assistant to Superintending Engineer, Sirhind and Lahore Command, Military Works, transferred to Office of Inspector General, Military Works, reported his departure from Lahore on the afternoon of the 12th April 1881.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command,
Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lucknow, the 16th April 1881.

Lieutenant R. C. Maxwell, R.E., Officiating Deputy Consulting Engineer to Government of India for Guaranteed Railways, Lucknow, reported his departure on three months' privilege leave, granted under Government of India telegram, dated 6th April 1881, on the afternoon of the 13th instant.

T. F. DOWDEN, *Major, R.E.,*
Offg. Consulting Engr. to Govt. of India for Guaranteed Railways.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Moultan, the 9th April 1881.

No. 36.—Mr. G. L. Edwards, Assistant Locomotive Superintendent, reported his return to India at Kurrachee from the leave granted in Notifications Nos. 5 and 19, dated, respectively, 3rd April and 19th September 1880, of the Consulting Engineer to Government of India, Lahore, on the 1st March 1881, and joined the Indus Valley State Railway on the afternoon of the 16th idem.

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

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 7th April 1881.

With reference to Director General of Railways' Notification No. 21, dated 24th March 1881, Mr. A. T. Chiodetti, Assistant Engineer, 3rd Grade, was relieved of his duties on this line on the afternoon of 11th February 1881.

H. F. STOREY,
Engineer-in-Chief.

Report of a Deserter from the 2nd Battalion, 15th Regiment of Foot, dated at Poona, this 14th day of April 1881.

No. and Name,—No. 2209, James Madden.
Age,—About 30 years.
Size,—5 feet 5½ inches.
Color of—
Complexion, florid; Hair, brown; Eyes, grey.
Peculiar Marks by which his Identity may be ascertained,—
Wears a close trimmed moustache. Is slightly pock-marked on face, and has a very dissipated appearance.
Date of Desertion.—10th April 1881.
From whence Deserted,—Poona.
Date of Enlistment,— ... } Not known, there being no documents in possession relative to this man. He was apprehended by the police as a deserter from 1-15th regiment at Bombay on the 6th March 1880, and was held to serve in the 2-15th regiment, pending enquiries.
Place of Enlistment,— ...
Parish where Born,— ...
County,— ...
Former Trade or Occupation,— ...
Dress at the time of Desertion,—
Coat or Jacket,— ... } Regimentals: white or khakee dyed clothing.
Waistcoat,— ...
Breeches or Trowsers,—
REMARKS, stating any particular circumstances attending his Desertion,—*Nil.*

G. H. JOHNSTON, *Capt.,*
Comdg. 2-15th Regt.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
April 11	Holiday.			6,890	28,85,518	2,78,897
,, 12	...	...	...	6,890	29,15,590	2,78,897
,, 13	...	...	...	26	29,22,454	2,85,761
,, 14	...	...	6,729			
,, 15	Holidays.					
,, 16						

CALCUTTA MINT, *The 18th April 1881.* } J. F. TENNANT, *Col., R.E., Mint Master*

Statement of the Affairs of the Bank of Bengal for the week ending 19th April 1881.

LIABILITIES.	Rs.	A.	P.	ASSETS.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0	Government Securities	1,36,97,080	10	0
Reserve Fund	25,12,161	4	4	Loans on Government Securities at Head Office and Branches	56,94,233	1	0
Public Deposits at Head Office (Rs. 1,08,79,335 8 3)	2,43,21,793	3	11	Accounts of Credit on Government Securities at Head Office and Branches.	42,12,990	7	9
Public Deposits at Branches (Rs. 1,34,42,457 11 8)				Bills discounted and purchased at Head Office and Branches	2,56,63,576	14	5
Other Deposits at Head Office and Branches	3,10,33,094	2	1	Balances with other Banks	7,73,134	3	0
Bank Post Bills, &c.	7,16,560	14	11	Bullion	9,57,513	0	1
Sundries	10,98,690	0	7	Dead Stock	10,95,240	11	5
				Stamps	8,008	10	0
				Sundries	4,29,382	9	5
					5,25,31,160	3	1
				Cash and Currency Notes at Head Office (Rs. 1,01,37,319 0 6)	2,71,51,139	6	9
				Cash and Currency Notes at Branches (Rs. 1,70,13,820 6 3)			
RUPEES	7,96,82,299	9	10	RUPEES	7,96,82,299	9	10

By order of the Directors.

BANK OF BENGAL, *Calcutta, 21st April 1881.* }
J. GORDON, *Chief Accts. & Depy. Secretary.*
R. HARDIE, *Secretary & Treasurer.*

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 1st March 1881.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	Dec. 1880	Feb. 14, 1881
2	Military Works ...	Do. „	Do. 17, „
3	Port Blair	Do. „	Do. 18, „
4	Punjab	Do. „	Do. 21, „
5	Quetta Agency ... / Hyderabad (Assigned Districts.)	Do. „	Do. 22, „
7	Hyderabad (Imperial) ... / North-Western Provinces and Oudh.	Do. „	Do. 23, „
9	Bengal ... ... / Rajputana	Do. „	Do. 25, „
11	Coorg ... ... / Mysore ... ... / Mysore (Imperial) ...	Do. „	Do. 28, „
14	Madras ... ... / Central Provinces ...	Do. „	Mar. 1, „
16	Central India ...	Nov. „	Jan. 27, „
17	British Burmah ...	Do. „	Do. 29, „
18	Bombay	Do. „	Feb. 4, „

TELEGRAPH DEPT.

1	Indo-European ...	Nov. 1880	Feb. 1, 1881
2	Indian	Do. „	Do. 4, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	North-Western Provinces and Oudh.	Dec. 1880	Feb. 19, 1881
2	Bengal	Do. „	Do. 21, „
3	Punjab ... ... / Rajputana	Do. „	Do. 23, „
5	Madras	Do. „	Mar. 1, „
6	British Burmah ...	Nov. „	Jan. 29, „
7	Bombay	Do. „	Feb. 4, „

GUARANTEED RAILWAYS.

1	Punjab	Dec. 1880	Feb. 21, 1881
2	Bengal	Do. „	Do. 24, „
3	Madras ... ... / Bombay	Do. „	Mar. 1, „
5	North-Western Provinces and Oudh.	Nov. „	Jan. 31, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Umballa and Kalka ...	Dec. 1880	Feb. 7, 1881
2	Omraoti ... ... / Khamgaon	Do. „	Do. 12, „
4	Rangoon and Irrawaddy Valley.	Do. „	Do. 16, „
5	Calcutta & South-Eastern	Do. „	Do. 18, „
6	State Railway Stores Branch. / Northern Bengal ...	Do. „	Do. 19, „
8	Muttra and Hathras ... / Cawnpore-Farukkabad ... / Ghazipur-Dildarnagar ... / Achnera-Muttra ... / Light Provincial Railway Survey (N. W. P.) / Bareilly-Pilibhit ... / Cawnpore-Kalpi ... / Sindia Extension Survey	Do. „	Do. 21, „
16	Western Rajputana (S. Section).	Do. „	Do. 22, „
17	Indus Valley ... ... / Kandahar	Do. „	Do. 24, „
19	Nalhati ... ... / Tirhoot ... ... / Patna and Gya ... / Holkar ... ... / Indore-Nasirabad ... / Sindia ... ... / Punjab Northern ...	Do. „	Do. 25, „
20	Western Rajputana (N. Section.) / Nagpur and Chhattisgarh / Bhavnagar and Gondal ... / Bhopal ... ... / Mysore	Do. „	Do. 28, „
31	Bellary and Karwar ... / Bombay (Eastern Deccan)	Do. „	Mar. 1, „
33	Dhond and Manmad ...	Nov. „	Jan. 20, „
34	Nizam's	Do. „	Do. 24, „
35	Rajputana	Do. „	Do. 29, „
36	Wardah Coal ...	Do. „	Do. 31, „
37	Lala Moosa to Chak Nizam	Do. „	Feb. 1, „
38	East Indian	Oct. „	Do. 8, „

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	Dec. 1880	Feb. 16, 1881
2	Calcutta & South-Eastern	Do. „	Do. 18, „
3	Northern Bengal ...	Do. „	Do. 23, „
4	Punjab Northern ...	Do. „	Do. 25, „
5	Khamgaon	Do. „	Mar. 1, „
6	Dhond & Manmad ...	Nov. „	Jan. 20, „
7	Holkar & Sindia-Nimach / Tirhoot ... ... / Nalhati ... ... / Patna and Gya ... / Nizam's	Do. „	Do. 24, „
12	Nagpur & Chhattisgarh ...	Do. „	Do. 25, „
13	Wardah Coal ... ... / Indus Valley	Do. „	Do. 27, „
15	Rajputana ... ... / Sindia	Do. „	Do. 29, „
17	Muttra and Hathras ...	Do. „	Feb. 8, „
18	Western Rajputana ...	Do. „	Do. 19, „
19	East Indian	Oct. „	Do. 8, „
20	Omraoti	Sept. „	Nov. 18, 1880

SIMLA,
The 13th April 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 1st April 1881.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of recept.
1	Assam	Jan 1881	Mar. 12, 1881
2	Port Blair	Do. „	Do. 17, „
3	Military Works ...	Do. „	Do. 19, „
4	Punjab	Do. „	Do. 21, „
5	Rajputana	Do. „	Do. 22, „
6	Bombay ... ... / Bengal ... ... / Coorg ... ... / Quetta Agency ... / Mysore (Imperial) ...	Do. „	Do. 25, „
11	Madras ... ... / North-Western Provinces and Oudh. / Central Provinces ... / Central India ... / Mysore ... ... / Hyderabad (Assigned Districts).	Do. „	Do. 28, „
17	Hyderabad (Imperial) ...	Do. „	Do. 29, „
18	British Burmah ...	Dec. 1880	Do. 3, „

TELEGRAPH DEPARTMENT.

1	Indo-European ...	Jan 1881	Mar. 29, 1881
2	Indian	Dec. 1880	Do. 5, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	Jan. 1881	Mar. 12, 1881
2	Rajputana	Do. „	Do. 16, „
3	Bengal	Do. „	Do. 22, „
4	North-Western Provinces and Oudh.	Do. „	Do. 24, „
5	Punjab	Do. „	Do. 25, „
6	Madras ... ... / Bombay	Do. „	Do. 28, „
8	British Burmah ...	Dec. 1880	Do. 3, „

GUARANTEED RAILWAYS.

1	Bengal ... ... / Punjab	Jan. 1881	Mar. 21, 1881
3	Bombay ... ... / Madras	Do. „	Do. 23, „
4	North-Western Provinces and Oudh.	Do. „	Do. 28, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	Jan. 1881	Mar, 17, 1881
2	Umballa and Kalka ...	Do. „	Do. 19, „
3	Northern Bengal ... / State Railway Stores Branch.	Do. „	Do. 22, „
5	Patna and Gya ... / Bombay (Eastern Deccan)	Do. „	Do. 23, „
7	Nalhati ... ... / Cawnpore-Furruckabad ... / Ghazipore-Dildarnagar ... / Achnera-Muttra ... / Bareilly-Pilibhit ... / Cawnpore-Kalpi ...	Do. „	Do. 24, „
13	Calcutta and South-Eastern Extension / Holkar ... ... / Indore-Nasirabad ... / Indus Valley	Do. „	Do. 25, „
17	Calcutta and South-Eastern. / Tirhoot ... ... / Sindia ... ... / Western Rajputana (N. S.) / Bhopal ... ... / Mysore ... ... / Sindia Extension ...	Do. „	Do. 28, „
24	Western Rajputana (S. S.) / Nagpur and Chhattisgarh / Punjab Northern ... / Ditto Salt Branch ... / Nizam's	Do. „	Do. 29, „
29	Wardah Coal	Do. „	Do. 31, „
30	Kandahar	Do. „	Apl. 1, „
31	Omraoti ... ... / Khamgaon	Dec. 1880	Feb. 12, „
33	Muttra and Hathras ...	Do. „	Do. 21, „
34	Bhavnagar and Gondal ...	Do. „	Do. 28, „
35	Dhond and Manmad ...	Do. „	Mar. 2, „
36	Rajputana	Do. „	Do. 29, „
37	East Indian	Nov. „	Do. 7, „

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Omraoti ... ... / Khamgaon	Feb. 1881	Mar. 18, 1881
3	Dhond and Manmad ...	Do. „	Do. 29, „
4	Rangoon and Irrawaddy Valley.	Jan. „	Do. 7, „
5	Bhavnagar and Gondal ...	Do. „	Do. 22, „
6	Northern Bengal ... / Holkar and Sindia-Neemuch.	Do. „	Do. 25, „
8	Calcutta and South-Eastern. / Wardah Coal ...	Do. „	Do. 28, „
10	Nagpur and Chhattisgarh	Do. „	Do. 29, „
11	Nalhati ... ... / Tirhoot ... ... / Patna and Gya ...	Do. „	Do. 30, „
14	Punjab Northern ...	Dec. 1880	Feb. 28, „
15	Ghazipur-Dildarnagar ...	Do. „	Mar. 9, „
16	Nizam's	Do. „	Do. 13, „
17	Indus Valley	Do. „	Do. 14, „
18	Muttra and Hathras ...	Do. „	Do. 23, „
19	Western Rajputana ...	Do. „	Do. 25, „
20	Cawnpore-Furruckabad ...	Do. „	Do. 31, „
21	Rajputana ... ... / Sindia	Nov. „	Jan. 29, „

SIMLA,
The 13th April 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
96	... D 11—96262* ...	10	Bani Bania, Allahabad.
97	... D 12—39913* ...	5	Moonshi Gholam Ghouse, Allahabad.
98	... D 16—28998* ...	10	Ganga Pershad, Ambala.
99	... D 16—16509* ...	10	Revd. G. T. Carruthers,
	„ —16510* ...	10	Moradabad.

* Mutilated.

ALLAHABAD,
The 20th April 1881.

GODREZJEE D. PUDUMJEE, *A. A. G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W20	... M 51—86842 ...	10	G. Georletti, Abu Road.
	M 54—99426 ...	10	
W22	... M 53—28238 ...	20	Ramchandra Datatrya Joshi, Bombay.
	M 52—09765 ...	10	
	M 50—12727 ...	10	
	M 52—27888 ...	10	
	M 55—31279 ...	10	
	„ —32198 ...	10	
	M 48—36898 ...	10	
	M 54—47439 ...	10	
	„ —71802 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H40	... M 52—12129 ...	10	S. A. H. Prince, Lucknow.
	M 49—55996 ...	10	
H41	... M 19—21920 ...	10	Saligram, Farakabad.
M20	... M 47—78398	10	Jivanram J., Bombay.
	„ —78399		
M21	... M 42—08445	10	The Treasury Officer, Kaira.
	„ —08455		

BOMBAY,
The 19th April 1881.

C. E. CRAWLEY,
Asst. Accts. Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
11	... O 69—01768 ...	100	Babu Koruna Kant Chakravarti.
	O 55—20371 ...	20	
12	... O 88—59729 ...	100	Entazamut Dowla.
13	... O 63—74991 ...	20	Mr. R. Archer.
14	... O 67—75663 ...	100	The District Superintendent of Police, Moorshedabad.
15	... O 66—63599 ...	100	Babu Upendranath Chowdhari.
	O 81—72421 ...	50	
	„ —99227 ...	50	
	O 77—00504 ...	10	
	„ —14239 ...	10	
	O 90—85220 ...	10	
16	... O 82—48906 ...	50	Inspector S. Vere Fitzgerald, Section N. Town, Taltollah Thannah.
17	... O 85—32852 ...	100	The District Superintendent of Police, Bankura.
	O 72—32597 ...	20	
	O 84—52754 ...	10	
18	... O 82—87896 ...	...	Babu Biresaur Mitter.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
10	... O 12—27156	10	Babu Ram Chunder Chakravarti.
	O 43—08603		
11	... O 21—49325	20	Babu Amrito Lall Ghuttack.
	„ —00995		
12	... L 15—43165	5	Messrs. Sadiq Ali & Co.
	„ —43164		
13	... O 77—08083	10	Gunput Roy Sham Sunder.
	„ —08081		
14	... L 30—64828	5	The Chief Pay Master, East Indian Railway, Calcutta.
	„ —64827		
	L 11—31883	5	
	„ —31870		
15	... E 12—94929	20	Hridoy Narain.
	O 58—51270		
	O 37—23671	5	
	„ —23670		
16	... O 52—91143	10	Babu Ram Mohan Chowdhury.
	O 75—11128		
17	... L 54—95338	5	Poorun Chand.
	„ —95328		
18	... O 88—60789	100	The Treasury Officer, Maldah.
	„ —60786		
8	... O 94—19373 ...	10	Mrs. Hamilton.
9	... O 98—27759 ...	5	Miss Harding.
10	... L 96—51353 ...	10	Saligram.
11	... O 63—55390 ...	20	Babu Giridhar Bhuttacharjee.
	„ —55382 ...	20	
12	... O 88—16695 ...	100	Pultu Hazam.
	„ —16665 ...	100	
13	... L 20—53945 ...	5	Babu Dijendra Nath Mukerjee.
14	... O 81—29355 ...	10	Babu Juggodish Chunder Roy.
15	... L 24—88372 ...	5	Abdul Raizak.
16	... L 55—66075 ...	5	The Chief Pay Master, East Indian Railway, Calcutta.

CALCUTTA,
The 22nd April 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
1	... E 7—35802 ...	5	Jamsetjee's Sons, General Merchants, Sojat Road Station, Rajputana State Railway.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
2	... E 16—66315 ...	10	Mrs. M. Fleming, Nynee Tal.
	E 18—73072 ...	100	
5	... E 8—41384 ...	5	Ruldoo and Mohamed Deen, Lahore.
	E 17—46298 ...	20	
	E 15—83541 ...	50	

LAHORE,
The 16th April 1881.

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
2	... B 63—39828 ...	10	Moulvie Saiyad Muhammad Ghouse, pensioned Principal Sadar Amin of Tellicherry.
	B 64—17336 ...	20	
	B 61—81944 ...	50	

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant
		Rs.	
2	... B 51—54220 ...	500	Thirupalinavara Venkattappah, Saukar, Shimoga.
3	... B 47—14537 ...	5	S. Venkatacharlu, Head Clerk, Head Assistant, Collector's Office, Cuddapah.
	B 64—09162 ...	20	
	B 66—70257 ...	100	
4	... B 47—49056 ..	5	Revd. Christian, Hyderabad.
	B 64—05299 ...	20	
5	... B 66—47655 ...	100	A. V. Annaswami Chettiar, Tiruvadi, Tanjore.
6	... B 47—52609 ...	5	M. V. Alasinga Char, Treasury Accountant, Betmangal Taluk, Bowringpett, Kolar Road Station.
1	... B 20—25149 *	10	C. Venkataswami Nayadu, Evening Bazar, Madras.
	„ —11905		
2	... B 46—13275 *	5	Butharji Tharvadi, No. 1, Mint Street, Madras.
	„ —12575		
3	... B 62—95056 *	100	Kadar Batcha, for Thavuth Yakub Sahib, Vaniyambadi.
	„ —95059		

* Wrongly joined.

FORT SAINT GEORGE,
The 13th April 1881.

C. HALL,
Offg. Chief Clerk of the Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
W5	... F 9—82542 ...	50	Mr. A. R. Malcolm, Quarter Master Sergeant, M-5th R. A., Saugor.
	„ —86724 ...	50	
	F 8—75339 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

1880-81.		Rs.	
M4	... F 8—47869 *	20	Sheolall, Treasurer, Deputy Commissioner's Office, Damoh.
	„ —47871		

* Mismatched.

NAGPUR,
The April 1881.

R. E. HAMILTON,
Depy. Commr. of Paper Currency.

POST OFFICE.

NOTIFICATION.

Calcutta, the 22nd April 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	30th April	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	29th „	Str. *Africa.*
Foreign Mails *viâ* Bombay	6 „	26th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	24th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	28th „	Str. *Sinla.*
Chittagong, Akyab, and Rangoon	6 „	28th „	Str. *Madras.*
Madras, Ceylon, Batavia, Singapore, and China	6 „	29th „	Fr. Str. *Meinam.*
Persian Gulf	6 „	23rd „	From Bombay.

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

E. HUTTON,
Presidency Post Master.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.

2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE

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

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„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
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„ 15. Position of Gwalia Reef, Carimata Strait.
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„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
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„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
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The Bengal Administration Report for 1879-80. *Price, Rs. 6; packing and postage, 10 annas.*

The Bengal Administration Report for 1878-79. *Price, Rs. 6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, Rs. 4-8; postage, 8 annas.*

The Bengal Administration Report for 1876-77. *Price, Rs. 4-8; postage, 6 annas.*

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The Bengal Administration Report for 1874-75. *Price, Rs. 4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, Rs. 4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, Rs. 7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
Vol.	II.	Nadiya and Jessore.
Vol.	III.	Midnapur, Hugli and Howrah.
Vol.	IV.	Bardwan, Bankura and Birbhum.
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Vol.	XX.	Fisheries and Botany of Bengal, with General Index.
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Price, per volume, Rs. 4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Divisure. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. xxxv + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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

Selection of Papers regarding the Hill [illegible] Assam and Burma, and on the Upper [illegible]. *Price, Re. 5; postage, 4 annas.*

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

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

The Quarterly Civil List for Bengal, corrected up to the 1st April 1881. *Price, Rs. 3; postage, 4 annas.*

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

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

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

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

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

Vol. I, bound in full cloth, lettered	...	Rs.	10 0 0
Vol. II, ditto	ditto	... „	10 0 0
Vol. III, ditto	ditto	... „	6 0 0
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Annual Statement of the Sea-borne Trade and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, Rs. 12; postage, 10 annas.*

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

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Sanitary Primers in English and in Bengali. *Price, Rs. 6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

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

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

Rates of Subscription to the "Calcutta Gazette."

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 30, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

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Postage on single copies varies according to weight.

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

NOTICE TO MARINERS.

No. 12 of 1881.

EASTERN ARCHIPELAGO.

JAVA—APPROACH TO SUNDA STRAIT.

Particulars of First Point Light.

With reference to this Department Notice to Mariners, No. 3, of 15th February 1881, on the re-exhibition of the permanent light on First point (Tanjong Koelong):—

The Netherlands Government has given further notice that the light (revolving white) shows, as formerly, *every half-minute* a flash of *six seconds* duration, followed by an interval of darkness lasting *twenty-four seconds*.

The light is visible between the bearings of N. 17° W. (through east) and N. 84° W., except where obscured by Princes (Prinsen) island; it is elevated 260 feet above high water, and should be seen in clear weather from a distance of 23 miles.

The illuminating apparatus is of the first order.

The lighthouse (lower than formerly) is now 131 feet high, constructed of stone and painted white, as is also the keeper's dwelling.

(*The Bearings are Magnetic. Variation* ½° *Easterly in 1881.*)

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*),
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 18th April 1881.

This Notice affects the following :—
BRITISH ADMIRALTY Charts Nos. 2056, 2761, 941*a* and 748*b*. Sailing Directions, China Sea Directory, Vol. I, 1878, page 161. Also Light List for 1881.

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

NOTICE TO MARINERS.
No. 13 of 1881.
EASTERN ARCHIPELAGO.
SUMATRA.

Flat Cape Light—Alteration in character.

The Netherlands Government has given notice that the following alteration has been made in the character of the light exhibited on Flat cape (Vlakken hook or Pamantyoss point) :—

The light (flashing white) now shows *every half-minute three flashes* in quick succession, followed by a short interval of darkness, thus :—bright *two seconds*, dark *three seconds*, bright *two seconds*, dark *three seconds*, bright *two seconds*, dark *eighteen seconds*, or *triple flashing half-minute*.

The lighthouse, 213 feet high, is sixteen-sided and constructed of iron.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,
for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 19th April 1881.

This Notice affects the following :—
BRITISH ADMIRALTY Charts Nos. 2056, 2761, 941*a* and 748*b*. Sailing Directions, China Sea Directory, Vol. I, 1878, page 170. Also Light List for 1881.

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

NOTICE TO MARINERS.
No. 14 of 1881.
BAY OF BENGAL—COROMANDEL COAST.
MADRAS.

Removal of North Buoy, Harbour Entrance.

Telegraphic information has been received from the Port Officer, Madras, announcing that the North Buoy, entrance to Madras harbour, has been finally removed.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,
for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 23rd April 1881.

This Notice affects the following :—
BRITISH ADMIRALTY Chart No. 71*c*.
INDIAN MARINE SURVEY Chart No. 105. Taylor's Sailing Directory, Vol. I, page 458.

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

ACCOUNTANT GENERAL'S OFFICE,
Public Works Department.

NOTIFICATION.—ESTABLISHMENT.
Simla, the 23rd April 1881.

No. 6.—With reference to Public Works Department Notification No. 124, dated 7th April 1881, Mr. W. Ogden, Assistant Examiner, 1st Grade, temporary rank, assumed charge of his duties in the Office of Accountant General, Public Works Department, on the forenoon of the 14th March 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.
Simla, the 4th April 1881.

No. 7.—Assistant Surgeon Kamalakshya Chatterjee is permitted to resign the service.

The 5th April 1881.

No. 8.—The services of Apothecary G. T. Leopold are placed at the disposal of the Government of the North-Western Provinces and Oudh.

The 9th April 1881.

No. 9.—Assistant Surgeon Manmatha Nath Roy is permitted to resign the service.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

SURVEY OF INDIA.

NOTIFICATION.
Mussoorie, the 22nd April 1881.

No. 217.—Captain J. R. Hobday, Assistant Superintendent, 3rd Grade, is appointed to officiate as Assistant Superintendent, 2nd Grade, with effect from the forenoon of the 3rd instant, until further orders.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.
Calcutta, the 25th April 1881.

No. 3.—Mr. C. B. D. Marks, an Assistant Superintendent of the 1st Grade, is allowed furlough for twelve months, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 14th April 1881.

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

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

NOTIFICATIONS.
Indore, the 20th April 1881.

No. 3.—Mr. J. Tait, Assistant Engineer, 1st Grade, on his return from furlough on the forenoon of the 28th September 1880, was posted to Bhopal State Railway, which he joined on the afternoon of the 2nd October 1880.

No. 4.—Mr. W. E. Newham, Assistant Engineer, 2nd Grade, attached to the Bhopal State Railway, has passed professional, as well as colloquial, examination prescribed in the Public Works Code, Volume I, Chapter ii, Section 1, paragraphs 17 and 20.

By Order,

C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.
Mount Abu, the 20th April 1881.

No. 732 *G.*—With reference to Foreign Department Notification No. 637 G.-G., dated 1st April 1881, Surgeon A. Adams received medical charge of the Western Rajputana States Agency from 1st Class Hospital Assistant Habiboolla Khan on the forenoon of the 7th April 1881.

No. 735 *G.*—With reference to Foreign Department Notification No. 637 G.-G., dated 1st April 1881, Surgeon A. Adams received medical charge of the Erinpura Irregular Force from 2nd Class Hospital Assistant Mahomed Fakeer on the forenoon of the 7th April 1881.

No. 740 *G.*—Captains E. L. Durand and A. C. Talbot, respectively, delivered over, and received, charge of the Office of Additional Political Agent, Eastern Rajputana States, on the forenoon of the 21st March 1881.

No. 743 *G.*—Colonel C. R. Blair and Surgeon-Major J. P. Stratton, M.D., respectively, delivered over, and received, charge of the Office of the Meywar Political Agency on the forenoon of the 13th April 1881.

By Order,

E. A. FRASER,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—
Military Works.

NOTIFICATIONS.
Simla, the 22nd April 1881.

No. 28.—Lieutenant J. T. Johnston, R.E., Executive Engineer, 4th Grade, is transferred from the Meerut Command, Military Works, to the Presidency and Oudh Command, Military Works.

No. 29.—Lieutenant A. H. Mason, R.E., Assistant Engineer, 2nd Grade, is transferred from the Sirhind and Lahore Command, Military Works, to the Head-quarters Staff of the Inspector General of Military Works.

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

Presidency & Oudh Command.
Lucknow, the 19th April 1881.

No. 7.—Lieutenant J. A. Ferrier, R.E., Assistant Engineer, 1st Grade, and Officiating Executive Engineer, Allahabad Division, Military Works, availed himself of three months' privilege leave granted in this Office Notification No. 5 of 14th ultimo, on the forenoon of 17th instant.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.
Simla, the 19th April 1881.

No. 25.—The undermentioned Officers are transferred from the Punjab Northern State Railway, Construction Section, to the Open Line of the same Railway :—

Lieutenant B. Scott, Executive Engineer, 4th Grade (temporary rank).

Mr. F. Reilly, Assistant Engineer, 2nd Grade.

No. 26.—CORRIGENDUM.—*For* "2½ months," in Notification No. 19 of the 14th ultimo, by the Director General of Railways, *read* "3 months."

The 21st April 1881.

No. 27.—The services of Babu Labdha Ram Sahni, Assistant Engineer, 3rd Grade, are placed at the disposal of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore.

The 23rd April 1881.

No. 28.—Major C. E. Shepherd, S.C., Executive Engineer, 1st Grade, is transferred from the Kandahar State Railway to the Delhi-Ferozepore Railway Survey.

No. 29.—Mr. L. G. Prickett, Assistant Engineer, 2nd Grade, passed the professional examination prescribed in Public Works Code, Chapter ii, Section 1, paragraphs 16 to 18, on the 18th January last.

No. 30.—The services of Mr. C. J. Cole, Assistant Engineer, 2nd Grade, are placed at the disposal of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

INDUS VALLEY STATE RAILWAY,
Manager's Office.

NOTIFICATIONS.

Mooltan, the 18th April 1881.

No. 39.—Referring to Consulting Engineer's Notification No. 9, dated 9th March 1881, Messrs. G. E. Thomas and E. W. M. Hughes made over and received charge of the Locomotive Department, Indus Valley and Kandahar State Railways, on the afternoon of the 13th April 1881, respectively.

No. 40.—Mr. R. J. Woods, Assistant Engineer, has been transferred from the 3rd to the 2nd Division, in the interests of the public service.

L. CONWAY-GORDON,
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Rawalpindi, the 21st April 1881.

No. 10.—Mr. C. R. T. Bolstan, Assistant Examiner, 1st Grade, reported his arrival on the afternoon of the 14th instant.

E. L. MARRYAT, *Major, R.E.,*
Manager.

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 22nd April 1881.

No. 5.—With reference to Director General of Railways' Notification No. 23, dated 1st April 1881, the undermentioned Officers reported their departure from Agra on the afternoon of the 17th March 1881, to join the Delhi-Ferozepore State Railway:—

Mr. A. S. Gerrard, Assistant Engineer, 1st Grade.

Mr. J. W. Parry, Assistant Engineer, 2nd Grade.

Mr. E. R. S. Lloyd, Assistant Engineer, 2nd Grade.

Mr. E. H. Johns, Assistant Engineer, 2nd Grade.

H. D. LATOUCHE,
Engineer-in-Chief.

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

The undermentioned Student has passed the Examination for Honors in Medicine:—

Ghosh, Srinath ... Medical College.

The undermentioned Student has passed the Second L. M. S. Examination:—

Mukhopadhyay, Amritalal...Medical College.

The following text-book in Political Economy has been appointed for the B. A. Examination of the Female Candidates:—

Professor Fawcett's Manual of Political Economy.

The following text-book in Sanskrit has been fixed for the Entrance Examinations of 1883 and 1884:—

Rajanikanta Gupta ... Sahitya Sangraha, first 85 pages.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 21st April 1881.

TREASURE TROVE.

Notice is hereby given that, on the 26th day of January 1881, 29 French coins, valued in all at Rs. 232, were found in the village of Singarayakonda, Kundukur Taluq, Nellore District, in the Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the undersigned on the 5th September 1881 at Nellore, and establish their claims to it.

J. GROSE,
Collector.

NELLORE COLLECTOR'S OFFICE,
The 11th April 1881.

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

Date.	Silver tendered, estimated value.	Certificates issued on General Treasury.	Certificates issued on Currency Department.	Balance of Bullion Under Assay.	Balance of Bullion Assayed.	Balance of Bullion Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
April 18	...	...	...	26	29,22,480	2,85,761
" 19	...	...	...	26	29,22,430	2,85,761
" 20	...	...	...	...	29,22,450	2,85,782
" 21	...	...	20	...	29,22,450	2,85,782
" 22	...	...	...	...	25,22,360	2,85,786
" 23	...	...	...	...	25,22,360	2,85,762

CALCUTTA MINT,
The 25th April 1881.

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

***STATEMENT** of Government Promissory Notes **enfaced** for payment of Interest **in London**, under deduction of amount re-transferred to India, and **outstanding** in the Books of the **Bank of Bengal** on the 15th March 1881.*

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	Transfer Loan of 1879, seven shillings sterling per cent. portion.	5 per cent. Debenture for 15 years re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 28th February 1881	54,100	38,506	3,413	15,06,026	30,30,100	2,26,71,900	1,39,74,300	1,73,36,700	2,89,56,400	45,87,600	4,56,000	97,34,200	8,60,21,600	1,00,500	34,09,000	65,800	13,400	18,89,59,545
ADD—																		
Amount enfaced at Madras between 1st and 15th March 1881	...	...	...	...	2,500	89,600	1,800	69,500	10,000	...	...	...	20,000	...	...	...	...	1,93,400
Amount enfaced at Bombay between 1st and 15th March 1881	...	...	...	...	...	1,000	3,000	25,000	45,000	5,000	...	36,000	3,95,000	...	...	...	...	5,10,000
Amount enfaced at Calcutta between 1st and 15th March 1881	...	...	...	21,333	2,500	94,500	5,000	2,02,800	2,40,700	3,000	...	3,59,500	9,34,200	...	...	...	...	19,63,533
	54,100	38,506	3,413	15,27,359	30,35,100	2,28,57,000	1,09,84,100	1,76,34,000	2,92,52,100	45,95,600	4,56,000	1,01,29,700	8,73,70,800	1,00,500	34,09,000	65,800	13,400	19,15,26,473
Deduct—																		
Amount written off in the London Registers	...	...	...	...	...	2,09,400	23,500	72,100	1,36,500	10,000	...	92,000	4,07,000	...	...	...	5,000	9,55,500
Balance on 15th March 1881	54,100	38,506	3,413	15,27,359	30,35,100	2,26,47,600	1,09,60,600	1,75,61,900	2,91,15,600	45,85,600	4,56,000	1,00,37,700	8,69,63,800	1,00,500	34,09,000	65,800	8,400	19,05,70,978

NOTE.—From 9th June 1867 to 15th Jan. 1881, enfaced from India 4,018 lakhs; re-transferred from London, 3,439 lakhs.
" 16th Jan. 1881 to 31st " " " 6 " " " 13 "
" 1st Feb. " to 15th Feb. " " 27 " " " 15 "
" 16th " " to 28th " " " 24 " " " 18 "
" 1st Mar. " to 15th Mar. 1881 " " 25 " " " 9 "
4,100 lakhs. 3,544 lakhs.
3,544 "
Balance against India . 556 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 27th April 1881.

R. HARDIE,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 26th April 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 1,16,36,084 13 6)	2,33,51,580	14	4
Public Deposits at Branches (Rs. 1,17,15,496 0 10)			
Other Deposits at Head Office and Branches	2,68,15,658	3	0
Bank Post Bills, &c.	10,76,524	5	2
Sundries	11,48,007	9	6
RUPEES	7,49,03,932	4	4

ASSETS.	Rs.	A.	P.
Government Securities	1,31,52,614	6	0
Loans on Government Securities at Head Office and Branches	56,89,809	13	3
Accounts of Credit on Government Securities at Head Office and Branches.	47,58,943	5	6
Bills discounted and purchased at Head Office and Branches	2,23,48,111	1	3
Balances with other Banks	6,51,778	6	6
Bullion	8,96,873	13	5
Dead Stock	10,94,990	1	1
Stamps	9,480	9	0
Sundries	4,00,507	3	6
	4,93,03,108	11	6
Cash and Currency Notes at Head Office (Rs. 99,56,460 9 1)	2,56,00,823	8	10
Cash and Currency Notes at Branches (Rs. 1,56,44,362 15 9)			
RUPEES	7,49,03,932	4	4

BANK OF BENGAL,
Calcutta, 28th April 1881.

J. GORDON,
Chief Accts. & Depy. Secretary.

By order of the Directors.
R. HARDIE,
Secretary & Treasurer.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
186	D 16—37972	10	The District Superintendent of Police, Umballa.
	„ —37973	10	
	„ —37974	10	
187	D 14—40435	20	John Armstrong, Esq., Lahore.
188	D 18—49666	100	Baboo Gya Pershad, Allahabad.

NOTE PARTIALLY LOST OR DESTROYED.

100	D 17—19251	50	Messrs. Dunbar and Co., Dinapore.

ALLAHABAD,
The 27th April 1881.

GODREZJEE D. PUDUMJEE, *A. A. G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No. 1881.	No. of Notes.	Value. Rs.	Name of Claimant.
H42	M 53—11401	20	Ardesir Sheriarji, Bombay.
	M 51—84422	10	
H43	M 46—64617	50	Ragunath Das, Chopra Jummu.
H44	M 43—23208	100	P. I. L. da Costa, Goa.

BOMBAY,
The 26th April 1881.

C. E. CRAWLEY,
Asst. Accts. Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
19	O 63—83435	20	Gobind Sunder Singh, Gopee Mohun Singh and Ram Gopal Singh.
	„ —57401	20	
	O 51—56251	10	
	O 94—71428	10	
20	O 71—41549	500	Dhunye Ram Bhugobutty Das.
22	O 88—57781	100	Bhoyrub Chunder Roy.
23	O 31—62149	50	Babu Bhola Nath Mukerjee
	O 59—57073	20	
	O 75—17170	10	
24	O 94—09671	10	Babu Jodu Nath Dutto, Sub-Inspector of Calcutta Post Office.
25	O 32—38793	50	Babu Srikant Bose.
26	O 68—48497	100	Babu Gya Pershad.
	O 88—16376	100	
	O 32—37661	50	
27	O 32—53240	50	Babu Preo Lal Mukerjee.
28	O 66—92485	100	Babu Dukina Kumar Sen.
30	O 32—50332	50	Babu Tincouri Das.
31	O 88—39337	100	Mira Markan.
32	O 32—32247	50	Babu Radha Nath Biswas.

NOTES PARTIALLY LOST OR DESTROYED.

17	L 33—76414	10	Lalla Raghoobur Lal.
18	O 69—58773	100	Major Bishun Nath Opadheya.
	L 86—25872	10	
19	O 77—29677	10	Cowasjee Meenajee.
20	A 71—75712	20	Babu Koylas Chunder Dutt.
	L 79—89853	20	
	A 52—71402	20	
21	O 32—50561	50	Mr. T. W. Freeman.
	„ —50562	50	
22	O 88—32799	100	Babu Shama Churn Beed.
23	L 56—22393	5	Mr. W. H. Ryland.
24	O 85—43533	20	Babu Kanai Lal Dutt.
19	L 28—98967	5	Babu Tincoury Nag.
	L 27—16277		
20	O 49—46084	10	Mr. T. S. Smith.
	„ —40315		
21	A 69—59521	10	Babu Kalikant Opadheya.
	A 78—00392		
22	O 60—57969	20	Messrs. Srikessen Shaw & Co.
	„ —57966		
23	O 42—76528	10	Babu Poorna Chunder Byack.
	M 48—14832		
24	L 16—91078	5	Babu Jagoda nund Auddy.
	„ —91075		
25	O 62—85836	20	Dr. C. J. W. Meadows.
	„ —85686		
26	O 61—92016	20	Babu Doyal Chand Paul.
	„ —92017		

CALCUTTA,
The 29th April 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Coconada Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
I 11—26026	20	Penumatcha Narainaraj, Narsapur Taluk, Godavery District.
„ —29376	20	
I 12—20037	50	Kadambari Narasimham, of Coconada.

COCONADA,
The 21st April 1881.

E. G. RICKETTS,
Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
G 14—35069	10	The Manager, Co-operative Society, Sukkur.
„ —49005	10	
„ —54501	10	
„ —48489	10	
G 9—31293	50	
G 10—53375	100	
„ —54435	100	
G 10—54510 *	100	Mr. Jehangeer Pestonji, 2nd Teller, Paper Currency Office, Kurrachee.
„ —54609 *		

* Mismatched.

KURRACHEE,
The 21st April 1881.

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

Lahore Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. Rs.	Name of Claimant.
221	E 13—82403	100	Chota Lal, Calcutta.

LAHORE.
The 22nd April 1881.

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

POST OFFICE.

NOTIFICATIONS.

Simla, the 21st April 1881.

No. 327.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, MADRAS.

Mr. T. C. D'Rozario has been appointed to act as Superintendent of Post Offices, 4th Grade, in Madras.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

Calcutta, the 29th April 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
Persian Gulf	6 P. M.	7th May	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	5th „	Str. *Huzara*.
Madras and Ceylon	6 „	5th „	P. and O. Str. *Poonah*.
Galle, Penang, Singapore, Hong-Kong, and Shanghai ; also *vid* Hong-Kong for Yokohama ; also for Australian Colonies	6 „	3rd „	From Bombay.
Foreign Mails *vid* Bombay	6 „	2nd „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	1st „	From Bombay.
Rangoon, Moulmein, and Straits	6 „	5th „	Str. *Kilwa*.
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 „	5th „	Str. *Commilla*.
Persian Gulf	6 „	30th April	From Bombay.

* Also *vid* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope ; also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Bé and Réunion, can be forwarded by this opportunity.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 28th April 1881.

Ashdown Alcock & Co.
Behary Lal Day.
Benjamine, C.
Batchford, Mrs. Sarah.
Carapet, A.
Canton, Miss.
Cassedy, Mr., J. J.
Coyne, H.
Cooper, Frank.
Croft, W. H.
Cumming, H. G.
Cumming, Miss S.
D'Urilla, Mrs. F. E.
Fellmann, F. B. Collins.
Furgus, Mr.
Fergusson, H. D.
Graham, R. B.
Grant, B. E.
Hart, Miss M.
Howard, Mrs. N.
John Moir & Co.
Jones, A. W.
Kangali Churn Roy.
Labanti, P. A.
Laila Balmokund.
Lyman, B. S.
Marry & Co.
Morry, A.
Miller, J.
Moore, John.
Munro, Master G.
Mylne, Mrs. G. C.
O'Connell, T.
Paul, N.
Rajnarain Bose.
Rahamattullah & Co.
Robson, Mr.
Rodgers & Co.
Scott, William (Sailmaker or A. B.)
Secy., N.-W. Bank of India.
Sheilds, W. T.
Smart, W. C.
Smith, Mrs. A.
Stringfellow, Mrs.
Thomas, Mrs. G.
Tucker, R.
Vivian, Mrs.
Waller, A.
Weston, J. O.
Weyton, O.

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

Ancell, F.
Arsene, Monsieur A.
Banofacia, C. S.
Barker, Thomas W.
Bennet, J.
Bennett, W. W.
Beck, Miss Jessie.
Beattie, W. G.
Berman, Monsieur.
Bingham, Herbert.
Bello, Miss Rosa.
Brooksbank, William.
Brodie, Lt. E. W.
Burns, Mrs.
Burrill, William.
Campbell, A. D.
Coan, John.
Cox, A.
Cox, F.
Coote, Walter.
Cornwall, J. H.
Coxen, H.
Crafter, Geo.
Davison, T. M.
Deane, Mrs. H. A.
Devano, J.
Dowden, Major.
James Francis Street & Co.
Elwell, A. H.
Evans, J.
Evans, Mrs. P. A.
Farber, L.
Fleming, Stanley Le.
Fleming, James.
Fraser and Adam & Co.
Gaitely, Mrs. E.
Gottermann, H., Monsieur.
Gomes, Leopaldeno Valeriano.
Gray, H. D.
Hurst, R. B.
Hurroo Lall.
Jackson, W. F.
Journd, Ferdinand.
J. O. N.
Jones, H. B.
Jones, David William.
Keirnander, Mrs. M.
Kooh, E. Heron.
Littlewood, J. H.
Malbrook, Prince.
Marrett, H. R.
Marshall, Henry.
Meanera, Lt. J. S. G.
Schneider, J. T.
Morton, H. A.
Pain, J. H. W.
Palmer, Capt. A. T.
Peachy, Miss Kate.
Peterson, C.
Phillips, W. H.
P. M. J.
Radicie Vincenzo.
Rattray, Lt. R. H.
Roe, Lt. R. J.
Ruby Diamond Ruby.
Samuells, Major (B.S.C.)
Senior, Major H.
Shaw, J. E.
Sharling, Miss Addie.
Simpson, J. M.
Smith, Mrs. E.
Smith, John.
Southal, William.
Stevenson, Mrs.
Stewart, Rev. R.
Stewart, A. G. J.
Straw, F. T.
Watson, W.
Willson, W. H.
Willson, Mrs.
Woodburn, A. F.

Newspapers.

Johnson, E. C.
Senior, Major H. W. J.

Registered Letters.

Bailey, Mr.
Bodtker, Miss S.
Cox, F.
Hunter, Col. C.
Kelly, John.
Kohn, T.
Martin, Captain H. H. N.
Schmidting, Mrs. S.
Tyrer, J.
Vivian, Mrs.
Warde, Mrs.
Z. Y. X. W.

E. HUTTON,
Presidency Post Master.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.

2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE

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

گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکٹه کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوداگر اونکے جو کوئي ايک مشت بيس پونڈ خريد ليں گے نقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس آٹهه آنه ; آٹهه اونس کے ٹين کا چار روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بارہ آنه ;

اور عوام‌الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه'

يهه دوا کلکٹه کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه '

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	**8**	**0**	**0**
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	**2**	**8**	**0**
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any

High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set:

Terms of subscription, payable annually in advance.

	Without Postage.	With Postage.
For the CALCUTTA SERIES ...	Rs. 35	Rs. 37-8
„ MADRAS SERIES ...	„ 8	„ 9
„ BOMBAY SERIES ...	„ 8	„ 9
„ ALLAHABAD SERIES	„ 8	„ 9
Complete set... ...	„ 45	„ 47-8

The price of each Part purchased separately will vary according to the amount of matter it contains, and will be printed on the wrapper. It will, however, never be below the following:—

For a Part of the CALCUTTA SERIES ...	Rs.	3 8
„ „ MADRAS SERIES ...	„	1 0
„ „ BOMBAY SERIES ...	„	1 0
„ „ ALLAHABAD SERIES.	„	1 0
Complete set	„	4 0

Persons desiring to subscribe for or purchase the Reports, should apply to—

MESSRS. THACKER, SPINK AND CO., CALCUTTA;

MESSRS. THACKER AND CO., BOMBAY;

MESSRS. HIGGINBOTHAM AND CO., MADRAS;

THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;

THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

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

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 3.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{134}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
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A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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

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

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 7, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

BANK OF BENGAL.

NOTICE.

Calcutta, the 2nd May 1881.

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

Mr. W. Westland, Inspector of Branches, has been appointed to act as Agent at Hyderabad, *vice* Mr. Carbery, who has gone on short leave.

Mr. G. I. Arbuthnot has been appointed to act as Agent at Lucknow, *vice* Mr. A. MacBean, who has obtained leave to Europe.

Mr. W. W. Apperley, Accountant at Agrá, has proceeded on leave to Europe.

R. HARDIE,
Secretary & Treasurer.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 30th April 1881.

No. 780 *G.*—LEAVE.—Lieutenant-Colonel F. W. Boileau, Commandant, Merwara Battalion, is granted sixty days' privilege leave, with effect from the 3rd May 1881.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

COMPTROLLER GEN

No. 194.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to Dec. 1879.	April to Dec. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	12,528,246	12,281,781	...	246,465
II.—Tributes	698,000	426,717	432,157	5,440	...
III.—Forest	688,400	278,144	348,160	70,016	...
IV.—Excise on Spirits and Drugs	2,782,000	2,021,314	2,260,210	238,896	...
V.—Assessed Taxes	535,000	696,483	490,990	...	205,493
VI.—Provincial Rates	2,764,000	1,690,016	1,810,920	120,904	...
VII.—Customs	2,175,000	1,531,930	1,728,428	196,498	...
VIII.—Salt	7,541,000	5,341,624	5,168,858	...	172,766
IX.—Opium	9,410,000	7,765,919	7,607,412	...	158,507
X.—Stamps	3,194,000	2,327,112	2,415,853	88,741	...
XI.—Registration	265,000	171,510	214,180	42,670	...
XII.—Mint	196,000	163,818	85,348	...	78,470
XIII.—Post Office	1,008,000	728,979	788,009	59,030	...
XIV.—Telegraph	463,100	336,538	370,549	34,011	...
XV.—Minor Departments	61,700	46,032	48,965	2,933	...
XVI.—Law and Justice	680,000	463,944	485,318	21,374	...
XVII.—Police	232,000	157,326	173,608	16,282	...
XVIII.—Marine	226,000	125,796	139,490	13,694	...
XIX.—Education	137,000	101,971	112,624	10,653	...
XX.—Medical	38,200	41,046	30,796	...	10,250
XXI.—Stationery and Printing	45,000	32,420	38,126	5,706	...
XXII.—Interest	641,000	468,618	422,758	...	45,860
XXIII.—Pensions	291,700	131,234	117,396	...	13,838
XXIV.—Miscellaneous	262,000	179,723	169,556	...	10,167
XXX.—Gain by Exchange	237,000	379,116	159,604	...	219,512
TOTAL	56,633,100	38,135,576	37,901,096	...	234,480
XXIX.—Army	800,200	707,640	821,230	113,590	...
XXVII.—Other Public Works	456,700	274,162	307,262	33,100	...
XXVI.—Irrigation and Navigation	860,200	465,150	457,046	...	8,104
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	7,071,552*	5,073,270	...	1,998,282
State Railways	4,720,000	905,123	4,576,881	3,671,758	...
XXVIII.—Provincial and Local Deficits	247,200	1,200	897	...	303
TOTAL	71,217,400	47,560,403	49,137,682	1,577,279	...
England, including Army, Public Works Ordinary, &c.	203,800	186,381	272,170	85,789	...
GRAND TOTAL	71,421,200	47,746,784	49,409,852	1,663,068	...

* Includes £2,729,287 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE,
CALCUTTA,
The 29th April 1881.

E. W. KELLNER,
Deputy Comptroller General.

ERAL'S OFFICE.

ninth month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April to Dec. 1879.	April to Dec. 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	2,255,178	2,418,591	163,413	...
2.—Interest on Service Funds	398,400	293,682	288,965	...	4,717
3.—Refunds and Drawbacks	318,000	250,254	250,627	373	...
4.—Land Revenue	2,994,400	2,059,167	2,082,306	23,139	...
5.—Forests	527,600	235,230	265,652	30,422	...
6.—Excise	111,000	82,781	87,491	4,710	...
7.—Assessed Taxes	20,000	24,741	17,974	...	6,767
8.—Provincial Rates	53,000	30,193	36,145	5,952	...
9.—Customs	204,000	149,662	149,688	26	...
10.—Salt	368,000	275,506	278,371	2,865	...
11.—Opium	2,159,500	1,829,362	1,796,959	...	32,403
12.—Stamps	77,500	57,455	56,787	...	668
13.—Registration	166,000	107,292	130,409	23,117	...
14.—Mint	91,500	61,006	56,967	...	4,039
15.—Post Office	1,043,800	764,421	906,741	142,320	...
16.—Telegraph	380,900	279,469	265,757	...	13,712
17.—Administration	1,245,500	937,144	921,852	...	15,292
18.—Minor Departments	415,100	237,321	248,070	10,749	...
19.—Law and Justice	3,350,900	2,433,884	2,386,897	...	46,987
20.—Police	2,513,000	1,784,213	1,829,305	45,092	...
21.—Marine	419,000	245,097	278,635	33,538	...
22.—Education	1,015,800	698,305	718,339	20,034	...
23.—Ecclesiastical	158,600	115,162	116,282	1,120	...
24.—Medical	701,400	461,234	469,858	8,624	...
25.—Stationery and Printing	415,700	214,782	310,952	96,170	...
26.—Political	393,000	283,091	279,321	...	3,770
27.—Allowances	1,824,900	1,068,220	1,094,758	26,538	...
28.—Civil Furlough and Absentee Allowances	3,000	2,817	4,638	1,821	...
29.—Superannuation	646,300	590,805	624,718	33,913	...
30.—Miscellaneous	243,300	227,702	183,655	...	44,047
31.—Famine Relief	5,000	44,253	196	...	44,057
37.—Loss by Exchange	3,411,000	2,231,157	2,157,236	...	73,921
TOTAL	29,044,200	20,330,586	20,714,142	383,556	...
36.—Army	15,171,900	10,372,586	15,522,378	5,149,792	...
34.—Other Public Works	4,216,500	1,853,570	2,155,332	301,762	...
33.—Irrigation and Navigation	1,026,800	687,717	655,444	...	32,273
32.—Working Expenses (Guaranteed Railways)	4,675,000	3,526,139*	2,816,269	...	709,870
32.—Surplus Profits paid to Railway Companies	450,300	245,207	302,664	57,457	...
32.—Guaranteed Interest in India	9,000	8,922	11,191	2,269	...
32.—Land and Supervision	69,500	46,348	35,862	...	10,486
32.—State Railways	1,630,200	1,283,247	3,833,698	2,550,451	...
35.—Provincial and Local Surpluses	129,400	1,930,525	1,940,724	10,199	...
TOTAL	56,422,800	40,284,847	47,987,704	7,702,857	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	9,220,074	10,197,347	977,273	...
TOTAL	71,002,400	49,504,921	58,185,051	8,680,130	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	1,557,409	2,020,521	463,112	...
Ditto ditto in England	966,000	372,196	402,871	30,675	...
TOTAL	3,312,000	1,929,605	2,423,392	493,787	...
GRAND TOTAL	74,314,400	51,434,526	60,608,443	9,173,917	...

* Includes £949,497 as working expenses of East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 29th April 1881.

No. 286.—Rai Bishun Saroop, Deputy Magistrate of Kekree, is granted forty-one days' privilege leave, with effect from the 20th May 1881, or such subsequent date as he may avail himself of the same.

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

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

The undermentioned Student has passed the Examination for Honors in Medicine :—

Ghosh, Srinath ... Medical College.

The undermentioned Student has passed the Second L. M. S. Examination :—

Mukhopadhyay, Amritalal... Medical College.

The following text-book in Political Economy has been appointed for the B. A. Examination of the Female Candidates :—

Professor Fawcett's Manual of Political Economy.

The following text-book in Sanskrit has been fixed for the Entrance Examinations of 1883 and 1884 :—

Rajanikanta Gupta ... Sahitya Sangraha, first 85 pages.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 21st April 1881.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 19th April 1881.

No. 10.—The services of 3rd Grade Assistant Surgeon Aushoke Krishna Shaha are placed at the disposal of the Chief Commissioner, Andaman and Nicobar Islands, for employment as 3rd Medical Officer of the Settlement.

No. 11.—The services of 2nd Grade Assistant Surgeon Davendra Nath Roy are replaced at the disposal of the Government of Bengal.

The 23rd April 1881.

No. 12.—Third Grade Assistant Surgeon Bepin Kristo Coomar, of the Bengal Provincial Establishment, is permitted to resign the service, with effect from the 5th April 1881.

No. 13.—Assistant Surgeon Chundra Kumar Mookerjee, of the Supernumerary List, is permitted to resign the service, with effect from the 12th March 1881.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 26th April 1881.

No. 30.—Honorary Captain B. Revell, Barrack Master, 1st Class, is transferred from the Presidency and Oudh Command, Military Works, to the Sirhind and Lahore Command, Military Works.

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

Presidency & Oudh Command.

Lucknow, the 29th April 1881.

No. 8.—Captain R. F. Moore, R.E., Executive Engineer, reported his arrival at Allahabad on the 8th instant, and received over charge of the Allahabad Division, Military Works, from Lieutenant J. A. Ferrier, R.E., on the afternoon of 15th idem.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 29th April 1881.

No. 31.—With reference to Public Works Department Notification No. 156, dated 27th April 1881, the undermentioned Officers are posted to the Patna-Baraitch Railway Survey :—

Mr. J. R. Bell, Executive Engineer, 2nd Grade.

Mr. R. N. Hodges, Executive Engineer, 4th Grade.

Mr. H. B. Parry, Executive Engineer, 4th Grade (temporary rank.)

Mr. T. E. Curry, Assistant Engineer, 1st Grade.

Mr. A. S. Knolles, Assistant Engineer, 2nd Grade.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Rawalpindi, the 26th April 1881.

No. 11.—Mr. J. Rickie, Assistant Locomotive Superintendent, reported his arrival from the Indus Valley State Railway on the forenoon of 8th April 1881.

No. 12.—Mr. C. A. Bull, Executive Engineer, Rawalpindi, has been granted two months and twenty-six days' privilege leave from 2nd May 1881. This Office Notification No, 9, dated 8th April 1881, is hereby cancelled.

The 27th April 1881.

No. 13.—Mr. T. E. Curry, Assistant Engineer, reported his departure from the Punjab Northern State Railway, Pindi Division, on the afternoon of the 25th April 1881.

The 29th April 1881.

No. 14.—Mr. F. W. Dod, Assistant Engineer, availed himself of the three months' privilege leave, granted by Manager's Notification No. 3 of 1881, on the 16th April 1881.

E. L. MARRYAT, *Major, R.E.,*
Manager.

Report of a Deserter from the 1st Battalion, Rifle Brigade, dated at Poona, this 28th day of April 1881.

Number, Rank, and Name,—No. 1895, Private Charles Allen Codman.
Age,—27 years 6 months.
Size,—5 feet 5¼ inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—21st April 1881.
Place of Desertion,—Bombay.
Date of Enlistment,—22nd October 1877.

At what Place Enlisted,—Liverpool.
Parish and County in which Born,—St. John's, New Brunswick, Canada.
Marks,—None.
Trade,—Clerk.
Regimentals: Coat or Jacket,— ... Waistcoat,— ... Breeches or Trowsers,— ...
REMARKS,—None.
Under 4 years' service.

F. SEYMOUR, *Lt.-Col.,*
Comdg. 1st Battn., Rifle Brigade.

Statement of the Affairs of the Bank of Bengal for the week ending 3rd May 1881.

LIABILITIES.	Rs.	A.	P.	Rs.	A.	P.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				25,12,161	4	4
Public Deposits at Head Office	69,02,986	0	0			
Public Deposits at Branches	1,17,96,229	6	8	1,86,99,215	6	8
Other Deposits at Head Office and Branches				2,72,30,832	12	1
Bank Post Bills, &c.				7,81,214	14	2
Sundries				11,60,802	3	1
RUPEES				7,03,84,226	8	4

ASSETS.	Rs.	A.	P.	Rs.	A.	P.
Government Securities				1,35,34,393	6	0
Loans on Government Securities at Head Office and Branches				54,38,609	13	3
Accounts of Credit on Government Securities at Head Office and Branches.				32,48,015	14	7
Bills discounted and purchased at Head Office and Branches				2,12,57,714	3	6
Balances with other Banks				8,12,559	7	9
Bullion				8,57,813	12	6
Dead Stock				11,61,782	8	7
Stamps				9,206	13	0
Sundries				3,70,940	13	1
				4,66,91,036	12	3
Cash and Currency Notes at Head Office	92,00,824	3	8	2,36,93,189	12	1
Cash and Currency Notes at Branches	1,44,92,365	8	5			
RUPEES				7,03,84,226	8	4

BANK OF BENGAL,
Calcutta, 5th May 1881.

By order of the Directors.
J. GORDON, *Chief Accnt. & Depy. Secretary.*
R. HARDIE, *Secretary & Treasurer.*

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
April 25	...	...	...	...	25,22,360	2,85,782
,, 26	...	...	...	...	25,22,360	2,85,782
,, 27	...	...	...	...	25,22,360	2,85,782
,, 28	...	...	...	...	25,22,754	2,85,782
,, 29	...	...	...	...	25,22,754	2,85,782
,, 30	...	...	...	...	25,22,754	2,85,782

CALCUTTA MINT,
The 2nd May 1881.

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

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
101	... D 5—52401 ...	20	Revd. Henry Murray, M.A., Mecan Meer.
23	... D 14—56183 ,, —56184	20	Messrs. Dunn & Co., Calcutta.

* Mismatched.

ALLAHABAD,
The 4th May 1881.

GODREZJEE D. PUDUMJEE, *A. A. G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1881.			
W23	... M 38—31785 ... ,, —34656 ...	500 500	Indore Cotton Press Company, Bombay.
W24	... M 38—36950 ...	500	Magan Talakchand, Bombay.
W25	... M 39—21547 ...	1,000	Dhanjibhoy Cowasji, Bombay.
W26	... M 43—77195 ...	100	Kavasji Edulji Massani, Bombay.

Bombay Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
H45	... M44—06521 ...	100	T. Koya Mohideen, Bombay.
	„ —19805 ...	100	
	„ —23690 ...	100	
	„ —26060 ...	100	
	„ —26061 ...	100	
	„ —26062 ...	100	
	„ —26063 ...	100	
	„ —26064 ...	100	
	M43—86001 ...	100	
H46	... M41—89927 ...	10	Venayek Wassooder, Bombay.
H47	... M53—34603 ...	20	Motiram Narsidass, Surat.
H48	... M52—36646 ...	10	H. A. Nanavaty, Kaira.
H49	... M54—53968 ...	10	Sorabji Dadabhoy, Shroff, Bombay.
M22	... C 98—85286	10	Mugga Agra, Bombay.
	„ —90973		

BOMBAY,
The 3rd May 1881.

C. E. CRAWLEY,
Asst. Accts. Genl., Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
33	... O 88—58078 ...	100	Bishumbhor Pattro.
34	... O 64—61442 ...	20	The District Locomotive Superintendent, East Indian Railway, Assensole.
35	... O 62—27069 ...	20	Messrs. Mackinnon, Mackenzie & Co.
36	... O 90—78137 ...	10	Srikant Chakravarti.
38	... O 69—80686 ...	100	Modhu Sooden Bose.
39	... O 30—89225 ...	50	Mr. J. Logan.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
25	... O 93—73700 ...	10	Pirbhoodial.
26	... O 68—93517 ...	100	The Treasury Officer, Gya.
27	... L 96—67396 ...	10	Ghosmohamed Khan.
27	... O 24—50634 „ —75937	20	Luchmon Das.
28	... L 45—75793 „ —75794	20	Monindro Narayon Bose.
	O 75—65901 „ —65904	10	
30	... L 10—71777 „ —71778	5	Chaplain P. Nicolas.
31	... O 78—54263 O 77—50024	10	Kedarnath Dutt and Hurro Lal Dutt.
32	... O 37—48554 „ —48551	5	Koylas Chunder Chowdhury.

CALCUTTA,
The 6th May 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 6—69117 ...	10	V. C. Vijia Ragava Charlu, Salem.
J 12—08842 ...	50	Darmalinja Chetty, Vellore.
J 6—95426 „ —95424 *	10	K. Vythilingan Putter, Palghat.

* Wrongly joined.

CALICUT,
The 29th April 1881.

Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
I 8—19809 ...	5	Inspector of Post Offices, Godavery District.

COCONADA,
The 28th April 1881.

D. PURUSHOTTAMAYA,
Tempy. Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
G 9—11075 ...	50	Adamji Karimji, Merchant, Quetta.

KURRACHEE,
The 27th April 1881.

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

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
215	... E 17—02619 ...	20	Mohamed Sultan Khan, late Honorary Assistant Commissioner, Raipur.
	E 2—41584 ...	500	
	„ —38846 ...	500	
7	... E 2—51226 ...	500	Hursukh Rai and Golab Sing, Saharunpur.
46	... E 12—93754 „ —93693	20	Gijadhar Tamoli, Rawalpindi.
1881.			
1	... E 17—07686 „ —07687	20	Abdul Raheem, Shawl Merchant, Allahabad.

LAHORE,
The 29th April 1881.

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

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
7	... B 66—70617 ...	100	N. Viraraghava Das, Chikmagalur.
8	... B 66—70807 ...	100	Kuchukara Sheik Miran Sahib, No. 22, Periamettu, Madras.
9	... B 66—80730 ...	100	Kutbuddin Sahib, of Kuchukar, Yakub Sahib & Co., No. 22, Periamettu, Madras.
10	... B 63—33054 ... „ —42017 ...	10 10	Tharmalinga Chetti, Vellore.

FORT SAINT GEORGE,
The 25th April 1881.

C. HALL,
Offg. Chief Clerk of the Accts. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Simla, the 28th April 1881.

No. 617.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

Mr. W. J. B. Mackenzie has been appointed to act as Deputy Post Master General, Central India, *vice* Mr. W. J. Ham, on furlough. Mr. Mackenzie assumed charge on the afternoon of the 9th April 1881.

Mr. J. H. Bedford has been appointed to act as Deputy Post Master General, South Afghanistan. He received charge of his office from Mr. Mackenzie on the afternoon of the 28th March 1881.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

Calcutta, the 6th May 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	14th May	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	12th „	Str. *Chanda.*
Foreign Mails *vid* Bombay	6 „	9th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	8th „	From Bombay.
Rangoon, Moulmein, and Straits	6 „	12th „	Str. *Baghdad.*
Chittagong, Akyab, and Rangoon	6 „	12th „	Str. *Busheer.*
Persian Gulf	6 „	7th „	From Bombay.
Port Blair and Camorta	6 „	13th „	Str. *Satara.*

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 6th May 1881.

Ackril, C. A.
Armstrong, Dr. James.
Beujamine, C.
Blacquiere, Mrs. F. B.
Blatchford, Mrs. Sarah.
Brown, Miss E.
Bull, E.
Carapet, A.
Canton, Miss.
Cassedy, Mrs. J. J.
Chopin, G. P. J.
D'Urilla, Mrs. F. E.
Faithfull, F.
Felimann, F. B. Collins.
Ferguson, F.
Fleming, J.
Furgus, Mr. C.
Gibbon, H.
Green, O. C.
Greve, Dr. E. C.
Griga Sunkor Sen.
Hamilton, G.
Hendley, Messrs. Waller, H., & Co.
Howard, Mrs. N.
Jones, A. W.
Labanti, P. A.
Lackerstein, W.
Lalla, Balmokund.
Low, J. G.
Lyman, B. S.
Marry & Co.
Moore, John.
Modoo Soodun Sirkar.
Murry, A.
Munro, J.
Martin, Capt. H. H. N.
Manuel, C.
Paul, C.
Rajnarain Bose.
Robinson, Mrs. S.
Scott, William (Sailmaker or A. B.)
Sheilds, W. T.
Smart, W. C.
Stewart, Miss A.
Stevens, E. J.
Smith, D.
Smith, Master Osborne.
Secretary, Calcutta Branch Church of England Temperance Society.
Stroud, John.
Stedman, Major E.
Thomas, Mrs. G.
Townsend, Robert. "Tea."
Vivian, Mrs.
Waller, A.
Weston, J. O.
Weyton, O.
Weskin, Mrs. E.
Wheler, Mrs.
Zig-Zag.

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

Anderson, A. S.
Arsene, Monsieur A.
Arratoon, N. J.
Banofacin, C. S.
Barker, Thomas W.
Bennett, W. W.
Bock, Miss Jessie.
Beattie, W. G.
Berman, MonsieurJames.
Bingham, Herbert.
Bollo, Miss Rosa.
Brodie, Lt. E. W.
Brooksbank, William.
Burns, Mrs.
Burrill, William.
Campbell, A. D.
Callymore, Joseph.
Coan, John.
Cox, A.
Cox, F.
Coote, Walter.
Cornwall, J. H.
Coxen, H.
Crafter, Geo.
Davison, T. M.
Deane, Mrs. H. A.
Devauo, J.
Dowden, Major.
Elwell, A. H.
Evans, J.
Essennowsky, Mr.
Farber, L.
Fleming, Stanley Le.
Fleming, James.
Fraser and Adam & Co.
Galtely, Mrs. E.
Goltermann, H., Monsieur.
Gomes, Leopaldeno Valeriano.
Gray, H. D.
Grasant, Captain.
Hurst, R. B.
Hurroo Lall.
Hosscroft, Mrs.
Jackson, W. F.
Journd, Ferdinand.
J. O. N.
Jones, David William.
Keirnander, Mrs. M.
Koch, E. Heron.
Littlewood, J. H.
Marrett, H. R.
Marshall, Henry.
Meancra, Lt. J. S. G.
Morton, H. A.
McCarty, Ch.
O'Connell, T.
Pain, J. H. W.
Palmer, Capt. A. Y.
Peachy, Miss Kate.
Peterson, C.
Phillips, W. H. P. M. J.
Pogose, A. N.
Radicie Vincenzo.
Rattray, Lt. R. H.
Roe, Lt. R. J.
Ruby Diamond Ruby.
Samuells, Major (B.S.C.)
Senior, Major H.
Shaw, J. E.
Sharling, Miss Addie.
Shearon, P. C
Smith, Mrs. E.
Smith, John.
Southal, William.
Stevenson, Mrs.
Stewart, Rev. R.
Stewart, A. G. J.
Straw, F. T.
Vitti, Cesare.
Watson, W.
Ware, Mrs. H.
Wallaston, A.
West, Miss J.
Willson, W. H.
Willson, Mrs.
Woodburn, A. F.
Wilson, T. E.
Willis, Albert.
W. E. S.

Newspapers.

Campbell, Major A. D.
Coliman, G.
Johnson, E. C.
Senior, Major H. W. J.

Registered Letters.

Fergus, T.
Hunter, Col. C.
Kohn, T.
Martin, Captain H. H. N.
Schneider, J. T.
Schmidting, Mrs. S.
Speyer, E. M.
Tyrer, J.
Vivian, Mrs.
Warde, Mrs.
Z. Y. X. W.

E. HUTTON,
Presidency Post Master.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR,
The 9th February 1881.

GOVERNMENT CINCHONA FEBRIFUGE

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

گورنمنٹ سنکونا فبري فيوج ،

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ،

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

یہہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دواخانونمیں بکتی ہی ماسیواے قیمت مذکورۂ بالا کے محصول ڈاک چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ '

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HENRY F. BLANFORD,
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„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 28. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
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„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
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„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
24. Harbours of Karwar and Bankot.

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Notices issued during the year 1880—

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„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

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„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 14, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 15 of 1881.

INDIA—MADURA DISTRICT.

PAUMBEN PASS—GULF OF MANÁR.

Range of visibility of Paumben Light.

With reference to Notice to Mariners No. 11, issued from this Department, 1st April 1881, relative to the diminished range of visibility of Paumben light,—telegraphic information has been received that the repairs to the light have been executed and that it is now visible from a distance of 14 miles.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*);
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 12th May 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Light List for 1881.

INDIAN MARINE SURVEY Light List for 1881.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 3rd May 1881.

No. 797 *G.*—LEAVE.—Captain F. W. Smith, attached to the Deoli Irregular Force, is granted forty-eight days' privilege leave, with effect from the 1st April 1881.

By Order,

E. A. FRASER,
1st Asst. to the Agent, Govr. Genl.

The 6th May 1881.

No. 820 *G.*—APPOINTMENT.—Captain E. A. Fraser, 1st Assistant to the Agent to the Governor General, Rajputana, held charge of the current duties of the Office of Agent to the Governor General, Rajputana, and Chief Commissioner of Ajmere, in addition to his own duties, from the 5th to the 29th April 1881, both days inclusive, during the absence of Lieutenant-Colonel C. K. M. Walter, on special duty at Oodeypore.

C. K. M. WALTER,
Offg. Agent to the Govr. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 6th May 1881.

Rules for the custody and sale of paper to be used for judicial petitions, &c., in the Ajmere-Merwara District.

The following rules, for regulating the supply, by the Stationery Depôt at Calcutta, of paper of a standard pattern for judicial petitions and copies of judicial documents, the custody and sale of such paper, and the credit of the sale proceeds to Government, are issued for information and guidance.

2. From the 1st July no other description of paper shall be used for copies of documents (whether in English or the Vernacular) supplied to private parties by Judicial Officers, and from that date all licensed petition-writers, practising in the Courts of the Ajmere and Merwara District, should also be required to use this paper only.

3. In the case of copies supplied on payment of fees, the cost of the paper will be defrayed by the copyist; in the case of copies supplied by Government free of cost, no charge will be made for the paper, but the paper used for such copies must be duly accounted for in the annual statement prescribed by Rule VI.

4. The Assistant Commissioner, Ajmere, will carefully supervise the working of the arrangement in order to prevent vendors of the paper demanding more than the fixed price of 4 pies per sheet.

I. Paper required for judicial petitions and copies of judicial documents shall be obtained from the Stationery Depôt at Calcutta by annual indent.

II. Requisitions for the paper shall be in the form prescribed for indent for stationery, and shall be submitted to the Commissioner of Ajmere by the Assistant Commissioners of Ajmere and Merwara not later than the 15th November in each year. The requisitions shall provide for the requirements of all the Courts situate in the Ajmere-Merwara District and shall show the amount of paper required for use during the financial year.

[illegible] expenses of carriage will be paid by the [illegible] officer out of his grant for judicial [illegible]

[illegible] regulate the custody of [illegible] shall apply, [illegible] of the paper.

V. The paper shall be sold at a uniform rate of four pies per sheet, measuring 13½ × 8½ inches, by *ex-officio* and licensed vendors of stamps, who shall be required to pay for the paper in cash, and shall receive the same at a discount of one anna in the rupee.

VI. The sums realized by the sale of the paper shall be credited in the treasury accounts to a distinct sub-head under "Stationery and Printing." At the close of each financial year a statement of the operations of the year shall be submitted by the Treasury Officer to the Commissioner of Ajmere in the form given below :—

Statement showing receipt and sale of paper for judicial petitions and copies during the year 188 -8 .

Paper in hand on 1st April 188 .	...
Paper received during the year	... ...
TOTAL	... ...
Paper sold to *ex-officio* and licensed vendors during the year	... ...
Paper used for copies supplied by Government free of charge	... ...
In hand on 31st March 188 .	... ...

Certified that Rs. being the price of water-marked paper, at Rs. 9-6-0 a ream, were duly credited in the accounts of the treasury during the year 188 -8 .

Date.

Treasury Officer.

The 9th May 1881.

No. 312.—Mr. R. Bower, District Superintendent of Police, Ajmere, availed himself, on the afternoon of the 15th March 1881, of the subsidiary leave granted him in Notification No. 835, dated 30th December 1880.

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th May 1881.

No. 4.—Mr. A. J. M. Reade, an Assistant Superintendent of the 1st Grade, is allowed furlough for two years, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 7th April 1881.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 27th April 1881.

No. 14.—The services of Assistant Surgeon Aupoorbo Krishna Das, of the supernumerary list, are temporarily placed at the disposal of the Government of India in the Foreign Department.

The 29th April 1881.

No. 15.—The services of the undermentioned Hospital Assistants, of the military list, are placed permanently at the disposal of the Chief Commissioner of British Burmah, for civil employment in that Province :—

2nd Class, Wuzeer Khan.

3rd Class, Neesar-ool-huq.

3rd Class, Fokeer Mohamed Khan.

No. 16.—The services of the undermentioned Hospital Assistant, of the Punjab provincial establishment, are placed permanently at the disposal of the Chief Commissioner of British Burmah, for civil employment in that Province :—

1st Class, Shaik Abdoollah.

No. 17.—Assistant Surgeon Akshay Kumar Datta, of the supernumerary list, is dismissed from the service, with effect from the 10th December 1880.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATION.

Simla, the 6th May 1881.

No. 31.—Lieutenant F. Peel, R.E., Assistant Engineer, was granted privilege leave from 26th August to 4th October 1880, both days inclusive.

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

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 9th May 1881.

No. 12.—With reference to Government of India, Public Works Department, Notification No. 112, dated 14th March 1881, Mr. F. W. Eicke, Assistant Examiner, 2nd Grade, assumed charge of his duties in the Office of Examiner of Guaranteed Railway Accounts, Lahore, on the forenoon of the 14th March 1881.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 5th May 1881.

No. 32.—Baboo Mutty Lall Dey, Assistant Engineer, 1st Grade, passed the Lower Standard Examination in Hindustani on the 4th ultimo.

No. 33.—Mr. D. F. Hogarth, Executive Engineer, 1st Grade (unposted), is granted privilege leave for two months and fourteen days, with effect from such date after 1st May 1881 as he may avail himself of the same.

The 7th May 1881.

No. 34.—Mr. W. H. P. Sherman, Executive Engineer, 3rd Grade (unposted), is granted three months' privilege leave, under Chapter VII of the Civil Leave Code. The leave was availed of on the afternoon of the 17th April 1881.

No. 35.—Pandit Siva Datta Pande, B.A., Assistant Engineer, 2nd Grade (unattached), is posted to the Patna-Baraitch Railway Survey.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

BHOPAL STATE RAILWAY.

NOTIFICATION.

Hoshangabad, the 10th May 1881.

No. 7.—With reference to Government of India, Public Works Department, Notification No. 60, dated 15th February 1881, Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade, on expiration of his 2 months and 28 days' privilege leave, reported his departure to British Burmah on the forenoon of the 6th instant.

H. T. GEOGHEGAN,
Engineer-in-Chief.

DELHI-FEROZEPORE STATE RAILWAY.

NOTIFICATION.

Delhi, the 9th May 1881.

No. 5.—With reference to Notification No. 28, dated 23rd April 1881, Major C. E. Shepherd, S.C., Executive Engineer, 1st Grade, reported his arrival on the afternoon of the 7th instant.

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

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATION.

Rawalpindi, the 2nd May 1881.

No. 15.—Mr. M. C. Mackinnon, Executive Engineer, made over, and Mr. H. S. Harrington, Assistant Engineer, received, charge of the Rathial Ravines Division, on the afternoon of the 1st April 1881.

This Office Notifications Nos. 7 and 8 of 8th April 1881, are hereby cancelled.

E. L. MARRYAT, *Major, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY, Northern Section.

NOTIFICATION.

Rawalpindi, the 5th May 1881.

No. 8.—In Notification No. 10, dated 6th November 1880, by Engineer-in-Chief, late Pindi-Kohat Section, *for* "forenoon, 9th October," *read* "afternoon, 22nd October," as the date of Mr. Tanner's relief on the Pindi-Kohat Section.

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

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that in the month (date uncertain) of July 1880, treasure consisting of 17,412 gold fanams, valued in the aggregate at Rs. 4,353, was found in Koluvinmal Paramba, of Alavanna Amshom, Calicut Taluk.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Malabar, on the 15th September 1881, at his office, in order to the matter being inquired into and determined in accordance with the provisions of the law.

G. McWALTERS,
Acting Collector.

MALABAR COLLECTOR'S OFFICE,
CALICUT,
The 25th March 1881.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that on or about the 16th February 1881, treasure, consisting of 85 Arcot Rupees, were found buried in the ground near the house of one Rangamma of Bondimadugu, in the Pattikonda Taluq, Kurnool District, in the Madras Presidency, when the ground was being excavated for laying the foundation of a wall.

Any person or persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Kurnool, at his office, on the 13th October 1881, in order to the matter being enquired into and determined in accordance with the provisions of the law.

W. H. GLENNY,
Collector.

KURNOOL COLLECTOR'S OFFICE,
CAMP YERRAKONDAPALRU,
The 13th April 1881.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on 26th February 1881, certain treasure (old copper coin of the value of about Rs. 11) was found buried in open ground in the village of Chahardi, Taluka Chapra, of the Khandesh Collectorate in the Bombay Presidency.

All persons claiming the treasure, in whole or in part, are hereby required to appear personally, or by agent, before the Collector of Khandesh, on the 1st September 1881, at Dhulia, when he will proceed to hold an enquiry according to law.

W. A. EAST,
Acting Collector of Khandesh.

CAMP AMLEE,
The 3rd May 1881.

Statement of the Affairs of the Bank of Bengal for the week ending 10th May 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 64,82,731 9 1)			
Public Deposits at Branches (Rs. 1,30,78,586 13 5)	1,95,61,318	6	6
Other Deposits at Head Office and Branches	2,75,62,601	8	2
Bank Post Bills, &c.	4,44,674	10	8
Sundries	11,61,228	1	7
RUPEES	7,12,41,983	15	3

ASSETS.	Rs.	A.
Government Securities	1,35,45,136	12 0
Loans on Government Securities at Head Office and Branches	57,99,354	5 8
Accounts of Credit on Government Securities at Head Office and Branches.	38,07,462	9 8
Bills discounted and purchased at Head Office and Branches	2,02,10,726	11 10
Balances with other Banks	7,57,397	12 0
Bullion	7,87,355	10 0
Dead Stock	11,62,041	12 2
Stamps	9,242	13 0
Sundries	3,73,056	3 11
	4,64,51,774	10 3
Cash and Currency Notes at Head Office (Rs. 1,02,44,037 8 10)		
Cash and Currency Notes at Branches (Rs. 1,45,46,171 12 2)	2,47,90,209	5 0
RUPEES	7,12,41,983	15 3

BANK OF BENGAL,
Calcutta. 12th May 1881.

J. GORDON,
Chief Accott. & Depy. Secretary.

By order of the Directors,
B. HARDIE,
Secretary & Treasurer.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, up to the 1st May 1881.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
STATE RAILWAYS (CAPITAL).			
1	Rangoon and Irrawaddy Valley.	Feb. 1881	Apl. 7, 1881
2	Umballa and Kalka	Do. "	Do. 9, "
3	Nalhati	Do. "	Do. 18, "
4	Sindia	Do. "	Do. 21, "
5	Tirhoot Patna and Gya Sind, Punjab and Delhi Railway Branch Stores	Do. "	Do. 22, "
6	Calcutta & South-Eastern Extension.	Do. "	Do. 23, "
7	Bombay (Eastern Deccan) Ujjain and Bhopal Northern Bengal Rajputana Holkar Indore-Nasirabad	Do. "	Do. 25, "
8	Wardah Coal Nagpur and Chhattisgarh Peninsular and Delhi Calcutta & South-Eastern Indus Valley		
10	Dhond and Manmad Bhopal	Do. "	Do. 26, "
11	Lala Mooss to Chak Nizam Umraoti	Do. "	Do. 27, "
12	Nizam's	Do. "	Do. 28, "
13	Bhopal Extension Survey	Do. "	Do. 30, "
14	Kandalsar (Upper and Lower Sections).	Do. "	
15	Western Rajputana (N. Section.)		
16	Western Rajputana (S. Section).	Do. "	Do. 30, "
17	Punjab Northern		
18	Mysore		
19	Cawnpore-Farrukhabad		
20	Ghazipur-Dildarnagar		
21	Achneyra-Muttra Barelly-Pilibhit Cawnpore-Kalpi Sind, Punjab and Delhi	Jan. "	Mar. 24, "
36	Bhanagar and Gondal	Do. "	Do. 26, "
37	Muttra-Hathras	Do. "	Apl. 2, "
38	East Indian	Do. "	Do. 11, "
39		Dec. 1880	Do. 13, "
STATE RAILWAYS (REVENUE).			
1	Khamgaon & Omraoti	Feb. 1881	Mar. 18, 1881
2	Rangoon and Irrawaddy Valley.	Do. "	Apl. 7, "
3	Nalhati	Do. "	Do. 22, "
4	Northern Bengal Patna and Gya		
5	Holkar & Sindia-Nimach	Do. "	Do. 25, "
6	Wardah Coal		
7	Nagpur & Chhattisgarh		
8	Calcutta & South-Eastern		
9	Bhanagar and Gondal	Do. "	Do. 26, "
10	Nizam's		
11	Tirhoot	Do. "	Do. 27, "
12	Dhond & Manmad	Do. "	Do. 29, "
13	Sindia		
14	Punjab Northern Indus Valley	Do. "	Do. 30, "
17	Muttra-Hathras	Jan. "	Do. 11, "
18	Rajputana	Do. "	Do. 16, "
19	East Indian	Dec. 1880	Do. 13, "
PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.			
1	Assam	Feb. 1881	Apl. 13, 1881
2	Military Works	Do. "	Do. 18, "
3	Coorg Mysore (Imperial) Mysore	Do. "	Do. 21, "
4	Punjab		
5	North-Western Provinces and Oudh.	Do. "	Do. 22, "
6	Port Blair		
7	Bombay	Do. "	Do. 23, "
8	Bengal		
9	Central India Rajputana Queita Agency	Do. "	Do. 25, "
14	Hyderabad (Imperial) Hyderabad (Assigned Districts.)	Do. "	Do. 26, "
16	Madras	Do. "	Do. 27, "
17	Central Provinces	Do. "	Mar. 28, "
18	British Burmah	Do. "	Apl. 7, "
	TELEGRAPH DEPT.	Jan. 1881	Mar. 29, 1881
1	Indo-European	Do. "	Apl. 6, "
2	Indian		
IRRIGATION.			
1	Assam	Feb. 1881	Apl. 13, 1881
2	Rajputana	Do. "	Do. 18, "
3	Bengal Punjab British Burmah	Do. "	Do. 22, "
6	Bombay North-Western Provinces and Oudh.	Do. "	Do. 25, "
8	Madras	Do. "	Do. 27, "
GUARANTEED RAILWAYS.			
1	Punjab	Feb. 1881	Apl. 22, 1881
2	Bombay North-Western Provinces and Oudh.	Do. "	Do. 23, "
4	Bengal	Do. "	Do. 25, "
5	Madras	Do. "	Do. 28, "

SIMLA,
The 10th May 1881.

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

Report of a Deserter (A-C) from the Office of the Deputy Adjutant General, Royal Artillery in India, dated at Simla, this 9th day of May 1881.

Name,—Corporal William Hurst.
Age,—27 years.
Size,—5 feet 6 inches.
Color of—
Complexion, fair; Hair, light; Eyes, blue.
Date of Desertion,—6th May 1881.
Place of Desertion,—Simla.
Date of Enlistment,—
At what Place Enlisted,—
Parish and County in which Born,—
Marks,—
Trade,—
Coat or Jacket,—
Waistcoat,— ... } Plain.
Breeches or Trowsers,— ... }
REMARKS,—Left Simla by mail tonga under name Dodds.

M. H. SAWARD, *Major*,
for *Depy. Adjt. Genl., R. A. in India.*

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
May 2	...	...	...	...	25,22,731	2,85,782
„ 3	...	...	...	...	25,22,799	2,85,782
„ 4	...	...	...	...	25,22,799	2,85,782
„ 5	...	...	...	...	25,22,799	2,85,782
„ 6	...	...	...	...	25,22,799	2,85,782
„ 7	...	...	...	...	25,22,799	2,85,782

CALCUTTA MINT, *The 9th May 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
102	... D 9—36101 ...	1,000	Molvee Abdool Majeed, Ghazipur.
106	... D 16—23691 ...	10	Mr. P. S. Troyal, Sukkur.

ALLAHABAD, *The 11th May 1881.* }

GODREZJEE D. PUDUMJEE, *A. A. G., In charge of Paper Currency Office.*

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W27	... M 39—19467 ...	1,000	Simon Williams, Pirchowkie.
	M 38—36038 ...	500	
W28	... M 44—14914 ...	100	H. Cranfield, Ahmednagar.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
M50	... M 34—82987 ...	20	Carodilal Mishrilal, Wadi.
	M 51—18197 ...	10	
	„ —18198 ...	10	
M51	... M 42—11430 ...	10	William Handy, Sukkur.
M33	... M 22—97030 }	20	Lala Sivdin, Bombay
	„ —97031 }		
M34	... M 8—61901 }	5	Dorabji Hormusji, Bombay.
	„ —61981 }		

BOMBAY, *The 10th May 1881.* }

C. E. CRAWLEY,
Asst. Accts. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
43	... O 71—44118 ...	500	Mustaffa Shah.
	„ —44119 ...	500	
44	... O 39—18751 ...	10	Pundit Nund Lal.
46	... O 89—01706 ...	1,000	Babu Ohee Bhoosan Banerjee.
	„ —01200 ...	1,000	
	O 74—95380 ...	1,000	
47	... O 74—89318 ...	1,000	Mustaffa Shah.
	„ —89319 ...	1,000	
	„ —89320 ...	1,000	
	O 32—61655 ...	50	
	„ —61656 ...	50	
	„ —61657 ...	50	
	„ —61658 ...	50	
	„ —61659 ...	50	
	„ —61610 ...	50	
	„ —61611 ...	50	
48	... O 88—75491 ...	100	Babu Sadoy Charan Das.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
33	... O 75—96614 }	10	Babu Hurinarayon Chunder.
	„ —64244 }		
34	... O 55—05566 }	20	Bochraj Shaw.
	„ —05569 }		
35	... L 9—92590 }	5	Babu Durgachurn Gupta.
	„ —92588 }		
36	... L 54—09759 }	5	Babu Girish Chunder Mukerji.
	„ —09754 }		
38	... L 40—57928 }	10	Mr. C. W. Snell.
	„ —57907 }		
39	... O 64—92136 }	20	Messrs. D. B. Mehta and Co.
	„ —92139 }		
28	... O 17—90498 ...	10	Mr. W. Handy.
29	... O 62—86964 ...	20	Babu Dwarkanath Dutt.
	O 24—32488 ...	10	
30	... O 69—63895 ...	100	Mrs. S. M. Rossmond.
	„ —61158 ...	100	
31	... O 94—72121 ...	10	Babu Bharut Chunder Ghose.
32	... O 81—05924 ...	10	Z. O. M. Abu Ali Sabir.
33	... O 32—35750 ...	50	
	„ —35751 ...	50	
	O 57—92212 ...	20	
	O 59—58845 ...	20	
	O 52—65717 ...	10	
34	... L 54—08201 ...	5	Sayyid Abul Mansúr.
35	... L 11—31855 ...	5	Girmardhari Lal.

CALCUTTA, *The 13th May 1881.* }

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
2	... E 17—59502 to „ —59519	20 each.	Captain Morris, 14th Regiment, Attock.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
8	... E 20—01414 ...	100	Bansi Lal and Ram Rattan, Mecan Meer.
14	... E 20—02723 ...	100	T. H. Butler, Esq., Bombay.

LAHORE, *The 7th May 1881.* }

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
5	... B 66—56584 ...	100	Palanivelu Mudali, Sankar, Hospett, Bellary District.
	„ —68747 ...	100	
6	... B 51—57297 ...	500	A. Rathnavelu Chetti, Auditor, Pay Examiner's Office, Madras.
7	... B 62—87806 ...	100	C. Kalliana Sundram Pillai, Shop-keeper, Udamalpett, Coimbatore District.
8	... B 66—88207 ...	100	Rangaswami Pillai, Puduppatta, South Arcot.
10	... B 56—97611 ...	10	Krishnaswami Aiyar, Pleader, District Court, Tinnevelly.
11	... B 63—33098 ...	10	Mr. John Rees, Bangalore.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
11	... B 66—56287 ...	100	C. Shanmuga Chetti, Rice Merchant, Vellore.
12	... B 56—36836 ...	10	Messrs. Arbuthnot & Co., Madras.
	B 57—20191 ...	20	
13	... B 66—82227 ...	100	Maduna Fakir Sahib, Madanapalli, Cuddapah District.
	„ —82228 ...	100	
	„ —82229 ...	100	
	„ —82230 ...	100	
	„ —82231 ...	100	

FORT SAINT GEORGE, *The 2nd May 1881.* }

C. HALL,
Offg. Chief Clerk to the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Simla, the 4th May 1881.

No. 1015.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

Mr. G. Barton Graves has been appointed to act as Deputy Post Master General, Oudh, *vice* Mr. J. W. Barwise. Mr. Graves assumed charge on the afternoon of the 30th April 1881.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

Calcutta, the 13th May 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	21st May	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	19th „	Str. *Ethiopia.*
Madras and Ceylon	6 „	19th „	P. & O. Stm *Mirzapore.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *vid* Hong-Kong for Yokohama; also for Australian Colonies	6 „	17th „	From Bombay.
Foreign Mails *vid* Bombay	6 „	16th „	From Bombay.
Do. Book Post and Patterns Packets	6 „	15th „	From Bombay.
Rangoon, Moulmein, and Straits	6 „	19th „	Str. *Chanda.**
Chittagong, Akyab, Kyouk Phyoo, and Bangoon	6 „	19th „	Str. *Madras.*
Straits and Hong-Kong	6 „	17th „	Strs. *Japan* & *Moray.*
Persian Gulf	6 „	14th „	From Bombay.

* Mail for Fort Blair can be forwarded by this opportunity.

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

E. HUTTON,
Presidency Post Master.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 450.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 240.

Rates,—1st class, Re. 1-8 per cubic foot.
2nd „ „ 1 „ „

Kownia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 200, average cubical contents 30 cubic feet.

Rates,—1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Dacca Depôt, about 170 sâl logs.

Rates,—Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa Divn.

CAMP ALIPUR, *The 9th February 1881.* }

GOVERNMENT CINCHONA FEBRIFUGE

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

گورنمنٹ سنکونا فبري فيوج ،

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

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

یہہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دواخانونمیں بکتی ہی عاصیواے قیمت مذکورۂ بالا کے محصول ڈاك چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ '

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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MESSRS. HIGGINBOTHAM AND CO., MADRAS ;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY ;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

Kurrachee to Vingoria. *Re. 1-12.*
Vingoria to Cape Comorin. *Re. 1-12.*
Port of Salaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Bajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Cheresapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enslam Rocks. *Re. 1-8.*

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{12}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3 Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5 Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulations for Pilot Brigs.
„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
„ 4. Java, North Coast, Harbour Light at Tegal.
„ 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 21, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

BANK OF BENGAL.

Calcutta, the 16th May 1881.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Tuesday, the 24th instant, on account of Her Majesty's Birthday.

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 25th April 1881.

No. 2.—Mr. C. Heymerdinguer, an Assistant Superintendent of the 1st Grade, is allowed furlough for six months, under Section 23 of the Civil Leave Code, with effect from the forenoon of the 6th January 1881.

Simla, the 16th May 1881.

Offices opened and closed during the month of April 1881:—

Name of Station.	Where situated.	Date.	Remarks.
Kandahar	Afghanistan	19th	Closed.
Kirgi	Field Office with the Waziri Expeditionary Force.	21st	Opened.
Malabar Point	Bombay	13th	Closed.
Meerean	Field Office with the Waziri Expeditionary Force.	19th	Opened.
Peyzu	Ditto	27th	Ditto.
Ruthtollah	Calcutta	26th	Ditto.
Togh	Punjab	1st	Closed.

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

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 10th May 1881.

No. 853 *G.*—With reference to this Office Notification No. 92 A., dated 11th March 1880, published in the *Rajputana Official Gazette* of the 20th March 1880, the undermentioned Hospital Assistants are appointed to be Civil Hospital Assistants in Rajputana under the terms of Home Department Resolution (Medical), No. 16, dated 9th January 1878 :—

Class.	Names of Hospital Assistants.	Establishment (Civil or Military.)	Qualified in English or not (*i.e.*, gazetted as passed or not.)	Date upon which he ceased to do Military duty (including leave) and is entitled to pay from Civil Department.	Present appointment (1st March 1881.)	Date from which present appointment to have effect.	Date of Service.
1st ...	Habeeboolla Khan ...	Civil.	Qualified ...	Belongs to Civil ...	Marwar Agency ...	Jan. 2, 1881...	May 23, 1859
2nd ...	Khoda Bux ...		Not ...	February 9, 1881 ...	Jeypore Agency ...	Feb. 11, 1881...	Oct. 1, 1867
2nd ...	Sheikh Abdoollah ...		Qualified ...	Belongs to Civil ...	Railway, Ajmere ...	Feb. 4, 1877...	Apl. 15, 1868
2nd ...	Ausgur Hoosein ...		Not ...	February 1, 1881 ...	Reserve	Feb. 1, 1881...	Apl. 11, 1869
3rd ...	Tara Prosunno Ahcharjee ...		Qualified ...	November 26, 1880 ...	Sujangurh Agency ...	Dec. 24, 1880...	May 22, 1865
3rd ...	Koodrut Oollah ...		Not ...	March 1, 1881 ...	Reserve	Mar. 1, 1881...	May 29, 1866
3rd ...	Abdoollah Khan ...		Not ...	February 15, 1881 ...	Ajmere Jail ...	Mar. 1, 1881...	Apl. 15, 1868
3rd ...	Rajub Ally		Not ...	December 1, 1880 ...	Reserve	Jan. 15, 1881...	Jan. 15, 1881
3rd ...	Syed Noor Khan ...		Not ...	November 30, 1880 ...	Deoli Agency ...	Mar. 9, 1881...	July 10, 1869
3rd ...	Alleemooddeen ...		Not ...	Belongs to Civil ...	Pachbadra Customs ...	Nov. 23, 1878...	Oct. 10, 1874
3rd ...	Hardeo Pershad ...		Not ...	Ditto	Pisangan	Sept. 12, 1878...	Sept. 12, 1878
3rd ...	Evazali		Not ...	Ditto	Phalodi Customs ...	Dec. 7, 1878...	Oct. 12, 1878
2nd ...	Jowala Pershad ...	Military.	Not ...	December 1, 1880 ...	Rajputana Agency ...	Jan. 29, 1881...	Apl. 22, 1871
3rd ...	Guhabur Sing ...		Not ...	November 23, 1880 ...	Mayo College ...	Nov. 1, 1880...	Apl. 11, 1876
3rd ...	Sheikh Fazeelut Hoosein ...		Not ...	February 7, 1881 ...	Reserve	Feb. 17, 1881...	May 28, 1878
3rd ...	Luckput Roy ...		Not ...	December 16, 1880 ...	Didwana Customs ...	Feb. 26, 1881...	Apl. 11, 1877

The 11th May 1881.

No. 856 *G.*—With reference to this Office Notification No. 853 G., dated 10th May 1881, the following transfers of Hospital Assistants are made, with effect from the dates of taking over charge of their respective duties :—

Class of Hospital Assistants.	Name.	From	To
Local .	Kannya Lall	Kotra	Dismissed.
2nd .	Mahomed Hoosain . . .	Harowtee Agency	Kotra.
Do. .	Abdool Wahid	Sujangurh Assistant Agency .	Jeypore Agency.
Do. .	Ditto	Jeypore Agency	Reserve List.
Do. .	Mahomed Mossa. . . .	Ajmere Police Hospital . . .	Shahabad Dispensary.
Do. .	Jowala Pershad	Rajputana Agency	Ajmere Police Hospital.
Do. .	Abdool Wahid	Reserve List	Rajputana Agency.
Do. .	Ditto	Rajputana Agency	Reserve List.
Do. .	Goorucharn Lusker . . .	Abu Dispensary	Rajputana Agency.
Do. .	Ausgur Hoosein	Reserve List	Abu Dispensary.
Do. .	Sheikh Fazeelut Hoosein . .	Ditto	Bandikui, Rajputana State Railway.

The 13th May 1881.

No. 885 *G.*—With reference to Foreign Department Notification No. 714 G.-G., dated 8th April 1881, Hospital Assistant Amanut Ali and Surgeon O'Neill, M.D., respectively, delivered over, and received, medical charge of the Meywar Bhil Corps on the forenoon of the 1st May 1881.

The 14th May 1881.

No. 890 *G.*—Third Class Hospital Assistant Alleemooddeen, attached to the Customs Hospital at Pachbadra, has been granted privilege leave of absence for forty-five days, with effect from the forenoon of the 21st March 1881.

Third Class Hospital Assistant Koodrut Oollah, of the Reserve List, has been appointed to the medical charge of the hospital at Pachbadra during the absence on leave of 3rd Class Hospital Assistant Alleemooddeen, with effect from the forenoon of the 21st March 1881.

By Order,
E. A. FRASER,
1st Asst. Agent, Gov. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 14th May 1881.

No. 319.—With reference to Notification No. 286, dated 29th April 1881, Munshi Imamudin, Officiating Tehsildar of Beawur, is appointed to act as Deputy Magistrate, Kekree, *vice* Rai Bishen Sarup, on privilege leave, with effect from date of assuming charge.

Lala Chotoo Lal, Superintendent of Irrigation, will officiate as Tehsildar of Beawur, *vice* Munshi Imamudin, and is invested with the following powers :—

Powers of a Magistrate of the 2nd Class, under the Criminal Procedure Code (Act X of 1872).

The 16th May 1881.

No. 323.—Mr. L. S. Saunders, C.S., Commissioner of Ajmere, is granted one month's privilege leave from the 15th May 1881, or such subsequent date as he may avail himself of the same.

No. 324.—Major Roberts, while officiating as Assistant Commissioner of Ajmere, is invested with the powers of a Magistrate of the District, as described in the Criminal Procedure Code, within Ajmere and Merwara.

No. 325.—Pandit Bhag Ram, while officiating as Assistant Commissioner of Merwara, is invested with the general powers of a Magistrate of the 1st Class, and the special powers enumerated in Section 27 of the Code of Criminal Procedure, within Merwara.

No. 326.—Munshi Ajudhia Parshad, Officiating Extra Assistant Commissioner, is appointed to officiate as Judicial Assistant at Ajmere, with effect from date of assuming charge, *vice* Pandit Bhag Ram, on deputation.

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

SURVEY OF INDIA.

NOTIFICATION.

Mussoorie, the 18th May 1881.

No. 218.—Captain A. W. Baird, R.E., Assistant Superintendent, 1st Grade, Survey of India, is granted privilege leave for three months, with effect from such date as he may avail himself of the same.

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

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 13th May 1881.

No. 14.—Lieutenant Grant, R.E., Executive Engineer, 4th Grade (temporary), is transferred from the Office of the Superintending Engineer, Meerut Command, to the Meerut Division, Military Works.

No. 15.—Lieutenant S. Grant, R.E., Executive Engineer, 4th Grade (temporary), and Lieutenant J. T. Johnston, R.E., Executive Engineer, 4th Grade, respectively, received, and made over, charge of the Meerut Division, Military Works, on afternoon of 4th May 1881.

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

Sirhind & Lahore Command.

The 16th May 1881.

No. 111.—Captain G. Hildebrand, R.E., Executive Engineer, Military Works, Umballa, is granted privilege leave for three months from the 15th May 1881, or from such subsequent date as he may avail himself of it.

WILLIAM B. HOLMES, *Lt.-Col., R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 13th May 1881.

No. 36.—Mr. T. E. Curry, Assistant Engineer, 1st Grade, is granted three months' language leave and two months' privilege leave, under Chapter II, Section ii, paragraph 27, of the Public Works Code, and Chapter VII of the Civil Leave Code, respectively, with effect from the 26th April 1881.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 16th May 1881.

No. 41.—Mr. P. H. Cresswell, Assistant Engineer, 2nd Grade, Indus Valley State Railway, is granted two months and nineteen days' privilege leave, with effect from 1st May 1881, or such subsequent date as he may avail himself of it.

L. CONWAY-GORDON,
Manager.

Report of a Deserter from the 17-8th Royal Regiment of Artillery, dated at Colaba, Bombay, this 12th day of May 1881.

Number, Rank, and Name,—4646—Depôt, Gunner James Maxwell.	Breeches or Trowsers,—Regimental, white.
Age,—About 35 years.	Date of Desertion,—4th May 1881.
Size,—5 feet 6½ inches.	Place of Desertion,—Colaba, Bombay.
Color of—	Date of Enlistment,—23rd April 1881.
Complexion, fair; Hair, dark; Eyes, hazel.	Place of Enlistment,—Colaba, Bombay.
Parish and County in which Born,—Not known.	REMARKS,—Was apprehended at Bombay as a deserter on the 11th April 1881.
Marks,—Not known.	Under 6 months' service.
Trade,—Mariner.	
Coat or Jacket,—Regimental, white.	
Waistcoat,—None.	

W. G. MULLOY, *Capt.,*
for *Colonel, R.A.,*
Comdg. R. A., B. D.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE ON BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
May 9	...	...	...	...	25,22,799	2,85,782
,, 10	1,985	...	...	...	25,22,161	2,85,782
,, 11	...	...	...	1,985	25,24,210	2,85,782
,, 12	...	...	...	1,985	25,24,209	2,85,782
,, 13	...	...	...	1,985	25,24,166	2,85,782
,, 14	...	...	1,926	16	25,26,135	2,87,751

CALCUTTA MINT, *The 16th May 1881.* } J. F. TENNANT, *Col., R.E.,*
Mint Master.

***STATEMENT** of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st March 1881.*

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans							4½ per cent. Loans				Transfer Loan of 1879, seven Shillings Sterling per cent. Portion.	5 per cent. Debenture for 15 years, Re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.					
Balance of 15th March 1881	54,100	38,506	3,413	15,27,359	30,35,100	2,26,47,600	1,09,60,600	1,75,61,900	2,91,15,600	45,85,600	4,56,000	1,00,37,700	8,69,63,900	1,00,500	34,09,000	65,800	8,400	19,05,70,978
ADD—																		
Amount enfaced at Madras between 16th and 31st March 1881	...	...	...	...	...	25,000	...	3,200	...	...	...	...	...	...	...	...	...	28,200
Amount enfaced at Bombay between 16th and 31st March 1881	...	...	...	...	1,000	65,800	2,500	2,46,000	15,500	...	...	...	11,500	...	...	...	...	3,42,100
Amount enfaced at Calcutta between 16th and 31st March 1881	...	...	...	...	3,700	33,100	38,300	33,800	23,100	...	...	1,20,100	2,29,800	...	...	...	...	4,81,700
	54,100	38,506	3,413	15,27,359	30,39,800	2,27,71,300	1,10,01,400	1,78,44,900	2,91,54,200	45,85,600	4,56,000	1,01,57,800	8,72,04,900	1,00,500	34,09,000	65,800	8,400	19,14,22,978
Deduct—																		
Amount written off in the London Registers	...	...	...	...	...	2,34,000	35,000	24,000	11,000	...	...	40,600	4,34,500	...	...	...	...	7,79,100
Balance on 31st March 1881	54,100	38,506	3,413	15,27,359	30,39,800	2,25,37,300	1,09,66,400	1,78,20,900	2,91,43,200	45,85,600	4,56,000	1,01,17,200	8,67,70,400	1,00,500	34,09,000	65,800	8,400	19,06,43,878

NOTE.—From 9th June 1867 to 31st Jan. 1881, enfaced from India 4,024 lakhs; re-transferred from London, 3,502 lakhs.

„	1st Feb. 1881 to 15th Feb.	27 „	15 „
„	16th „ „ to 28th „	24 „	18 „
„	1st Mar. „ to 15th Mar.	25 „	9 „
„	16th „ „ to 31st „	8 „	7 „
		4,108 lakhs.	3,551 lakhs.
		3,551 „	
	Balance against India	557 lakhs.	

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 17th May 1881.

R. HARDIE,
Secretary and Treasurer.

COMPTROLLER GENERAL'S OFFICE.

No. —*Account of Security Deposits held by the Comptroller-General in trust for Civil Officers on the 31st March 1881, published in conformity with paragraph 12 of Financial Notification, No. 276, dated 30th April 1880.*

No.	Name of Person or Fund on whose behalf held.	Amount of Investment.					Name of Officer to whom interest is sent.
		4 per cent, 1832-33, Sicca Loan.	4 per cent, 1865.	4½ per cent, 1870.	4½ per cent, 1879.	Total.	
I	Bhopal Water Works Endowment Fund	...	3,24,000	...	...	3,24,000	Political Agent in Bhopal.
II & VII	Security of Treasurer	...	2,500	...	...	2,500	Resident in Nepal.
III	Security of Store-keeper	...	5,000	...	...	5,000	Executive Commissariat Officer, Port Blair.
XV	Ditto Treasurer	...	2,000	...	...	2,000	Treasury Officer, Port Blair.
IV	Joypore College	...	1,000	...	...	1,000	Treasury Officer, Ajmere.
„	Chaplain, Naseerabad	...	100	...	...	100	Ditto ditto.
IV & IX	Mayo College Accumulated and Endowment Fund	...	6,22,400	...	...	6,22,400	Ditto ditto.
IV	Mayo Memorial Fund	...	8,300	...	500	8,800	Ditto ditto.
„	Ajmere Dispensary Fund	...	4,000	...	...	4,000	Ditto ditto.
„	Mosuda ditto	...	1,500	...	...	1,500	Ditto ditto.
„	Todgosh ditto	...	1,500	...	...	1,500	Ditto ditto.
„	Police Clothing Fund	...	5,000	...	...	5,000	Ditto ditto.
XII	For the repairs of late Captain Balden's Tomb in the Cemetery at Naseerabad	...	100	...	...	100	Ditto ditto.
XVII	Ajmere Government College	...	2,400	...	...	2,400	Commissioner, Ajmere, Merwara.
V & XVI	Security of Mutsuddy of Resident's Office	...	1,500	...	...	1,500	Extra Assistant Commissioner, Hyderabad.
VIII & XVIII	Investments of value of lost Currency Notes held on account of various Individuals	...	35,100	...	200	35,300	Head Commissioner of Issue of Paper Currency.
X	Ranee Hurra Soondry Dabee	...	1,000	...	...	1,000	Comptroller General.
„	On account of Wards of the Military Orphan Society	3,500	7,800	4,500	...	15,800	Ditto.
„	Security of Cashier, Military Orphan Fund Office	...	1,000	...	...	1,000	Ditto.
„	Ditto Government Printing Office	500	4,600	...	...	5,100	Ditto.
„	Madhub Chunder Chatterjee, Supervisor, P. W. D., Cuttack	...	1,000	...	...	1,000	Ditto.
„	Saroda Churn Basu, Ramkristopore, Howrah	...	500	...	...	500	Ditto.
„	Persian Famine Relief Fund	...	12,000	...	...	12,000	Ditto.
„	Mohun Lall Dhobai, Jodhpore, Rajpootana	...	...	12,000	...	12,000	Ditto.
XI	Minor Appachattolana Subboppah	...	4,300	...	...	4,300	Superintendent, Coorg.
„	„ Bellingowdah	...	1,600	...	...	1,600	Ditto.
„	„ Soobramanza Vidia	...	1,100	...	...	1,100	Ditto.
„	„ Chamarasa	...	1,200	...	...	1,200	Ditto.
„	„ Mallappah	...	500	...	...	500	Ditto.
„	„ Vengataraniah	...	1,100	...	...	1,100	Ditto.
„	„ Southappah	...	500	...	...	500	Ditto.
„	„ Rungiah	...	600	...	...	600	Ditto.
„	Abkari Contractor	...	33,100	5,000	...	38,100	Ditto.
„	Civil Dispensary, Mercara	...	3,000	...	...	3,000	Ditto.
XIII	Dispensary Funds, Verajundrapet	...	1,900	...	...	1,900	Ditto.
„	Municipal Funds, do.	...	1,100	...	...	1,100	Ditto.
XIX	Northbrook Medal Fund	...	2,000	...	...	2,000	Master of the Mint, Calcutta, and Director of Public Instruction, Punjab.
		4,000	10,96,300	21,500	700	11,22,500	
	In Deposit with Comptroller General, *vide Gazette of India*, pages 316 and 317 in Stock Certificates	...	10,87,900	21,500	700	11,10,100	
	In Government Promissory Notes not yet converted into Stock	4,000	8,400	...	...	12,400	
		4,000	10,96,300	21,500	700	11,22,500	

COMPTROLLER GENERAL'S OFFICE,
TREASURY BUILDING, CALCUTTA,
The 19th May 1881.

J. WESTLAND,
Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 17th May 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 1,11,97,702 7 5)	2,18,06,557	14	8
Public Deposits at Branches (Rs. 1,06,08,855 7 3)			
Other Deposits at Head Office and Branches	2,75,32,158	6	5
Bank Post Bills, &c.	4,32,511	1	8
Sundries	11,66,386	8	2
RUPEES	7,34,49,775	3	3

ASSETS.	Rs.	A.	P.
Government Securities	1,39,64,078	0	0
Loans on Government Securities at Head Office and Branches	57,79,864	3	2
Accounts of Credit on Government Securities at Head Office and Branches.	41,56,342	4	10
Bills discounted and purchased at Head Office and Branches	2,03,17,294	13	8
Balances with other Banks	7,80,292	5	5
Bullion	7,50,530	4	2
Dead Stock	11,61,390	6	5
Stamps	9,197	5	0
Sundries	3,68,670	11	0
	4,72,87,660	5	8
Cash and Currency Notes at Head Office (Rs. 99,06,617 13 5)	2,61,62,114	13	7
Cash and Currency Notes at Branches (Rs. 1,62,55,497 0 2)			
RUPEES	7,34,49,775	3	3

By order of the Directors,

BANK OF BENGAL, *Calcutta, 19th May 1881.*

J. GORDON, *Chief Accts. & Depy. Secretary.*

R. HARDIE, *Secretary & Treasurer.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
104	... D 12—37138 ...	5	Baboo Jogendra Nath Chatterjee, Aligarh.
24	... D 14—40987 / „ —40988 *	20	Jagannath Porree, Sialkote.
25	... D 14—39327 / „ —39394 *	20	Lieutenant-Colonel J. C. Minto, Kasaulie.

* Mismatched.

ALLAHABAD, *The 18th May 1881.*

GODREJEE D. PUDUMJEE, *A. A. G., In charge of Paper Currency Office.*

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1881.			
H52	... M 48—27253 ...	100	M. M. DeSouza, Bombay.
H53	... M 58—55981 ...	20	Navla Valla, Bombay.
H54	... M 59—90081 ...	10	Premji Dhanji, Bombay.

BOMBAY, *The 17th May 1881.*

C. E. CRAWLEY, *Asst. Accts. Genl., Paper Currency Dept.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
49	... O 32—55691 ...	50	Babu Muddun Mohan Das.
	„ —58920 ...	50	
50	... O 32—20192 ...	50	Babu Gurudas Basu.
51	... O 88—86706 ...	100	Mr. G. Stuart.
	„ —86707 ...	100	
	„ —86708 ...	100	
52	... O 88—17885 ...	100	Babu Nilmony Roy.
	O 69—44946 ...	100	
	O 32—36005 ...	50	
	„ —41371 ...	50	
	„ —42460 ...	50	
	O 31—17856 ...	50	
53	... O 32—60514 ...	50	Messrs. Pran Kissen Law & Co.
54	... O 69—32891 ...	100	Mathura Das, Marwaree.
	O 32—55379 ...	50	
55	... O 88—75472 ...		Hazari Khalipha.
56	... O 69—42199 ...	100	The District Superintendent of Police, Bankura.
	O 68—68807 ...	100	
	O 88—22264 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

2	... L 58—15101 / „ —95328	10	Babu Shosheebhoosan Chatterjee.
40	... O 63—82692 / „ —82693	20	Babu Rakhal Das Nag.
41	... O 83—27153 / „ —27154	10	Jeetoo Ram.
42	... O 32—22762 / „ —13803	50	Babu Grischunder Bose.
43	... N 1—09219 / „ —09216	5	Babu Baney Madhub Mullick.
44	... O 81—29604 / „ —29603	10	Messrs. Beake & Co.
36	... O 56—56581 ...	20	Mr. J. E. Matthews.
37	... O 69—95633 ...	100	Poodianalageth Coya.
38	... L 93—61541 ...	50	Babu Woomes Chunder Mozoomdar.
	„ —61542 ...	50	
39	... O 26—91561 ...	20	The Chief Pay Master, E. I. Railway, Calcutta.
40	... O 75—13329 ...	10	Babu Sarut Kumar Sen.
41	... N 1—28310 ...	5	Abdul Rahaman.
42	... O 32—29906 ...	50	Mr. G. J. M. Manuk.
	O 99—02159 ...	10	
	O 98—90455 ...	5	

CALCUTTA, *The 20th May 1881.*

FRED. GREENWAY, *Asst. Comptlr. Genl., in charge of Paper Currency.*

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
J 8—20511 ...	5	C. Timothy, Overseer, Lunatic Asylum, Calicut.
J 9—55002 ...	10	Kutty Ali, Hawker, Calicut.
J 9—50434 ...	10	
J 13—09676* ...	20	Basel Mission Weaving Establishment, Calicut.
J 7—94964 / „ —94968 †	5	Bootherjee Tharvady, Madras.

* Mutilated. † Mismatched.

CALICUT, *The 12th May 1881.*

Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
3	... E 18—11166 ...	10	Madar Bux, Lahore.
	„ —20398 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

9	... E 20—02274 ...	100	Hakim, son of Shunker Dass, Wazeerabad.
10	... E 2—40437 ...	500	Baboo Tekoo Ram, Peshawar.
4	... E 16—17176 / G 14—72983	10	Mr. D. McDonald, Rawalpindi.

LAHORE, *The 14th May 1881.*

H. J. BRERETON, *Asst. Accts. Genl., in charge of Currency Office.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
12	... B 64—11976 ...	20	Deputy Post Master, Vellore.
	„ —27788 ...	20	
	„ —27836 ...	20	
	B 66—62479 ...	100	
	„ —80011 ...	100	
	„ —90009 ...	100	
	„ —90283 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

14	... B 62—55793 ...	100	C. P. Narayana Aiyar, No. 156, Coral Merchants' Street, Madras.
	B 66—84441 ...	100	

FORT SAINT GEORGE, *The 9th May 1881.*

C. HALL, *Offg. Chief Clerk to the Accts. Genl., in charge of Paper Currency Dept., for Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 10th May 1881.

No. 1289.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BOMBAY.

Mr. C. L. Hanson has been appointed to act as Superintendent, Post Office, 1st Grade, and Examiner of Post Office Accounts.

Mr. Cursetjee Sorabjee has been appointed to act as 2nd Grade Superintendent, and posted to the Ahmednagar Division.

Mr. Dinshaw Jijibhoy has been appointed to act as 3rd Grade Superintendent, and posted to the Poona Division.

Mr. H. J. Hewett has been appointed to act as a 1st Class Mail Officer.

Mr. M. F. Ingle has been appointed to be *sub. pro tem.* 2nd Class Mail Officer.

Mr. G. A. T. Bennett has been appointed to be *sub. pro tem.* 3rd Class Mail Officer.

POSTAL CIRCLE, MADRAS.

Mr. J. DeCaster has been appointed to be 2nd Grade Superintendent.

Mr. G. W. Cresswell has been appointed to be Examiner, Post Office Accounts, Madras Circle.

Mr. R. McKillop has been appointed to be 2nd Grade Superintendent, and posted to the Coconada Division.

Mr. S. Christian has been appointed to be Superintendent, Dead Letter Office, Madras.

Mr. P. Anantha Charlu, B.A., has been appointed to be 4th Grade Superintendent, on probation, and Personal Assistant to the Post Master General, Madras.

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

Calcutta, the 20th May 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date. 1881.	Per Steamer
Persian Gulf	6 P. M.	27th May	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	26th „	Str. *Rajpootana.*
Foreign Mails *vid* Bombay	6 „	28rd „	From Bombay.
Do. Book Post and Pattern Packets	6 „	22nd „	From Bombay.
Rangoon, Moulmein. and Straits.	6 „	26th „	Str. *Puralia.*
Chittagong, Akyab, and Rangoon	6 „	26th „	Str. *Commilla.*
Madras, Ceylon, Batavia, Singapore, and China	6 „	25th „	F. Str. *Fibre.*
Persian Gulf	6 „	21st „	From Bombay.
Foreign Mails *vid* Bombay	6 „	28th „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	27th „	From Bombay.

* Also *vid* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Bé and Réunion, can be forwarded by this opportunity.

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

E. HUTTON, *Presidency Post Master.*

GOVERNMENT CINCHONA FEBRIFUGE.

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

ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ،

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

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

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

Meteorological Publications for Sale.

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

	Rs.	A.	P.
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Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts. ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
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HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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THE BENGAL LAW REPORTS.

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

Indian Ocean—

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

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Salaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*

Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang Pra. *Re. 1.*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1*
Lacon Roads. *Re. 1.*
Samuie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16 ; packing and postage, Re. 1-12.*

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Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "Intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannaffore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulations for Pilot Brigs.
" 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
" 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
" 4. Java, North Coast, Harbour Light at Tegal.
" 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.

*** *The above rates are exclusive of mounting, colouring, packing, and postage.*

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The Official Quarterly Bengal Army List, corrected up to 31st March 1881.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

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INDEX to the enactments relating to India. Compiled, under the orders of the Government of India, by Stephen Jacob, B.C.S., to which are prefixed Chronological Tables of the Acts and Regulations of the Indian Legislatures. *Price, Rs. 10; packing and postage, 12 annas.*

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Publications for Sale at the Bengal Secretariat Press.

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Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs. 5; Colored Map, Rs. 2-8.*

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Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

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Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

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Just published, pp. xxxv + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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Sanitary Primers in English and in Bengali. *Price, Rs. 6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 28, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

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Postage on single copies varies according to weight.

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

NOTICE TO MARINERS.

No. 16 of 1881.

HINDOSTAN—WEST COAST.

BOMBAY.

Leading Beacons for clearing the S. W. Prong, Kolaba.

Notice is hereby given that a tower, 80 feet high and painted black, has been erected on the North Pap (Ashwera hill), Bombay Harbour.

When kept in line with the white beacon on Thull knob (Kalegaum hill) it leads clear of the South-west prong, Kolaba.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*),
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 18th May 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2621, 737, 2736 and 826. Sailing Directions, West Coast of Hindostan Pilot (1880), page 160.

INDIAN MARINE SURVEY Chart, No. 15. Also Taylor's Sailing Directory, Vol. I, page 378.

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

NOTICE TO MARINERS.

No. 17 of 1881.

AFRICA—EAST COAST.

ZANZIBAR ISLAND.

The British Hydrographic Department has notified that the following information has been received from Captain Brownrigg, H. M. S. *London* (stationed at Zanzibar), relative to the progress made in the construction of lighthouses on the coast of Zanzibar island, dated 11th February 1881:—

(*1*) *Rás Kizimkazi Lighthouse.*

The lighthouse building on Rás Kizimkazi, the southern point of Zanzibar island, is intended to be about 90 feet high, square in shape.

The building had reached the height of 12 feet, and the trees had been cut down in the vicinity.

Position, latitude 6° 28′ 0″ S., longitude 39° 29′ 15″ E.

(*2*) *Lighthouse near Mungopani.*

The lighthouse, situated on a cliff about 40 feet above the sea, near the village of Mungopani, 12 miles northward of Zanzibar, is about 90 feet in height and consists of a square whitewashed tower with red top.

The building was complete externally, but there was no staircase or light apparatus.

Position, latitude 5° 58′ 45″ S., longitude 39° 11′ 10″ E.

(*3*) *Lighthouse on Mwana Mwana Island.*

The lighthouse on the northern extremity of Mwana Mwana island, western side of entrance to Kokotoni harbour, is in course of construction and at present about 14 feet high.

Position, latitude 5° 45′ 10″ S., longitude 39° 13′ 10″ E.

(*4*) *Rás Nungwe Lighthouse.*

The lighthouse on Rás Nungwe or Hog point, the north extreme of Zanzibar island, is completed.

The light is in course of exhibition and is about 105 feet above the sea; but its action at present is not to be relied on.

The lighthouse consists of a square whitewashed tower with red top.

Position, latitude 5° 43′ 15″ S., longitude 39° 17′ 40″ E.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,
for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department; *The 20th May 1881.*

This Notice affects the following:—

BRITISH ADMIRALTY Charts, (1) Nos. 640*a*, 664, 662 and 597; (2, 3 and 4) Nos. 640*b*, 664 and 597. Sailing Directions, Africa Pilot, Part III, 1878, pages 335, 348, 350, 353. Light List for 1881. Also Taylor's Sailing Directory, Part I, page 100.

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

NOTICE TO MARINERS.

No. 18 of 1881.

MEDITERRANEAN.

SUEZ CANAL.

Port Saïd Entrance—Experimental Buoy lighted by Gas.

Information has been received from the Egyptian Government, that sanction has been given to the Suez Canal Company, to place, experimentally, a buoy lighted by gas at the entrance to Port Saïd.

The light is a *red* light of the lowest order. It was exhibited on 11th May 1881, and will continue to be shown for fifty days from that date.

The buoy (Pintsch system) is placed at hectometer 31, a short distance off the extremity of the western breakwater, in a line with the outermost western light-vessel and the first of the western line of light-vessels showing red lights. It is thus an additional light on the line of red lights.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,
for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department; *The 20th May 1881.*

This Notice temporarily affects the following:—

BRITISH ADMIRALTY Charts, Nos. 233 and 234. Sailing Directions, Mediterranean Pilot, p. II, 1877, page 253; and Red Sea Pilot, 1873, page 233. Also Mediterranean Light List for 1881.

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

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 26th May 1881.

No. 5.—Mr. H. A. Kirk, an Assistant Superintendent of the 1st Grade, is allowed furlough for one year, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 28th April 1881.

No. 6.—Mr. W. Williams, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for twenty-one days, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 17th May 1881.

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

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th May 1881.

No. 130 *I.-E.*—Mr. G. W. Sealy, Superintendent, has been granted by the Deputy Director, Persian Gulf Telegraph, furlough for one year, under Section 131 of the Civil Leave Code, with effect from 23rd April 1881, subject to confirmation by the Director-in-Chief, Indo-European Telegraph.

W. PALMER,
Examiner of Telegraph Accounts.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 20th May 1881.

No. 982.—The Notification No. 551, dated 23rd March 1881, granting subsidiary leave to Lieutenant-Colonel J. C. Berkeley, is hereby cancelled, the necessary subsidiary leave having been granted in Madras G. G. O. No. 324, dated 28th April 1881.

By Order,

D. ROBERTSON,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 20th May 1881.

No. 923 *G.*—Major J. H. L. Greenfield, 2nd-in-Command and Squadron Officer, Deoli Irregular Force, returned on the 8th May 1881 from the forty-five days' privilege leave granted him in this Office Notification No. 367 G., dated 16th March 1881.

No. 933 *G.*—With reference to Foreign Department Notification No. 880 G.-G., dated 6th May 1881, Assistant Surgeon Aupoorbo Krishna Das assumed medical charge of the Political Agencies at Kotah and Jhalrapatan on the forenoon of the 9th May 1881.

The 23rd May 1881.

No. 940 *G.*—Lieutenant G. H. J. Moore, Officiating Wing Officer, Meywar Bheel Corps, availed himself, on the 9th May 1881, of the six months' examination leave granted him in Foreign Department letter No. 503 G.-G., dated 7th March 1881.

By Order,

E. A. FRASER,
1st Asst. Agent, Govr. Genl.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 19th May 1881.

No. 1356 *S.*—Referring to Government of India, Public Works Department, Notification No. 160, dated the 28th April 1881, published at page 182 of the *Gazette of India*, Part I, placing the services of Mr. C. E. Housden, Assistant Engineer, 2nd Grade, Rajputana, at the disposal of the Foreign Department, Mr. Housden is appointed to officiate as Executive Engineer of the Kotah and Jhallawar States, *vice* Mr. T. W. Miles, proceeding on furlough to Europe, from such date as he assumes charge of his duties.

By Order,

J. P. STEEL, *Major, R.E.,*
Secy. to Agent Govr. Genl. & Chief Commr., in the P. W. D., Rajputana.

JUDICIAL COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 23rd May 1881.

No. 346.—The Judicial Commissioner of Ajmere-Merwara is pleased to direct that the list required by Section 140, Civil Procedure Code, to accompany the documents produced by each party at the first hearing of the suit under Section 139 of the Code, shall be prepared in the annexed form,

2. One such list will be filed by the plaintiff or plaintiffs and a separate one by the defendant or defendants. The heading of the form and the entries in column 2 will be prepared by the party or parties producing the documents, while in column 1 the Court will itself cause the necessary particulars to be recorded. In the column of remarks the Court should cause to be entered a note of the admission of the document by the opposite party, (or) if it be not admitted of the manner in which it is proved.

3. Section 139, Civil Procedure Code, prohibits the reception by the Court of documentary evidence at any stage of the proceedings subsequent to the first hearing, unless good cause be shown to its satisfaction for previous non-production; should any documentary evidence be in such manner received at a later stage, it should not be placed on the file until accompanied by a list as above provided.

4. The memorandum of documents to be annexed to plaints under Section 58 of the Code, should also be prepared in the form now prescribed, and the provisions of Section 63 should be carefully attended to in respect of documents not produced as required by Section 59.

5. Judicial Officers are enjoined to instruct all petition-writers practising in their Courts accordingly, and on and from the 1st October 1881 documentary evidence should not be received until

the list in the prescribed form is presented therewith.

FORM.

List of documents produced by the parties.

District in the Court of at

SUIT NO. OF

The following is a list of the papers produced by the above suit ( )* on the in the 188 .

Number or distinguishing marks on the documents.	Nature of the document, whether original or copy, its date, and by whom executed, &c.	REMARKS.

* Here insert with the plaint or "at the first, second or subsequent hearing," as the case may be.

By Order,

E. A. FRASER,

1st Asst. to the Judl. Commr.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 3rd May 1881.

No. 18.—Third Grade Assistant Surgeon Rajendro Nath Ohdedar, of the imperial list, is permitted to resign the service.

J. M. CUNINGHAM, M.D.,

Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 18th May 1881.

No. 32.—Lieutenant H. Appleton, R.E., Assistant Engineer, 2nd Grade, is transferred from the Sirhind and Lahore Command, Military Works, to the Rawalpindi Command, Military Works.

No. 33.—With reference to Public Works Department Notification No. 162, dated 4th May 1881, Lieutenant J. A. Tanner, R.E., Assistant Engineer, 2nd Grade, is posted to the Sirhind and Lahore Command, Military Works.

The 21st May 1881.

No. 34.—Inspector General's Notification No. 31, dated 6th May 1881, granting Lieutenant F. Peel, R.E., Assistant Engineer, privilege leave from 26th August to 4th October 1880, is hereby cancelled.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*

Inspr. Genl. of Military Works.

Presidency & Oudh Command.

Lucknow, the 16th May 1881.

No. 9.—Conductor N. Hutchinson, Barrack Master, 2nd Class, is posted to Allahabad Division, Military Works, which he joined on the 3rd instant.

The 20th May 1881.

No. 10.—With reference to this Office Notification No. 3, dated the 1st February 1881, Babu Cally Podo Sen, Assistant Engineer, 2nd Grade, attached to the Fort William Division, Military Works, availed himself of the three months' privilege leave from 18th instant.

W. R. TUCKER, *Lieut.-Colonel, R.E.,*

Supdg. Engr., Presidency & Oudh Command, Military Works.

Sirhind & Lahore Command.

The 21st May 1881.

No. 112.—Captain G. Hildebrand, R.E., Executive Engineer, made over, and Lieutenant A. C. Bruce, R.E., Executive Engineer, received, charge of the Umballa Division, Military Works, on the afternoon of the 14th May 1881, and at the same time the former officer availed himself of the three months' privilege leave sanctioned him in this Command Notification No. 111 of 16th May 1881.

WILLIAM B. HOLMES, *Lt.-Col., R.E.,*

Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 18th May 1881.

No. 13.—Mr. T. Wood, Store-keeper, Indus Valley State Railway, is granted subsidiary leave from the 7th to the 14th December 1880.

J. G. MEDLEY, *Colonel, R.E.,*

Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 18th May 1881.

No. 37.—Director General's Notification No. 156, dated 9th November 1880, transferring Mr. R. J. Woods, Assistant Engineer, 2nd Grade, from the Indus Valley State Railway to the Kandahar Railway, Upper Section, is hereby cancelled.

No. 38.—That portion of Director General's Notification No. 31, dated 29th April 1881, relating to the posting of Mr. T. E. Curry, Assistant Engineer, 1st Grade, to the Patna-Baraitch Railway Survey, is hereby cancelled.

The 20th May 1881.

No. 39.—The Upper Section of the Kandahar State Railway was placed under the Engineer-in-Chief of the Lower Section from the 29th March 1881.

No. 40.—With reference to Public Works Department Notification No. 193, dated 18th May 1881, Mr. H. H. Gahan, Executive Engineer, 4th Grade, temporary rank, is placed at the disposal of the Consulting Engineer, Calcutta.

No. 41.—Mr. H. C. D. LaTouche, Superintending Engineer, 3rd Class, temporary rank, availed himself, on the afternoon of the 5th May 1881, of the subsidiary leave granted to him in Public Works Department Notification No. 142 of 21st April 1881.

W. S. TREVOR, *Col., R.E.,*

Director General of Rys.

BHOPAL STATE RAILWAY.

NOTIFICATION.

Hoshangabad, the 24th May 1881.

No. 8.—With reference to Secretary to the Agent, Governor General, in the Public Works Department, Central India's Notification No. 2, dated 11th April 1881, Mr. W. E. Newham, Assistant Engineer, 2nd Grade, availed himself of the three months' examination leave therein granted him on the forenoon of the 16th instant.

H. T. GEOGHEGAN,

Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Mooltan, the 12th April 1881.

No. 37.—With reference to Consulting Engineer's No. 9, dated 9th March 1881, Mr. J. Rickie, Assistant Locomotive Superintendent, was relieved of his duties on the Indus Valley State Railway on the forenoon of the 1st April 1881, and reported his departure from Sukkur on the afternoon of 3rd idem.

The 16th May 1881.

No. 42.—With reference to Director General of Railways' Notification No. 31, dated 29th April 1881, Mr. Knolles, Assistant Engineer, reported his departure from this Railway on the forenoon of 20th March 1881.

L. CONWAY-GORDON,

Manager.

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Rawalpindi, the 17th May 1881.

No. 17.—Mr. C. L. Biscoe, Assistant Traffic Superintendent, has been granted privilege leave for one month and seven days from the 30th May 1881.

No. 18.—Lieutenant B. Scott, R.E., Executive Engineer, Khosalgurh Branch, has been granted three months' privilege leave from the 16th May 1881.

E. L. MARRYAT, *Major, R.E.,*

Manager.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd May 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 87,76,942 13 11)			
Public Deposits at Branches (Rs. 1,03,87,057 5 3)	1,91,64,000	3	2
Other Deposits at Head Office and Branches	2,90,39,145	7	2
Bank Post Bills, &c.	2,86,996	6	7
Sundries	12,24,862	0	9
RUPEES	7,22,27,165	6	0

ASSETS.	Rs.	A.	P.
Government Securities	1,47,40,998	0	0
Loans on Government Securities at Head Office and Branches	57,49,683	15	2
Accounts of Credit on Government Securities at Head Office and Branches.	28,46,791	11	6
Bills discounted and purchased at Head Office and Branches	2,07,22,801	12	2
Balances with other Banks	6,41,204	1	2
Bullion	7,26,219	8	2
Dead Stock	11,61,707	0	3
Stamps	9,172	3	0
Sundries	3,88,434	12	6
	4,69,87,012	15	11
Cash and Currency Notes at Head Office (Rs. 94,76,223 5 9)			
Cash and Currency Notes at Branches (Rs. 1,57,63,929 0 4)	2,52,40,152	6	1
RUPEES	7,22,27,165	6	0

By order of the Directors,

BANK OF BENGAL, *Calcutta. 26th May 1881.*

J. GORDON, *Chief Accti. & Depy. Secretary.*

R. HARDIE, *Secretary & Treasurer.*

COMPTROLLER GEN

No. 385.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April 1879 to Jan. 1880.	April 1880 to Jan. 1881.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	16,495,565	15,912,351	...	583,214
II.—Tributes	698,000	531,086	529,557	...	1,529
III.—Forest	688,400	343,554	421,746	78,192	...
IV.—Excise on Spirits and Drugs	2,782,000	2,268,443	2,534,745	266,302	...
V.—Assessed Taxes	535,000	757,482	519,343	...	238,139
VI.—Provincial Rates	2,764,000	2,197,292	2,210,298	13,006	...
VII.—Customs	2,175,000	1,740,681	1,948,207	207,526	...
VIII.—Salt	7,541,000	6,005,413	5,751,309	...	254,104
IX.—Opium	9,410,000	8,803,423	8,575,449	...	227,974
X.—Stamps	3,194,000	2,625,369	2,706,920	81,551	...
XI.—Registration	265,000	190,882	237,023	46,141	...
XII.—Mint	196,000	193,770	86,067	...	107,703
XIII.—Post Office	1,008,000	816,143	868,855	52,712	...
XIV.—Telegraph	463,100	370,483	425,548	55,065	...
XV.—Minor Departments	61,700	53,511	51,696	...	1,815
XVI.—Law and Justice	680,000	518,812	538,148	19,336	...
XVII.—Police	232,000	174,546	190,692	16,146	...
XVIII.—Marine	226,000	138,875	158,334	19,459	...
XIX.—Education	137,000	116,086	123,574	7,488	...
XX.—Medical	38,200	44,403	33,943	...	10,460
XXI.—Stationery and Printing	45,000	38,275	46,108	7,833	...
XXII.—Interest	641,000	541,486	469,406	...	72,080
XXIII.—Pensions	291,700	142,156	131,699	...	10,457
XXIV.—Miscellaneous	262,000	207,930	192,131	...	15,799
XXX.—Gain by Exchange	237,000	358,635	189,225	...	169,410
TOTAL	56,633,100	45,674,301	44,852,374	...	821,927
XXIX.—Army	800,200	798,055	979,036	180,981	...
XXVII.—Other Public Works	456,700	319,113	350,776	31,663	...
XXVI.—Irrigation and Navigation	860,200	498,920	483,085	...	15,835
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	7,635,431*	6,263,630	...	1,371,801
XXV.—State Railways	4,720,000	1,068,551	5,153,129	4,084,578	...
XXVIII.—Provincial and Local Deficits	247,200	457	...	...	457
TOTAL	71,217,400	55,994,828	58,082,030	2,087,202	...
England, including Army, Public Works Ordinary, &c.	203,800	201,799	387,428	185,629	...
GRAND TOTAL	71,421,200	56,196,627	58,469,458	2,272,831	...

* Includes £2,776,796 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE,
CALCUTTA,
The 20th May 1881.

E. W. KELLNER,
Deputy Comptroller General.

ERAL'S OFFICE.

tenth month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April 1879 to Jan. 1880.	April 1880 to Jan. 1881.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	2,450,320	2,621,354	171,034	...
2.—Interest on Service Funds	398,400	293,629	322,526	28,897	...
3.—Refunds and Drawbacks	318,000	284,100	378,244	94,144	...
4.—Land Revenue	2,994,400	2,339,096	2,366,829	27,733	...
5.—Forests	527,600	276,916	301,455	24,539	...
6.—Excise	111,000	94,880	97,358	2,478	...
7.—Assessed Taxes	20,000	26,686	19,197	...	7,489
8.—Provincial Rates	53,000	40,068	41,536	1,468	...
9.—Customs	204,000	166,065	164,646	...	1,419
10.—Salt	368,000	295,392	302,646	7,254	...
11.—Opium	2,159,500	1,956,690	1,905,689	...	51,001
12.—Stamps	77,500	64,067	63,148	...	919
13.—Registration	166,000	118,604	143,253	24,649	...
14.—Mint	91,500	68,027	64,221	...	3,806
15.—Post Office	1,043,800	857,751	999,962	142,211	...
16.—Telegraph	380,900	310,022	331,235	21,213	...
17.—Administration	1,245,500	1,041,360	1,041,678	318	...
18.—Minor Departments	415,100	269,314	281,425	12,111	...
19.—Law and Justice	3,350,900	2,696,107	2,648,434	...	47,673
20.—Police	2,513,000	1,997,108	2,035,731	38,623	...
21.—Marine	419,000	257,885	309,560	51,675	...
22.—Education	1,015,800	781,502	798,081	16,579	...
23.—Ecclesiastical	158,600	128,631	129,656	1,025	...
24.—Medical	701,400	515,003	523,244	8,241	...
25.—Stationery and Printing	415,700	237,779	342,700	104,921	...
26.—Political	393,000	329,129	314,187	...	14,942
27.—Allowances	1,824,900	1,067,344	1,155,473	88,129	...
28.—Civil Furlough and Absentee Allowances	3,000	3,612	4,917	1,305	...
29.—Superannuation	646,300	684,816	676,734	...	8,082
30.—Miscellaneous	243,300	249,289	201,306	...	47,983
31.—Famine Relief	5,000	46,303	364	...	45,939
37.—Loss by Exchange	3,411,000	2,537,401	2,617,892	80,491	...
TOTAL	29,044,200	22,484,896	23,204,681	719,785	...
36.—Army	15,171,900	12,105,735	17,528,895	5,423,160	...
34.—Other Public Works	4,216,500	2,185,308	2,511,652	326,344	...
33.—Irrigation and Navigation	1,026,800	768,961	724,332	...	44,629
32.—Working Expenses (Guaranteed Railways)	4,675,000	3,793,426*	3,487,697	...	305,729
32.—Surplus Profits paid to Railway Companies	450,300	591,388	358,040	...	233,348
32.—Guaranteed Interest in India	9,000	14,222	146,530	132,308	...
32.—Land and Supervision	69,500	49,045	39,636	...	9,409
32.—State Railways	1,630,200	1,862,771	4,284,420	2,421,649	...
35.—Provincial and Local Surpluses	129,400	2,339,185	2,270,931	...	68,254
TOTAL	56,422,800	46,194,937	54,556,814	8,361,877	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	12,461,802	12,464,941	3,139	...
TOTAL	71,002,400	58,656,739	67,021,755	8,365,016	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	1,689,119	2,441,303	752,184	...
Ditto ditto in England	966,000	429,942	482,256	52,314	...
TOTAL	3,312,000	2,119,061	2,923,559	804,498	...
GRAND TOTAL	74,314,400	60,775,800	69,945,314	9,169,514	...

* Includes £484,704 as working expenses of East'Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

CONTROLLER OF MILITARY ACCOUNTS, ——— Account Branch.

List of Securities in the custody of the Controller of Military Accounts on 31st March 1881.

Number.	Name of Officer to whom interest is sent.	Amount of Investment. 3½ per cent., 1858-54.	4 per cent., 1832-33, sicca loan.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.	Total.	Name of person or fund on whose behalf held.	Security deposits of various Contractors, &c.
XXVI	Executive Commissariat Officer, Presidency.	...	1,000	87,900	1,000	100	90,000	Held by Comptroller General as by his account in Page 317 of *Gazette of India* of 16th April 1881.	Ditto
XXXI	Ditto.			2,000			2,000	Ditto	Ditto
XXXIV	Ditto.			20,000			20,000	Ditto	Ditto
XLIV	Ditto.			900			900	Ditto	Ditto
XLIX	Ditto.			3,000			3,000	Ditto	Ditto
XIV	Executive Commissariat Officer, Store and Shipping.			7,500			7,500	Ditto	Ditto
XVI	Executive Commissariat Officer, Dinapore.			22,300	500		22,800	Ditto	Ditto
VI	Executive Commissariat Officer, Darjeeling (now Presidency).			5,000		1,000	6,000	Ditto	Ditto
VIII	Ditto.			1,000			1,000	Ditto	Ditto
VII	Executive Commissariat Officer, Allahabad.			1,500			1,500	Ditto	Ditto
XIII	Ditto.			18,500	500		19,000	Ditto	Ditto
XVII	Ditto.			1,500			1,500	Ditto	Ditto
XXII	Ditto.					100	100	Ditto	Ditto
XI	Executive Commissariat Officer, Jubbulpore.			32,700		1,500	34,200	Ditto	Ditto
X	Ditto.			1,000			1,000	Ditto	Ditto
XXIX	Executive Commissariat Officer, Lucknow.			69,600		4,000	73,600	Ditto	Ditto
XXXVIII	Ditto.					200	200	Ditto	Ditto
XLVIII	Ditto.			1,500			1,500	Ditto	Ditto
XXXV	Ditto.			1,000			1,000	Ditto	Ditto
XLIII	Ditto.			1,000			1,000	Ditto	Ditto
LI	Executive Commissariat Officer, Cawnpore.			58,600	1,000	2,000	61,600	Ditto	Ditto
XXX	Ditto.	500					500	Ditto	Ditto
XXIII	Ditto.			1,000			1,000	Ditto	Ditto
XXXII	Executive Commissariat Officer, Agra.			11,000			11,000	Ditto	Ditto
XXIV	Executive Commissariat Officer, Bareilly.			27,500	500	3,000	30,500	Ditto	Ditto
L	Ditto.			1,000			1,000	Ditto	Ditto
XIX	Executive Commissariat Officer, Meerut.			2,500			2,500	Ditto	Ditto
XLII	Ditto.			2,500			2,500	Ditto	Ditto
XXV	Executive Commissariat Officer, Ranikhet.			12,000			12,000	Ditto	Ditto
XXXIII	Ditto.			1,000			1,000	Ditto	Ditto
XLV	Executive Commissariat Officer, Kasauli.	1,500		52,100	500		54,100	Ditto	Ditto
III	Ditto.	500		1,000			1,500	Ditto	Ditto
XXVII	Ditto.					1,000	1,000	Ditto	Ditto
XXIX	Ditto.			3,500			3,500	Ditto	Ditto
XLI	Executive Commissariat Officer, Mean Meer.			6,000		100	6,100	Ditto	Ditto
XLVI	Ditto.			23,500		1,000	24,500	Ditto	Ditto
XV	Ditto.			500			500	Ditto	Ditto
XX	Executive Commissariat Officer, Ferozepore.			3,000	500		3,500	Ditto	Ditto
XXVIII	Executive Commissariat Officer, Sealkote (now Rawal Pindi.)			19,000	1,500		20,500	Ditto	Ditto
V	Ditto.			500			500	Ditto	Ditto
XLVII	Executive Commissariat Officer, Mooltan.			46,900		1,000	47,900	Ditto	Ditto
I	Executive Commissariat Officer, Peshawar.			500			500	Ditto	Ditto
II	Pay Master, Presidency Circle.			5,000			5,000	Ditto	Ditto
XVIII	Pay Master, North-Western Provinces Circle.			3,000			3,000	Ditto	Ditto
AV	Pay Master, Punjab Circle.			1,000			1,000	Ditto	Ditto
XII	Commissary of Ordnance, Fort William.			2,000			2,000	Ditto	Ditto
XVII	Officiating Commissary of Ordnance, Agra.			500			500	Ditto	Ditto
III	Officiating Assistant Commissary of Ordnance, Dera Ismail Khan.			500			500	Ditto	Ditto
XXXVII	Superintendent and Agent, Army Clothing.			1,400			1,400	Ditto	Ditto
IX	Ditto.			3,000		600	3,600	Ditto	Ditto
XXXI	Superintendent of Marine, Kidderpore.			5,000			5,000	Ditto	Ditto
XXVII	Commandant, Deoli Irregular Force.			10,000			10,000	Ditto	Ditto
	Total	2,500	1,000	5,79,900	5,500	15,600	6,04,500		

W. T. CHITTY, *Colonel,*
Controller of Military Accounts.

OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS,
ACCOUNT BRANCH,
Calcutta, 21st May 1881.

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

Date.	Silver tendered, estimated value.	Certificates issued on: General Treasury.	Certificates issued on: Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
May 16	...	...	...	16	25,20,135	2,87,751
,, 17	...	...	...	16	25,25,935	2,87,751
,, 18	...	...	...	16	25,24,652	2,87,751
,, 19	...	...	...	16	25,24,651	2,87,751
,, 20	...	...	...	16	25,21,651	2,87,751
,, 21	...	...	...	16	26,24,981	2,87,751

CALCUTTA MINT, *The 23rd May 1881.*

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

CURRENCY NOTES.

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

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W29	... M56—01422 ...	20	Hormusjee Dinshaw, Nariad.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H55	... M48—7*365 ...	10	Oodowji Poonja, Bombay.
H56	... M46—64738 ...	50	Nowrojee Dossabhoy, Ahmedabad.
	M55—41223 ...	10	
H57	... M44—28092 ...	100	Krishrnaji Bajaji, Satara.
M25	... M 3—65109	5	Curator of Government Books, Allahabad.
	,, —65104		
M26	... M42—06514	10	Changoo Seedram, Bombay.
	,, —06523		

BOMBAY, *The 23rd May 1881.*

C. E. CRAWLEY,
Asst. Accts. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
58	... O 83—61520 ...	10	Babu Rajendra Lal Neogy.
	O 91—08737 ...	10	
	O 98—69518 ...	5	
60	... P 1—99442 ...	10	Babu Kali Das Chatterjee.
61	... O 32—25827 ...	50	The District Superintendent of Police, Hooghly.
	O 88—43117 ...	100	
	,, —56821 ...	100	
62	... O 68—94284 ...	100	Messrs. Balmer, Lawrie & Co.
63	... O 27—96467 ...	500	Chhunno Lal Surraf.
64	... O 94—17324 ...	10	Mr. W. S. Attenborough.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
43	... O 83—78443 ...	10	Babu Obhoy Churn Das.
44	... O 85—80052 ...	20	Babu Muddun Mohun Haldar.
45	... O 99—46350 ...	10	Mr. W. S. Attenborough.
46	... O 67—97680 ...	100	Shaik Bheekari.
45	... L 56—35267	5	The Chief Paymaster, E. I. Railway, Calcutta.
	,, —35264		
47	... O 61—19226	20	The Treasury Officer, Jessore.
	,, —19229		

CALCUTTA, *The 27th May 1881.*

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 13—46414 ...	5	Mr. Covasji Dinsha, Pleader, Agent of Shapurji Aderji, Commissariat Inspector, Bombay.
G 14—23691 ...	10	
,, —41815 ...	10	
,, —41816 ...	10	
,, —41817 ...	10	
,, —41818 ...	10	
,, —41819 ...	10	
,, —41820 ...	10	
,, —41821 ...	10	
,, —41822 ...	10	
,, —41823 ...	10	
,, —41824 ...	10	
,, —42066 ...	10	
,, —53862 ...	10	
,, —53865 ...	10	
,, —53886 ...	10	
,, —53870 ...	10	
,, —53878 ...	10	
,, —53879 ...	10	
,, —53914 ...	10	
,, —53930 ...	10	
G 8—59085 ...	20	
,, —59086 ...	20	
,, —59087 ...	20	
,, —59379 ...	20	
,, —63903 ...	20	
,, —63910 ...	20	
,, —63913 ...	20	
,, —63919 ...	20	
,, —63925 ...	20	
,, —63935 ...	20	
G 9—29068 ...	50	
G 10—48819 ...	100	
,, —49419 ...	100	
,, —51157 ...	100	
G 9—15443 ...	50	Mobed Jemsetjee, Muncherjee, Kurrachee.
G 8—70468 ...	20	Mahadhudas Shevoomul, Merchant, Shikarpur.
,, —70473 ...	20	
G 14—27595 ...	10	
,, —52430 ...	10	
,, —66530 ...	10	
,, —69665 ...	10	
,, —69802 ...	10	
,, —73298 ...	10	
G 11—07192 ...	500	Major M. M. Carpendale, Commanding 2nd Sind Horse, Quetta.
G 13—46928 *	5	Mr. Pallonji Covasji, Deputy Post Master, Sukkur.
,, —47878 *		

* Mismatched.

KURRACHEE, *The 17th May 1881.*

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

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
4	... E 13—79993 ...	100	Esar Sing, Lahore.
5	... E 13—97469 ...	100	Baboo Tincowrie Doss, Calcutta.
6	... E 17—48469 ...	20	Sharoda Pershad Bhuttacharjee, care of Lala Jewan Doss, Lahore.
	,, —48684 ...	20	
	,, —48359 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
12	... E 17—54101 ...	20	Mrs. M. E. DeBude, Simla.
16	... E 17—61768 ...	20	Mohamed Gulzar, Kohat.
	,, —47212 ...	20	
19	... E 15—79164 ...	50	Revd. T. R. Wade, Amritsar.
5	... E 15—56021	50	Raj Keshore, Lucknow.
	,, —66451		

LAHORE, *The 21st May 1881.*

H. J. BRERETON,
for *Depy. Commr. of Currency Office.*

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
13	... B 47—51897 ...	5	A. Subramaniah, Head Master, Government Middle School, Palmanair.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
15	... B 63—08328 ...	10	Mrs. T. A. Drysdale, No. 33, Anderson's Street, Black Town, Madras.
16	... B 66—87824 ...	100	Anakudi Hassan Sahib, Madura.
17	... B 56—80594 ...	10	Baddarudin Saudagur, Cloth Merchant, Kurnool.
	B 60—23552 ...	10	
	B 63—30441 ...	10	
	„ —30498 ...	10	
	„ —30499 ...	10	
	„ —33333 ...	10	
	B 64—14757 ...	20	
	„ —14758 ...	20	
18	... B 66—66544 ...	100	S. Sarabannah Sahukar, Urara Konda.
	„ —76464 ...	100	
19	... B 66—46193 ...	100	T. Samasundaram Mudaliar, Conjeeveram.
20	... B 64—04293 ...	20	C. Subramania Aiyar, Kurunjipadi.
21	... B 46—76111 ...	5	B. Satagopa Charlu, Triplicken.
	B 47—36045 ...	5	
22	... B 51—55370 ...	500	V. Thiruvengadaswami Mudali, Coimbatore.
	„ —56321 ...	500	
	„ —59508 ...	500	
23	... B 61—74424 ...	50	P. Govindarajulu Chetti, Madras.
	B 66—78480 ...	100	
	B 62—86429 ...	100	
24	... B 57—25886 ...	20	Mutheejee Goornajee, Tripatore, Salem District.
	B 61—80127 ...	50	
25	... B 61—54599 ...	50	Muniswami Chetti, Madras.
4	... B 46—50655 *	5	C. Vilappa Chetti, No. 16, Aggraharam Street, Chintadripett, Madras.
	„ —87171 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 16th May 1881.

C. HALL,
Offg. Chief Clerk of the Acctt. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 18th May 1881.

No. 1710.—Mr. E. Hutton having been appointed Presidency Post Master, Calcutta, assumed charge of his duties on the afternoon of the 9th April.

The 23rd May 1881.

No. 1919.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, INDIA.

Messrs. N. G. Wait, H. C. Sheridan and M. C. Byrne, have been appointed to be Superintendents of Post Offices, 4th Grade.

Mr. J. B. Short has been appointed to be Superintendent of Post Offices, 1st Grade.

Mr. A. C. Boyd has been appointed to be Superintendent of Post Offices, 2nd Grade.

POSTAL CIRCLE, BENGAL.

Babu Mudden Mohun Bysak has been appointed to be Superintendent, Dead Letter Office, Calcutta.

POSTAL CIRCLE, MADRAS.

Mr. A. Wilson has been appointed to act as a 4th Grade Superintendent of Post Offices.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

The 20th May 1881.

The public are informed that envelopes, having embossed postage labels of the value of 4½ annas, will be available from the 1st July 1881, and may be obtained from the Post Office or from licensed stamp vendors. The charge for these envelopes will be the value of the labels embossed on them.

2. The 4½-anna embossed envelopes are intended chiefly for foreign correspondence, but they may also be used for inland correspondence and registered letters.

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

Calcutta, the 27th May 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	3rd June	From Bombay.
Madras, Ceylon and the Intermediate Ports.	6 „	2nd „	Str. *Khandalla.*
Madras and Ceylon	6 „	2nd „	P. & O. Steamer *Pekin.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	31st May	From Bombay.
Foreign Mails *viâ* Bombay	6 „	4th June	From Bombay.
Do. Book Post and Pattern Packets	6 „	3rd „	From Bombay.
Rangoon, Maulmein and Straits	6 „	2nd „	Str. *Oriental.*
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6 „	2nd „	Str. *Assayee.*
Foreign Mails *viâ* Bombay	6 „	28th May	From Bombay.*

* Also *viâ* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Bé and Réunion, can be forwarded by this opportunity.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 22nd May 1881.

Adams, A. M.	Glass, Major C. F.	Morrison, G. H.
Alexander, G.	Gopinath Sodasweys.	Moore, J.
Alexander, S.	Gomes, A.	Morgan, J.
Alick, Mrs. Elise.	Gregory, C. B.	Moses, S. H.
Anley, Mrs. E.	Graham, Miss.	Nelson, W.
Augier, P. C.	Green, G. E.	Ray, Dr. N.
Barker, T. A.	Gubbay, H. S. & T. E.	Richard, John.
Blakencre, William.	Haidaker, R.	Shireore, Dr. J. C.
Burrows, A.	Hatchell, Dr. C.	Smith, H. G.
Burrowes, C. M.	Holmes, P.	Smith, Mrs. M.
Costello, James.	Hutchison, A.	Stewart, G.
Davis, Mrs. Caroline.	Johnstone, G.	Strange, H. R.
Davidson, T. N.	Jones, F.	Tucker, S. J.
Dolton, Mrs. (passenger S. S *City of Khios.*)	Kellie, Mrs. A. L.	Walker, C.
	Kezevant, W. B.	Waters, Mrs. C.
Finlay, John.	Knight, Mrs. M.	Watkins, Mrs. J.
Fox, H.	Lewis, W. R.	Weynton, O.
Furgus, Mr. C.	Marooth, S.	Wilson, W. T.
Fuller, Monsieur N. G.	McKennie, R. C.	Zig-Zag.
Gasper, A.		

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

A. B. X.	Fleming, James.	Pogose, A. N.
Anderson, A. S.	Fraser and Adam & Co.	Radicle Vincenzo.
Arratoon, N. J.	Gartely, Mrs. E.	Raikes, Capt. F. D.
Barklie, Robert C.	Gartenstean, Laser.	Read, F.
Barker, T. W.	Goltermann, Monsieur H.	Richards, Capt. W.
Beck, Miss Jessie.		Roe, Lt. R. J.
Beattie, W. G.	Gray, H. D.	Ruby Diamond Ruby.
Bennett, W. W.	Grosart, Capt.	Scott, Mrs. E.
Bernon, Monsieur James.	Heddelry, Allen.	Senior, Major H.
Bollo, Miss Rosa.	Hurroo Lall.	Shaw, J. E.
Brawley, A.	Jackson, W. F.	Show, Mrs. H.
Burns, Mrs.	Journal, Ferdinand.	Smith, Mrs. E.
Burrill, William.	J. O. N.	Smith, John.
Campbell, Major A. D.	Jones, David William.	Snelling, T. R.
Calegari, Signor Robert.	J. R. P.	Southal, William.
Coun, John.	Littlewood, J. H.	Stevenson, Mrs.
Cox, F.	Lynch, Christopher.	Stewart, Revd. R.
Coute, Walter.	Marshall, W. K.	Stewart, A. G. J.
Coxen, H.	Malbrook, F.	Stern, W.
Collingwood, W.	McCarty, Ch.	Stirling, W. E.
Davison, T. M.	Meanera, Lt. J. S. G.	Vanerar, R. M.
Deane, Mrs. H. A.	Miller, John.	Vitti, Cesare.
DeBrancanzer, C. S.	Morris, Nevill.	Watson, W.
Dutt, Surjo Cumar.	Nicoll, A.	Ware, Mrs. H.
Earl, F. E.	O'Connell, T.	Wallaston, A.
Earle, W.	Pain, J. R. W.	Watson, H. P.
Egerton, Thomas.	Palmer, Capt. A. Y.	Wilson, T. E.
Etwell, A. H.	Peterson, C.	Willis, Albert.
Evans, J.	Phillips, W. H.	W. E. S.
Eisenowsky, Mr.	Phillips, H. H.	Willard, Mrs
Farber, L.	P. M. J.	X. Y. Z.
Fleming, Stanley Le.		

Newspapers.

Campbell, Major A. D. Coliman, G. Johnson, E. C. Peterson, C. Senior, Major H. W. J. Stainton, Mr. Vincent, J.

Registered Letters.

Bailey, Mr. Irwin, Mrs. L. B. Kohn, T. Marella, Mrs. Speyer, E. M. Z. Y. X. W.

E. HUTTON,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج '

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

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

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

Meteorological Publications for Sale.

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

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Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II. 4to., 63 pages, 4 plates	1	8	0
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Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
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HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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THE BENGAL LAW REPORTS.

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

Indian Ocean—

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

India, West Coast—

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

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang Pra. *Re. 1.*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1*
Lacon Roads. *Re. 1.*
Sammie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile. Compression $\frac{1}{2\frac{1}{2}}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*

No. 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulations for Pilot Brigs.
„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
„ 4. Java, North Coast, Harbour Light at Tegal.
„ 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.

*** The above rates are exclusive of mounting, colouring, packing, and postage.*

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

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P. W. D. Code, 4th Edition.

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Army List—New Number.

The Official Quarterly Bengal Army List, corrected up to 31st March 1881.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 4, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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

HIGH COURT—Original Side.

NOTIFICATIONS.

Calcutta, the 27th May 1881.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Mr. John Greenfield, of No. 37, Victoria Street, London, Solicitor, a Commissioner within all parts of England for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Mr. John Alfrey Porter, Prothonotary of the Supreme Court of the Colony of Victoria, a Commissioner within all parts of the Colony of Victoria for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Mr. Edward Augustus Atkyns, of Eldon Chambers, Bank Place, Melbourne, Solicitor, a Commissioner within all parts of the Colony of Victoria for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS,

Registrar.

ADMINISTRATOR GENERAL'S OFFICE.

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

Lestock Robert Reid, of No. 122, Westbourne Terrace, Hyde Park, in the County of Middlesex, in England, Gentleman, died in England on the 27th October 1878.

William Theobald, formerly of Calcutta, but late of Sutton Lodge, West Molesey, in the County of Surrey, in England, a Barrister-at-law, in England, on the 7th April 1870.

Charles Henry Ringwood, of Rungpore, in the Province of Bengal, Civil Engineer, between Calcutta and Ceylon, on the 2nd December 1880.

George Arden, of Melbourne, in the Colony of Victoria, at Melbourne, in May 1855.

Antonio DeSouza, of Nice, in France, Count and Knight Commander of the very Illustrious Order of Christ, conferred by the Queen of Portugal, at Nice, on the 3rd October 1880.

John Ernest Holt Sullivan, a Lieutenant in the 73rd Regiment of Foot, at Nynee Tal, on the 18th September 1880.

Colin James Love Halkett, a Lieutenant in the 73rd Regiment of Foot, at Nynee Tal, on the 18th September 1880.

John Nierses Mackertich, of Calcutta, and Attorney-at-law, at Calcutta, on the 29th January 1881.

Sophia Rebecca Oman, of the Town of Calcutta, spinster, at Calcutta, on the 17th December 1880.

William Edwardes Henniker Forsyth, of Calcutta, a Barrister-at-law, at Calcutta, on the 24th February 1881.

John Matheson Lyall, of Calcutta, a Merchant, at Calcutta, on the 27th December 1880.

Louis Mandelli, of Lebong, in Darjeeling, in the Province of Bengal, Tea Planter, at Lebong, on the 22nd February 1880.

Anthony Wemyss Beauland, of the Town of Calcutta, at Calcutta, on the 11th July 1859.

Henry Sidney Freeman Haynes, a Captain in the Corps of Royal Engineers, at Nynee Tal, on the 18th September 1880.

Martin Morphy, a Major in the 4th Regiment of Foot, at Nynee Tal, on the 18th September 1880.

George Watson, a Surgeon in the Indian Medical Department, at Peiwer Kotal, Afghanistan, on the 25th July 1880.

Charles Alfred Carthew, a Captain in the 16th Regiment of Bengal Cavalry, at Lundi Kotal, on the 12th October 1880.

Nicholas Isaac Malchus, an Armenian inhabitant of the Town of Calcutta, and a Merchant, at Calcutta, on the 23rd December 1867.

Henry Cariston Seton, a Major in the Royal Artillery, at Sea, on the 1st September 1880.

Thomas Drew, of No. 2, Clyde Row, Hastings, in the Suburbs of Calcutta, at Hastings, on the 8th March 1881.

Joseph Stephen Lucas, of No. 14, Wellesley Street, in the Town of Calcutta, a Cabinet-maker, at Calcutta, on the 10th January 1881.

Donald Claude MacDonald, Manager of Arkatipur Tea Garden, in the District of Cachar, at Sea, on the 26th August 1880.

In the following Estates certificates have been granted under Sections 36 and 37, Act II of 1874, by the Administrator General, and all persons having claims against the said Estates should communicate with the persons to whom certificates have been granted:—

John Frederick William Barckley, Commander of the Flat *Bhootan*, died at Howrah, on the 18th January 1881, to Eliza Jane Barckley, widow of the deceased.

Isabella FitzGibbons, of Morar, widow of Pensioner Timothy FitzGibbons, at Morar, on the 30th March 1880, to Elizabeth Broughton, formerly Elizabeth FitzGibbons, daughter of the deceased.

Robert Benjamin Collett, an Engine-driver in the service of the East Indian Railway Company, drowned near Gazeeabad, in September 1880, to John James Duncan, Executor of the deceased's will.

Patrick O'Donoghue, Clerk of the Office of Superintending Engineer, B. D. Canal, at Amritsur, on the 18th March 1880, to Nagar Mal, creditor of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 7th May 1881.

NOTICE TO MARINERS.

No. 19 of 1881.

BAY OF BENGAL—COROMANDEL COAST.

ARMEGHON (ARMOGHAM).

Exhibition of Revolving Light.

With reference to Notice to Mariners No. 6, issued from this Department 8th March 1881, relative to the temporary discontinuance of Armeghon light—telegraphic information has been received announcing that the new light will be exhibited on the 1st June 1881.

The light will be a *white* revolving light, showing a flash every 20 seconds, and should be visible, in clear weather, from a distance of 14 miles.

The illuminating apparatus is dioptric, or by lenses, of the 4th order.

By direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 26th May 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 71*c*, 828, 70 and 748*b*. Light List for 1881.

INDIAN MARINE SURVEY Charts, Nos. 15*b* and 103*a*. Light List for 1881. Also Taylor's Sailing Directory, Vol. I, page 460.

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

NOTICE TO MARINERS.

No. 20 of 1881.

HINDOSTAN—WEST COAST.

BOMBAY HARBOUR.

Beacon on Tucker's Patch.

Notice is hereby given that a beacon has been erected on Tucker's Patch, Bombay Harbour.

This beacon is a masonry pillar, the top of which is 45 feet above low water, ordinary spring tides; it is painted in alternate red and black horizontal stripes, and bears from Cross Island flagstaff S. E. by E. ¼ E., distant 1·5 miles, and from Middle Ground flagstaff N. E. by E. ⅛ E., distant 1·8 miles.



Beacon on Tucker's Patch.

The top of the beacon is built in the shape of a *dagoba* which has a small platform with railings on its summit.

Vessels drawing 23½ feet can pass with safety at a cable's distance to the southward of the beacon.

The white buoy, which has hitherto marked the vicinity of the Tucker's Patch, will now be removed.

The bearings are Magnetic. Variation 1° 5′ E. in 1881.

By direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department,
The 28th May 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2621, 737, 2736 and 826. Sailing Directions, West Coast of Hindostan Pilot (1880), page 156.

INDIAN MARINE SURVEY Chart, No. 15. Also Taylor's Sailing Directory, Vol. I, page 376.

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

NOTICE TO MARINERS.

No. 21 of 1881.

BAY OF BENGAL—COROMANDEL COAST.

PULICAT.

Exhibition of Fixed White Light.

With reference to Notice to Mariners No. 6, issued by this Department 8th March 1881, relative to the intended change of colour of light at Pulicat:—

Notice is hereby given that, on and after the 15th June 1881, instead of the present *red* light, a fixed *white* light will be exhibited at Pulicat, which should be visible in clear weather from a distance of 14 miles.

The apparatus is dioptric, or by lenses, of the 4th order.

By direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 28th May 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 71*c*, 828, 70 and 748*b*. Light List for 1881.

INDIAN MARINE SURVEY Charts, Nos. 15*b* and 103*a*. Light List for 1881. Also Taylor's Sailing Directory, Vol. I, page 459.

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

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 25th May 1881.

No. 219.—Major F. Coddington, Deputy Superintendent, 2nd Grade, Survey of India, is granted privilege leave for three months, under Chapter V, Section 71, of the Civil Leave Code, with effect from such date as he may avail himself of the same.

No. 220.—Mr. E. C. Ryall, Assistant Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under Chapter X, Section 136, of the Civil Leave Code, with effect from the forenoon of the 4th May 1881.

The 31st May 1881.

No. 221.—The leave granted to Mr. T. F. Freeman, Assistant Surveyor, 2nd Grade, in Notification No. 183, dated 19th July 1880, is commuted to leave on medical certificate, under Chapter X, Sections 127-128 and 139 of the Civil Leave Code, and he is granted six months' extension thereof, with effect from 1st May 1881.

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

BANK OF BENGAL.

Calcutta, the 31st May 1881.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Tuesday, the 7th proximo, on account of Hindu festival "Dusohara."

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 28th May 1881.

No. 7.—Mr. L. V. Fraser, an Assistant Superintendent of the 1st Grade, is allowed furlough for two years, under Section 21 of the Civil Leave Code, with effect from the forenoon of the 22nd February 1881.

The 2nd June 1881.

No. 8.—Mr. F. DeMarsac, an Assistant Superintendent of the 1st Grade, is allowed furlough for two years, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 5th May 1881.

No. 9.—Mr. J. Peake, an Assistant Superintendent of the 1st Grade, is allowed furlough for nine months, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 5th May 1881.

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

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 21st May 1881.

No. 2.—With reference to Government of India, Public Works Department, Notification No. 173, dated 9th May 1881, Lieutenant J. Neville, R.E., and Lieutenant S. A. E. Hickson, R.E., Assistant Engineers, 1st Grade, reported their arrival at Quetta on the forenoon of the 6th May 1881, and were posted to the Quetta Division on that date.

A. M. LANG, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 25th May 1881.

No. 955 G.—Surgeon-Major T. Ffrench Mullen, M.D., Agency Surgeon, Ulwur, held charge of the current duties of the Ulwur Political Agency, in addition to his own, from the afternoon of the 25th April to the afternoon of the 7th May 1881.

No. 957 G.—APPOINTMENT.—Captain A. C. Talbot, Additional Political Agent, Eastern Rajputana States, received charge of the current duties of the Ulwur Political Agency from Surgeon-Major T. F. Mullen, M.D., on the afternoon of the 7th May 1881.

The 26th May 1881.

No. 967 G.—With reference to Foreign Department Notification No. 921 G.-G., dated 13th May 1881, Surgeon-Major W. S. Caldwell, M.D., received medical charge of the Deoli Irregular Force and of the Harowtee and Tonk Political Agency on the forenoon of the 31st January 1881.

The 28th May 1881.

No. 976 G.—Captain P. W. Smith, attached to the Deoli Irregular Force, returned from the privilege leave granted him in this Office Notification No. 797 G., dated 3rd May 1881, and resumed charge of the Deoli Station Staff Office from Lieutenant R. A. Cole on the 18th May 1881.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 27th May 1881.

No. 1443 S.—Mr. C. E. Houghton, Assistant Engineer, 2nd Grade, has passed the Departmental Standard prescribed in paragraph 21, Chapter II, of the 4th Edition of the Public Works Department Code, the final examination in Hindustani, which he passed at the Thomason College, having been accepted instead of the Lower Standard as allowed by Standing Order No. 83 of the 18th August 1880.

By Order,
J. P. STEEL, *Major, R.E.,*
Secy. to Agent Govr. Genl. & Chief Commr., in the P. W. D., Rajputana.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 28th May 1881.

No. 360.—In exercise of the powers invested in him by Sections V and XVI of the Opium Rules sanctioned for the District of Ajmere-Merwara and published in the *Rajputana Official Gazette* of 2nd August 1879, the Chief Commissioner directs that the possession of opium shall be restricted to the undermentioned areas:—

(1) The municipal limits of Ajmere:
(2) The municipal limits of Kekree:
(3) The municipal limits of Beawur:
(4) The cantonment limits of Nusseerabad.

And that the following additions and alterations be made in the form of license for the sale of opium by retail:—

(I) In condition (1) *for* "quarterly," *read* "monthly duty of in advance."

(II) Condition (2) to be amended as under—

"That he shall not sell opium or any preparations of opium, including chandu, to persons under the age of 18 years, and that he shall not receive any wearing apparel or other goods in barter for the same."

(III) The following condition to be added to the license:—

"That he shall give cash security to the value of Rs. 100 for the due fulfilment of the conditions of the license, all the provisions of the Opium Act, and the rules framed under it from time to time."

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 12th May 1881.

No. 19.—The services of the undermentioned Hospital Assistants of the military list are placed permanently at the disposal of the Government, North-Western Provinces and Oudh, for civil employment in those Provinces:—

2nd Class, Shaikh Mohamed Ainood-Deen.
" Nawab Ali.
" Jaswunt Roy.
" Bahar Khan.
3rd Class, Shaikh Wahid Ally.
" Becha Lall.
" Shekh Nizamooddeen.
" Shaikh Ainuddeen.
" Salar Buksh.
" Shafutoollah Khan.
" Oomaid Roy.

The 16th May 1881.

No. 20.—The services of 3rd Grade Assistant Surgeon Behary Krishna Basu, of the supernumerary list, are placed at the disposal of the Chief Commissioner of the Central Provinces.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 26th May 1881.

No. 35.—Lieutenant R. A. Wahab, R.E., Assistant Engineer, 1st Grade, is transferred temporarily from the Meerut Command, Military Works, to the Sirhind and Lahore Command, Military Works.

No. 36.—Lieutenant E. Glennie, R.E., Executive Engineer, 4th Grade (temporary rank), is transferred from the Sirhind and Lahore Command, Military Works, to the Presidency and Oudh Command, Military Works.

The 27th May 1881.

No. 37.—With reference to Public Works Department Notification No. 145, dated 22nd April 1881, Colonel Æ. Perkins, C.B., R.E., Superintending Engineer, 1st Class, assumed charge of the duties of Deputy Inspector General of Military Works on the 26th April 1881, in addition to his duties as Superintending Engineer of the Rawalpindi Command, Military Works.

No. 38.—With reference to Government of India, Public Works Department, Notification No. 162, dated 4th May 1881, Lieutenant J. A. Tanner, R.E., Assistant Engineer, 2nd Grade, is posted to the Meerut Command, Military Works.

This cancels Inspector General's Notification No. 33, dated 18th May 1881.

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

Sirhind & Lahore Command.

The 30th May 1881.

No. 113.—Honorary Captain Revell, Barrack Master, transferred to the Sirhind and Lahore Command, Military Works, reported his arrival at Umballa on the 11th May 1881, and took up the duties of Barrack Master in that division on the 16th idem.

WILLIAM B. HOLMES, *Lt.-Col., R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 26th May 1881.

No. 42.—Mr. D. F. Hogarth, Executive Engineer, 1st Grade, availed himself of the leave granted him in this Office Notification No. 33, dated 5th May 1881, on the 16th May 1881.

No. 43.—With reference to Public Works Department Notification No. 197, dated 23rd instant, Mr. C. H. Croudace, Executive Engineer, 2nd Grade, is posted to the Patna-Baraitch Railway Survey.

The 27th May 1881.

No. 44.—Mr. F. W. Morse, Assistant Engineer, 1st Grade, availed himself of the leave granted by this Office Notification No. 19, dated 14th March 1881, as corrected by No. 26, dated 19th April 1881, on the forenoon of the 17th March 1881.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Mooltan, the 18th May 1881.

No. 43.—In Manager's Notification No. 25, dated 24th December 1880, published in page 3,

Part II, of *Gazette of India*, dated 21st January 1881, *for* "Sind Bridges Sub-Division of the River Conservancy Division," *read* "1st Sub-Division of 1st Division."

No. 44.—Mr. John Barron, Executive Engineer, on special duty on Indus Valley State Railway, reported his departure for Rawalpindi on the afternoon of 12th May 1881.

The 23rd May 1881.

No. 45.—Mr. G. Moyle, Assistant Engineer, Indus Valley State Railway, is granted eighty-seven days' privilege leave, with effect from such date as he may avail himself of it.

No. 46.—With reference to Director General of Railways' Notification No. 28, dated 23rd April 1881, Major C. E. Shepherd, S.C., Executive Engineer, 1st Grade, was relieved of his duties on the Kandahar State Railway on the afternoon of the 5th instant.

The 24th May 1881.

No. 47.—Mr. G. F. Mathew, Traffic Superintendent, Indus Valley and Kandahar State Railways, is granted privilege leave for two months and twenty-three days as he may avail himself of the same.

L. CONWAY-GORDON,
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Manager's Office.

NOTIFICATIONS.

Rawalpindi, the 24th May 1881.

No. 19.—Mr. J. Barron, Executive Engineer, 3rd Grade, reported his arrival on the Punjab Northern State Railway on the forenoon of the 13th May 1881.

The 25th May 1881.

No. 20.—Lieutenant B. Scott, R.E., availed himself of the three months' privilege leave granted him by this Office Notification No. 18 of 17th May 1881 on the forenoon of the 23rd May 1881.

No. 21.—Lieutenant B. Scott, R.E., Executive Engineer, Khooshalgurh Division, made over, and Mr. H. Luckstedt, Assistant Engineer, took over, charge of the Khooshalgurh Branch (Open Line), on the afternoon of the 21st May 1881.

The 27th May 1881.

No. 16.—With reference to Public Works Department Notification No. 105, dated 11th March 1881, transferring Mr. L. G. Prickett, Assistant Engineer, to the North-West Provinces, Mr. L. G. Prickett reported his departure from this line on the afternoon of the 20th January 1881.

This cancels Manager's Notification No. 5 of 27th January 1881.

E. L. MARRYAT, *Major, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Northern Section.

NOTIFICATION.

Rawalpindi, the 26th May 1881.

No. 9.—With reference to Director General of Railways' Notification No. 36, dated Simla, the 5th May 1881, Mr. D. F. Hogarth, Executive Engineer, 1st Grade (unposted), availed himself of the leave granted to him on the forenoon of the 16th instant.

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

Statement of the Affairs of the Bank of Bengal for the week ending 31st May 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,161	4	4
Public Deposits at Head Office (Rs. 73,49,381 6 1)			
Public Deposits at Branches (Rs. 1,08,45,109 10 10)	1,81,94,491	0	11
Other Deposits at Head Office and Branches	3,24,49,300	0	3
Bank Post Bills, &c.	2,52,803	9	11
Sundries	12,30,399	9	8
	7,46,39,155	9	1

ASSETS.	Rs.	A.	P
Government Securities	1,48,71,617	6	0
Loans on Government Securities at Head Office and Branches	56,66,464	14	10
Accounts of Credit on Government Securities at Head Office and Branches.	33,64,328	8	8
Bills discounted and purchased at Head Office and Branches	2,03,28,258	7	7
Balances with other Banks	6,91,850	12	9
Bullion	6,82,677	10	5
Dead Stock	11,61,285	0	9
Stamps	9,514	0	0
Sundries	3,08,845	2	10
	4,70,84,836	15	10
Cash and Currency Notes at Head Office (Rs. 1,11,76,622 11 7)			
Cash and Currency Notes at Branches (Rs. 1,63,77,695 13 8)	2,75,54,318	9	3
RUPEES	7,46,39,155	9	1

BANK OF BENGAL,
Calcutta, 2nd June 1881.

By order of the Directors,

J. GORDON,
Chief Accts. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th April 1881.

PARTICULARS.	3½ PER CENT. LOAN OF 1865-66.	4 PER CENT. LOANS									5 PER CENT. LOAN OF 1859-60.	TOTAL AMOUNT.
		Of 1854-55.	Transfer of 1866.	Reduced 4 per cent. Loan of 1870.	Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Transfer Loan of 1879, seven Shillings per cent. Portion.	5 per cent. Debenture for 15 years, Re-payable June 1882.		
Balance of 31st March 1881	54,100	1,00,66,400	1,79,30,900	2,92,60,900	45,86,600	4,56,000	1,01,62,800	8,68,76,800	1,00,600	34,09,000	8,400	19,06,43,878
Add—												
Amount enfaced at Madras between 1st and 15th April 1881	...	1,000	1,000	600	...	...	...	...	...	...	...	32,600
Amount enfaced at Bombay between 1st and 15th April 1881	...	2,000	9,500	3,500	...	...	13,000	60,500	...	...	...	1,05,200
Amount enfaced at Calcutta between 1st and 15th April 1881	...	30,400	88,900	1,13,600	...	...	32,800	45,800	...	...	...	3,91,100
	54,100	1,00,99,800	1,79,30,300	2,92,60,900	45,86,600	4,56,000	1,01,62,800	8,68,76,800	1,00,600	34,09,000	8,400	19,11,72,778
Deduct—												
Amount written off in the London Registers	...	20,600	60,600	59,600	...	...	3,22,000	4,27,500	...	1,000	1,000	10,36,500
Balance on 15th April 1881	54,100	1,00,79,200	1,79,30,700	2,92,01,300	45,86,600	4,56,000	98,40,800	8,64,49,300	1,00,600	34,08,000	7,400	19,01,36,278

4 PER CENT. LOANS								
Of 1854-55.	Of 1862-63.	Of 1865-66.	Of 1868-69.	Of 1869-70.	Of 1870-71.	Of 1877-78.	3½ PER CENT. LOAN OF 1865-66.	
1,00,66,400	2,25,37,300	30,39,800	15,27,359	3,413	38,506		54,100	Balance of 31st March 1881
								Add—
1,000	30,000	...	...	...	...	...	...	Amount enfaced at Madras between 1st and 15th April 1881
2,000	15,700	1,000	...	...	...	...	...	Amount enfaced at Bombay between 1st and 15th April 1881
30,400	65,700	14,000	...	...	...	...	...	Amount enfaced at Calcutta between 1st and 15th April 1881
1,00,99,800	2,26,48,700	30,54,800	15,27,359	3,413	38,506		54,100	
								Deduct—
20,600	1,34,700	600	...	...	...	...	...	Amount written off in the London Registers
1,00,79,200	2,25,14,000	30,54,300	15,27,359	3,413	38,506		54,100	Balance on 15th April 1881

NOTE.—From 9th June 1867 to 16th Feb. 1881, enfaced from India 4,061 lakhs; re-transferred from London, 3,617 lakhs.
" 16th Feb. 1881 to 28th " " " 18 " "
" 1st Mar. " to 15th Mar. " " 9 " "
" 16th " " to 31st " " 7 " "
" 1st Apl. " to 15th Apl. " " 10 " "
4,119 lakhs.
3,561 "
Balance against India 558 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 28th May 1881.

R. HARDIE,
Secretary and Treasurer.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
May 23	...	...	...	16	25,24,981	2,87,751
„ 24	Holiday.					
„ 25	...	...	13	...	25,24,994	2,87,764
„ 26	...	...	...	...	25,24,994	2,87,764
„ 27	...	...	...	...	26,34,984	2,87,764
„ 28	...	...	...	...	26,64,312	2,87,764

CALCUTTA MINT, *The 30th May 1881.* J. F. TENNANT, *Col., R.E., Mint Master.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
189	... D 18—50336 ...	100	Aga Abdool Mohamed, Baghdad.
	„ —50701 ...	100	
	„ —52759 ...	100	
	„ —53578 ...	100	
	„ —56296 ...	100	
	„ —59809 ...	100	
	„ —59986 ...	100	
	„ —61538 ...	100	
	„ —62806 ...	100	
	„ —62809 ...	100	
	„ —62810 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
105	... D 18—59608 ...	100	Nirotum Singh, Bareilly.
	„ —59606 ...	100	
26	... D 14—42548 *	20	Molack Ram Brahman, Rajpur.
	„ —33446 *		

* Mismatched.

ALLAHABAD, *The 1st June 1881.*

GODREZJEE D. PUDUMJEE, *A. A. G., In charge of Paper Currency Office.*

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
H58	... M 49—50982 ...	10	Burjorjee Nusserwanjee Entee, Ahmedabad.
	M 9—68382 ...	5	
H59	... M 37—16720 ...	100	B. Kemparaj Nos, Bangalore.
H60	... M 55—08595 ...	10	R. C. Peimira, Daman.
H61	... M 43—94492 ...	100	G. O. W. Dunn, Ahmedabad.
	M 33—64137 ...	20	
H62	... M 46—24384 ...	50	Dawondass Nanoomall, Sibi.
M27	... M 49—56199	10	Saina Aslaji, Bombay.
	M 47—95444		

BOMBAY, *The 31st May 1881.*

C. E. CRAWLEY, *Asst. Acctt. Genl., Paper Currency Dept.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
65	... O 69—85686 ...	100	Babu Madhu Sudan Bose.
68	... O 88—78626 ...	100	Babu Ambica Churn Chatterjee.
69	... O 88—01147 ...	100	Revd. H. Finter.
70	... O 69—22154 ...	100	Messrs. Gisborne and Co.
71	... O 31—73934 ...	50	Babu Moheshur Bosu.
	O 63—41578 ...	20	
	O 61—42639 ...	20	
	O 26—98002 ...	20	
	O 61—67412 ...	20	
	O 62—85318 ...	20	
	O 90—44084 ...	10	
	O 83—02880 ...	10	
	L 96—98924 ...	10	
	O 82—15702 ...	10	
	O 76—96981 ...	10	
	O 80—04185 ...	10	
	L 99—15655 ...	10	
	O 54—53560 ...	10	
	O 54—73573 ...	10	
	O 51—24093 ...	10	
	L 96—10917 ...	10	
	O 94—96440 ...	10	
	„ —28552 ...	10	
	O 84—09997 ...	10	
	O 53—45443 ...	10	
	O 91—02810 ...	10	
	O 19—82276 ...	10	
	O 17—53596 ...	10	
	O 41—70794 ...	10	
	O 13—99052 ...	10	
	O 14—52426 ...	10	
	„ —52498 ...	10	
	L 99—31136 ...	10	
	O 39—89170 ...	10	
	L 76—61001 ...	10	
	O 16—28158 ...	10	
	O 81—79150 ...	10	
	O 53—92094 ...	10	
	O 76—08210 ...	10	
	O 79—19885 ...	10	
	O 52—89258 ...	10	
	O 41—94862 ...	10	
	O 76—81066 ...	10	
	O 94—50872 ...	10	
	O 77—89508 ...	10	
	„ —78571 ...	10	
	O 46—52268 ...	10	
	O 92—85818 ...	10	
72	... O 94—23831 ...	10	The Deputy Post Master General, Eastern Bengal, Dacca.
	O 83—15584 ...	10	
73	... P 1—99289 ...	10	Mr. Thos. King.
74	... O 62—57788 ...	20	Babu Harichurn Mozoomdar Choudhuri.
	„ —57733 ...	20	
	„ —57793 ...	20	
75	... O 71—33713 ...	500	Goban Lal and Hira Lal Mahton.
	„ —29521 ...	500	
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	„ —70200 ...	1,000	
	„ —78240 ...	1,000	

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48	... L 55—31348 ...	5	Syud Bukth Shaheb.
49	... L 22—00458 ...	5	Maher Ali.
50	... O 94—03336 ...	10	Mr. J. G. Gurner.
51	... O 88—56538 ...	100	Tarea Chunder Pandi.
52	... O 77—46809 ...	10	Ram Koron.
48	... O 64—98329	20	Babu Preo Gopaul Mitter.
	„ —98338		
49	... O 67—48607	20	Babu Mohendra Nath Bose.
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	O 79—42561	10	
	O 78—98304		
	O 38—15285	5	
	„ —15286		
	O 37—25092	5	
	„ —25048		
50	... O 41—17884	10	Hameraj Chowbay.
	L 42—36625		
	... O 36—81261	5	
	„ —81262		
	L 30—66520	5	
	O 37—53031		
	L 56—08445	5	
	„ —08446		

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED—*contd.*

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
51	... L 54—94645	5	Babu Benode Behari Mukerjee.
	„ —94643		
52	... L 39—57351	10	Mr. A. Chinneah.
	„ —57352		
53	... L 31—14242	5	Messrs. Thacker, Spink & Co.
	„ —14243		

CALCUTTA, *The 3rd June 1881.*

R. A. STERNDALE, *Asst. Comptlr. Genl., in charge of Paper Currency.*

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
7	... E 17—53639 ...	20	Sheikh Golam Husain, son of Husain Bux, Wasal Baki Nawis, District Court, Gujranwalla.
	„ —53641 ...	20	
	E 15—91173 ...	50	

LAHORE, *The 27th May 1881.*

H. J. BRERETON, for *Depy. Commr. of Currency Office.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
14	... B 61—74424 ...	50	P. Govindarajulu Chetti, Black Town, Madras.
	B 62—86429 ...	100	
	B 66—78480 ...	100	
15	... B 60—10268 ...	10	R. Subramanya Sastri, Conjeveram.
	„ —55624 ...	10	
	„ —67732 ...	10	
	B 64—22815 ...	20	
	„ —26489 ...	20	
	B 61—43151 ...	50	
	„ —79065 ...	50	
	B 58—40109 ...	100	
	B 62—47848 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
26	... B 53—79496 ...	10	Jait Ram Mahadeo, Banker Raipur.
27	... B 61—74894 ...	50	Subadar-Major Ghulam Muhammad, 4th (P. W. O.) Light Cavy., Madras.
	„ —82424 ...	50	
28	... B 63—57464 ...	10	Mr. G. Quinn, Gooty.

FORT SAINT GEORGE, *The 23rd May 1881.*

C. HALL, *Offg. Chief Clerk of the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.*

Report of a Deserter from the 40th Regiment of Foot, dated at Shahjahanpore, this 27th day of May 1881.

Number, Rank and Name,—No. 14B.—244, Private John Hughes.
Age,—29 years.
Size,—5 feet 5½ inches.
Color of—
Complexion, sallow; Hair, black; Eyes, hazel.
Date of Desertion,—25th May 1881.
Place of Desertion,—Shahjahanpore.
Date of Enlistment,—19th May 1875.
At what Place Enlisted,—Liverpool.
Parish and County in which Born,—Tipperary.
Marks,—*Nil.*
Trade,—Clerk.
Coat or Jacket,— } Regimental.
Waistcoat,— ... } Regimental.
Breeches or Trowsers— ... } Regimental.
REMARKS,—*Nil.*
Under 7 years' service.

A. RICHARDSON, *Capt., Comdg. ½ Battn., 40th Regt.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 20th May 1881.

The public are informed that envelopes, having embossed postage labels of the value of 4½ annas, will be available from the 1st July 1881, and may be obtained from the Post Office or from licensed stamp vendors. The charge for these envelopes will be the value of the labels embossed on them.

2. The 4½-anna embossed envelopes are intended chiefly for foreign correspondence, but they may also be used for inland correspondence and registered letters.

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

Calcutta, the 3rd June 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	10th June	From Bombay.
Madras, Ceylon and the Intermediate Ports.	6 „	9th „	Str. *Chindwara.*
Foreign Mails *viâ* Bombay	6 „	11th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	10th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	9th „	Str. *Pemba.*
Chittagong, Akyab, and Rangoon	6 „	9th „	Str. *Madras.*
Foreign Mails *viâ* Bombay	6 „	4th „	From Bombay.
Port Blair and Camorta	6 „	10th „	Str. *Satara.*

N.B.—The Letter Box will close at 6 P.M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 8-30 P.M.

E. HUTTON, *Presidency Post Master.*

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گورنمنٹ سنکونا فبري فيوج '

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

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

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India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
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Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

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

Cape Comorin to Coconada, including the Island of Ceylon *Re. 1-12.*
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Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Moeletivoe. *Annas 8.*
Colombo Harbour and its approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Re. 2.*
Bay of Bengal, Eastern Sheet. *Re. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30' N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12.*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
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Hayes Island to the Pilgrims. *Re. 1.*
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Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Vizadurg. *Annas 4.*
No. 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 11, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

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

BANK OF BENGAL.

Calcutta, the 9th June 1881.

DOORGA POOJAH HOLIDAYS.

The Bank will be open for the transaction of business on the same days that the Custom House may be open.

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 4th June 1881.

No. 6.—Mr. P. C. H. Smart, Assistant Surveyor, 4th Grade, is granted privilege leave for three months, under Chapter X, Section 136, of the Civil Leave Code, with effect from forenoon of the 15th May 1881.

Mr. E. P. S. Hill, Assistant Surveyor, 3rd Grade, is granted privilege leave for one month, under Chapter X, Section 136, of the Civil Leave Code, with effect from forenoon of the 6th instant.

The 9th June 1881.

No. 7.—Mr. W. M. Kelly, Assistant Surveyor, 3rd Grade, is granted privilege leave for six weeks, under Chapter X, Section 136, of the Civil Leave Code, with effect from forenoon of the 1st June 1881.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 6th June 1881.

Offices opened and closed during the month of May 1881:—

Name of Station.	Where situated.	Date.	Remarks.
Allanmyo	British Burmah	1st	Opened.
Cherat	Punjab	17th	Re-opened.
Chiplun	Bombay Presdy.	26th	Opened.
Gundi Kunduff	Beluchistan	13th	Ditto.
Hurnai	Ditto	25th	Ditto.
Kirgi	Field Office with the Waziri Expeditionary Force.	17th	Closed.
Kochali	Beluchistan	13th	Ditto.
Khusdil	Ditto	24th	Opened.
Meerean	Field Office with the Waziri Expeditionary Force.	21st	Closed.
Peyzu	Ditto	20th	Ditto.
Rajapur	Bombay Presdy.	26th	Opened.
Rutnagherry	Ditto	26th	Ditto.

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

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATION.

Port Blair, the 18th May 1881.

No. 6.—Major R. J. Wimberley having reported his return to duty, with effect from the forenoon of the 30th ultimo, the other officers named in Notification No. 16, dated 24th January 1881, will revert to their former officiating appointments, with effect from that date.

* * * *

T. CADELL, *Lieut.-Col.,*
Chief Commr. of the Andaman and Nicobar Islands; and Supdt. of Port Blair and Nicobars.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 2nd June 1881.

No. 1010 *G.*—LEAVE.—Lieutenant J. A. Bell, Adjutant, Merwara Battalion, is granted sixty days' privilege leave, with effect from the 3rd June 1881, or such subsequent date as he may avail himself of the same.

No. 1013 *G.*—Second Class Hospital Assistant Syud Nur Khan held charge of the Merwara Battalion Hospital, in addition to his civil duties, from the 22nd January to 1st March 1881, inclusive.

Second Class Hospital Assistant Abdulla Khan held charge of the Merwara Battalion Hospital from the 2nd to 29th March 1881, inclusive, in addition to his civil duties.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA, P. W. D.

NOTIFICATIONS.

Mount Abu, the 30th May 1881.

No. 1461 *S.*—Whereas land is required in the Ajmere District for public purpose, *viz.*, for the extension of boundaries of the Railway premises at Ajmere, this declaration is made in accordance with the provision of Section 6 of Act X of 1870:—

District.	Pergana.	Village.	Amount required: For occupation: Permanently.	Amount required: For occupation: Temporarily.	Amount required: Total.	Purpose for which required.	Remarks.
Ajmere	Ajmere	Ajmere	A. R. P. 14 0 21	A. R. P. ...	A. R. P. 14 0 21	Extension of the boundaries of the Railway premises.	The plan of land may be seen at the Office of the Commissioner of Ajmere.

The 4th June 1881.

No. 1502 *S.*—Mr. T. W. Miles, Executive Engineer, 2nd Grade, and Mr. C. E. Housden, Assistant Engineer, 2nd Grade, respectively, delivered over and assumed charge of the Office of the Executive Engineer, Kotah and Jhallawar States, on the afternoon of the 25th May 1881.

Mr. Miles also availed himself of the ten days' subsidiary leave, granted him in this Office Notification No. 738 S., dated 16th March 1881, from the afternoon of the 25th May 1881.

By Order,
J. P. STEEL, *Major, R.E.,*
Secy. to Agent Govr. Genl. & Chief Commr., in the P. W. D., Rajputana.

The 4th June 1881.

No. 1495 *R.*—Mr. F. St. G. M. Smith, Assistant Engineer, 2nd Grade, is transferred from the Joudhpore Branch Railway Division to the Military Works and Roads Division.

Mr. Smith joined the latter division on the forenoon of the 23rd May 1881.

The 6th June 1881.

No. 1512 *R.*—Mr. H. J. A. Bowden, Assistant Engineer, 2nd Grade, is transferred from the Mayo College Division to the Joudhpore Branch Railway Division, with effect from the 17th May 1881.

Mr. Bowden joined the latter division on the forenoon of the 18th May 1881.

J. P. STEEL, *Major, R.E.,*
Supdg. Engr., Rajputana.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 16th May 1881.

No. 21.—The services of the undermentioned Hospital Assistants, of the military establishment, are placed permanently at the disposal of the Agent, Governor General, for Rajputana, for civil employment in that province:—

2nd Class, Khoda Bux.
" Ausgur Hoossein.
" Syed Noor Khan.*
3rd Class, Tara Prosunno Acharjee.
" Koodrut Oollah.
" Abdoolah Khan.
" Rajub Ally.

* 3rd Class Order of Merit by G. G. O. No. 605 of 1879.

No. 22.—The services of the undermentioned Hospital Assistants, of the military class, are temporarily placed at the disposal of the Agent, Governor General, for Rajputana:—

2nd Class, Jowala Pershad.
3rd Class, Guhabur Sing.
" Luckput Roy.
" Shaik Fazeelut Hossain.

The 20th May 1881.

No. 23.—The undermentioned students of the Calcutta Medical College are admitted into the service as Assistant Surgeons, with effect from the dates specified against their respective names:—

1. Khiroda Prasad Chattopadhyay,—8th April 1881.
2. Ram Chandra Mozumdar,—8th April 1881.
3. Srinath Ghosh,—8th April 1881.
4. Umes Chunder Banerjee,—13th April 1881.
5. Debendro Nauth Chatterjee,—13th April 1881.
6. Nikunja Mohan Lahiri,—20th April 1881.
7. Sasi Bhushan Mukhopadhyay,—30th April 1881.

The 27th May 1881.

No. 24.—Third Grade Assistant Surgeon Bepin Beharee Maitra, M.B., of the supernumerary list, is permitted to resign the service, with effect from the 30th April 1881.

The 28th May 1881.

No. 25.—Third Grade Assistant Surgeon Hurry Narain Banerjee, of the Bengal provincial list, is permitted to resign the service, with effect from the 25th April 1881.

No. 26.—Third Grade Assistant Surgeon Heera Lall Bose, of the Bengal provincial list, is permitted to resign the service, with effect from the 28th April 1881.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 1st June 1881.

No. 14.—Mr. G. Moyle, Assistant Engineer, 1st Grade, Indus Valley State Railway, is granted three months' leave to study the Native languages.

The 3rd June 1881.

No. 15.—Mr. J. Barron, Executive Engineer, 3rd Grade, is transferred from the Indus Valley State Railway to the Open Line, Punjab Northern State Railway.

The 6th June 1881.

No. 16.—With reference to Public Works Department Notifications Nos. 131 and 204 of 1881, Captain J. S. Biscoe, S.C., Examiner of Guaranteed Railway Accounts, Lahore, made over charge of his Office on the forenoon of the 27th April 1881 to Mr. R. G. Macdonald, Examiner of Public Works Accounts, Punjab.

No. 17.—With reference to Public Works Department Notifications Nos. 151 and 204 of 1881, Mr. J. Douglas, Deputy Examiner, took over charge of the Office of the Examiner, Guaranteed Railway Accounts, Lahore, from Mr. R. G. Macdonald, Examiner, Public Works Accounts, Punjab, on the forenoon of the 5th May 1881.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 30th May 1881.

No. 45.—Mr. S. Rebsch, Assistant Engineer, 1st Grade, officiated as Executive Engineer in charge of the Office of the Superintendent of Works of the late Hurnai Section of the Kandahar State Railway, from the 5th May 1880 to 18th June 1880, during the absence on privilege leave of Mr. C. V. MacIvor, Executive Engineer, 2nd Grade.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

INDUS VALLEY AND KANDAHAR STATE RAILWAYS,
Manager's Office.

NOTIFICATION.

Mooltan, the 3rd June 1881.

No. 47.—Mr. G. L. Edwards, Assistant Locomotive Superintendent, returned to duty on 1st March 1881, from the leave, on private affairs, granted in Consulting Engineer's Notifications Nos. 5 and 19, dated 3rd and 9th September.

This cancels Manager's Notification No. 36, dated 9th April 1881.

L. CONWAY-GORDON,
Manager.

KANDAHAR STATE RAILWAY,
Lower Section.

NOTIFICATION.

Jacobabad, the 30th May 1881.

No. 1.—Mr. L. Desmazures, Store-keeper, Kandahar State Railway, Upper Section, is granted three months' privilege leave, which he availed himself of on the afternoon of 7th May 1881.

H. F. STOREY,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Manager's Office.

NOTIFICATIONS.

Rawalpindi, the 27th May 1881.

No. 22.—The privilege leave of one month and seven days granted in Manager's Notification No. 17 of 17th May 1881, to Mr. C. L. Biscoe, Assistant Traffic Superintendent, is hereby cancelled.

The 4th June 1881.

No. 23.—Mr. N. M. Carnell, Assistant Traffic Superintendent, is granted three months' privilege leave from 8th June 1881, or any subsequent date.

E. L. MARRYAT, *Major, R.E.,*
Manager.

Statement of the Affairs of the Bank of Bengal for the week ending 6th June 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,061	4	4
Public Deposits at Head Office — Rs. 82,84,251 4 1			
Public Deposits at Branches — 95,68,549 13 2	1,78,52,801	1	3
Other Deposits at Head Office and Branches	3,10,12,092	11	9
Bank Post Bills, &c.	3,05,946	8	10
Sundries	12,62,353	5	9
RUPEES	7,29,45,254	15	11

ASSETS.	Rs.	A.	P.
Government Securities	1,52,93,604	14	0
Loans on Government Securities at Head Office and Branches	56,17,781	3	0
Accounts of Credit on Government Securities at Head Office and Branches.	80,94,809	1	4
Bills discounted and purchased at Head Office and Branches	2,01,67,788	8	11
Balances with other Banks	6,72,514	12	9
Bullion	6,44,268	5	10
Dead Stock	11,61,339	10	8
Stamps	9,573	15	0
Sundries	3,12,630	6	6
	4,69,74,255	14	0
Cash and Currency Notes at Head Office — Rs. 1,04,56,911 3 3			
Cash and Currency Notes at Branches — 1,55,14,087 14 8	2,59,70,999	1	11
RUPEES	7,29,45,254	15	11

BANK OF BENGAL,
Calcutta, 9th June 1881.

By order of the Directors,

J. GORDON,
Chief Accnt. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th April 1881.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54	4 PER CENT. LOANS							4½ PER CENT. LOANS								TOTAL AMOUNT.
		Of 1824-25.	Of 1825-26.	Of 1842-43.	Of 1854-55	Transfer of 1865	REDUCED 4 PER CENT. LOAN OF 1870.		Of 1871.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. POPULATION.	TRANSFER LOAN OF 1879, SIXTEEN SHILLINGS STERLING PER CENT. POPULATION.	5 PER CENT. PERPETUAL TERMINABLE AT 15 YEARS, PAYABLE 12th JUNE 1882.	5 PER CENT. LOAN OF 1856-57.	5½ PER CENT. LOAN OF 1858-60.		
Balance of 15th April 1881	54,100	38,506	3,413	15,45,493	30,53,000	1,78,50,[illegible]	45,87,400		4,56,000	98,56,800	8,66,70,600	1,00,500	34,08,000	65,500	7,400	45,80	19,02,90,712
Add—																	
Amount enfaced at Madras between 16th and 30th April 1881	...	...	...	...	...	6,[illegible]	1,[illegible]		...	3,000	68,800	...	...	...	...	...	71,800
Amount enfaced at Bombay between 16th and 30th April 1881	...	...	...	...	...	6[illegible]	2,500		...	2,000	73,600	...	...	...	...	...	79,000
Amount enfaced at Calcutta between 16th and 30th April 1881	...	...	...	...	18,131	90,[illegible]	45,[illegible]		...	81,000	2,15,500	...	...	...	...	...	5,09,331
	54,100	38,506	3,413	15,45,493	30,53,000	1,79,16,[illegible]	45,85,100		4,56,000	99,26,500	8,67,99,000	1,00,500	34,08,000	65,500	7,400	45,80	19,07,57,412
Deduct—																	
Amount written off in the London Registers	...	...	...	...	2,000	7,[illegible]	7·0		...	70,000	1,28,·00	...	...	...	...	...	4,00,700
Balance on 30th April 1881	54,100	38,506	3,413	15,45,493	30,53,000	1,79,39,[illegible]	45,87,100		4,56,000	98,56,800	8,66,70,600	1,00,500	34,08,000	65,500	7,400	45,80	19,02,90,712

NOTE.—From 9th June 1867 to 28th Feb. 1881, enfaced from India 4,075 lakhs; re-transferred from London, 3,565 lakhs.

1st Mar. 1881 to 15th Mar.	9	"	"
16th " to 31st "	7	"	"
1st Apl. " to 15th Apl.	10	"	"
16th " to 30th "	5	"	"
	3,565 lakhs.		
	25	"	"
	8	"	"
	5	"	"
	6	"	"
	4,119 lakhs.		
	3,565 "		
Balance against India	553 lakhs.		

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 8th June 1881.

MAPS OF THE SURVEY OF INDIA,

Published at the Offices of the Surveyor General of India, Calcutta and Dehra Dún, for the Quarter ending 31st March 1881.

Agents:

Calcutta,—*Messrs. Thacker, Spink & Co. (for sales only).
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All published maps are also sold at the Office of the Surveyor General of India, Calcutta, by *Mr. J. N. T. Wood, for cash prepaid (for sales only).

* These Agents cannot issue maps free of charge on the *Public Service*.

N. B.—Maps are issued *free of charge* only on the Public Service. The *cost of mounting maps, packing and postage of parcels must be borne by applicants themselves.* Lists of all newly published maps are periodically notified in the Gazettes of India and of local Governments.

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Indian Atlas, Quarter Sheet, No. 129 S. W. Parts of Districts Lakhimpur and Sibsagar, and Daphla Hills (Assam)	Ditto	0 12	0 12
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Sitapur Division (Oudh)	Antiquarian	1 8	...
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Scale 1 Inch = 8 Miles.			
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Farukhabad (Gazetteer Map, N. W. P.)	Ditto	0 4	...
Scale 1 Inch = 4 Miles.			
Noakholly, 1862-67 (Bengal)	Imperial	1 0	1 4
REVENUE SURVEY MAPS.			
Scale 1 Inch = 1 Mile.			
Deccan Survey, Sheets Nos. 27, 28 and 32. Parts of Poona & Ahmednagar Districts (Bombay Presidency)	Double Elephant	1 8	1 12
Dera Ghazi Khan District, Sheets Nos. 17, 20, 25, 28, 29 and 32	Ditto	1 8	1 12
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Scale 4 Inches = 1 Mile.			
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Nandydroog State Forest (Nandydroog District, Mysore)	Atlas	0 8	0 10
Scale 1 Inch = 1 Mile.			
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* Published and available at the Surveyor General's Office, Dehra Dún.
† For copies printed on cloth.
Ditto on paper 1 Re. per copy.

MAPS OF THE SURVEY OF INDIA—*continued.*

Description.	Size.	Price of Map unmounted per sheet or copy. Uncolored.	Colored.
		Rs. A.	Rs. A.
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Rajputana, Half Degree Sheets, Nos. XIII North, XIV North, XIV South, and XV South. Part of Bickaneer	Double Elephant	1 0	1 4
CANTONMENT AND CITY PLANS.			
Scale 12 Inches = 1 Mile.			
Bickaneer City and Environs (Rajputana)	2 Sheets D. R.	3 8	4 8
Indore City and Cantonment (Central India)	4 Sheets D. E.	6 0	7 8
Scale 6 Inches = 1 Mile.			
Dhar City and Environs (Central India)	Double Elephant	1 0	1 4
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* Published and available at the Surveyor General's Office, Dehra Dún.

JOHN O. N. JAMES,
Assistant Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Calcutta, the 26th April 1881.

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

Date.	Silver tendered, estimated value.	Certificates issued on: General Treasury.	Certificates issued on: Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
May 30	...	...	...	...	27,83,574	2,87,764
„ 31	...	...	...	...	29,13,856	2,87,764
June 1	...	...	...	...	31,19,833	2,87,764
„ 2	...	...	...	...	33,06,735	2,87,764
„ 3	...	...	...	...	35,53,809	2,87,764
„ 4	...	...	...	...	38,07,905	2,87,764

CALCUTTA MINT,
The 6th June 1881.

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

CURRENCY NOTES.

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

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W30	... M 43—16966 ...	100	Lt. G. P. Owen, Baroda.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
H64	... M 53—12030 ...	20	Ramdeo Todar Mul, Punwell.
H65	... M 56—08871 ...	20	Ruttonji Furdoonji, Khanbata, Bombay.
H66	... M 55—16932 ...	10	Cawasji Dadabhoy, Yadagiri.
H67	... M 43—15890 ...	100	Shapoorji Aderji Elavia, Bombay.
	„ —15891 ...	100	
	„ —15892 ...	100	
	M 37—96336 ...	100	
	„ —96622 ...	100	
	M 43—09137 ...	10	
	M 48—60146 ...	10	
M28	... M 55—09400 ...	10	Joseph Duarte, Bombay.
	G 14—28622 ...	10	

BOMBAY,
The 7th June 1881.

C. E. CRAWLEY,
Asst. Accts. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
76	... O 71—40722 ...	500	Mr. M. O. Glynn.
77	... O 32—66581 ...	50	Babu Kedarnath Das.
	„ —66582 ...	50	
78	... O 32—59670 ...	50	Inspector J. Costello.
79	... O 86—47670 ...	20	Babu Hury Das Das.
	„ —47671 ...	20	
90	... O 61—47427 ...	20	Babu Kailas Chunder Mitter.
81	... O 71—48517 ...	500	Gooruck Ram Jawhur Mull.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
54	... O 15—63066	10	Mr. F. Munjee.
	O 14—13092		
53	... O 30—67002 ...	50	Dooni Chand.
54	... O 34—80409 ...	100	Dhunput Sawdagur.
55	... L 3—02862 ...	10	Babu Aukhoy Kumar Ghose.
56	... O 88—06619 ...	100	Gobind Ram and Nund Lal.
	„ —08249 ...	100	
57	... O 90—80514 ...	10	Babu Surruth Chunder Das.
58	... O 31—32500 ...	50	Jeeth Ram Mahadeo.

CALCUTTA,
The 10th June 1881.

R. A. STERNDALE,
Asst. Comptlr. Genl., in charge of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 10—56443 ...	100	Thoppilagath Koya Kutti Hajee, Calicut.
J 8—20416 ...	5	Mrs. Abrew, Madras.
J 9—56025 ...	10	C. Parthasaraty Naidu, Pulladum.

CALICUT,
The 1st June 1881.

BROOKE LEGGATT,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
8	... E 8—26003 ...	5	Mohamdi, Draftsman,
	E 15—75893 ...	50	Ludhiana.
9	... E 20—04533 ...	100	Behari Lal, Haranpur. Zillah Pind-Dadun-Khan.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
94	... E 13—62769 ...	100	Captain Bengham, Bareilly.
20	... E 12—98992 ...	20	Hafiz Najmood Din, Delhi.

LAHORE.
The 4th June 1881.

H. J. BRERETON,
for *Depy. Commr. of Currency Office.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
16	... B 66—70769 ...	100	T. Viraraghava Mudali Madras.
17	... B 66—67114 ...	100	Revd. V. Simeon, C. M. Society, Black Town, Madras.
18	... B 62—99487 ...	100	Mr. P. Probyn, Peermade, Travancore.
19	... B 64—14832 ...	20	S. P. Sathivalu Pillai, Mint Street, Madras.
20	... B 66—91603 ...	100	F. Grimes, Esq., Assistant Engineer, D. P. W., Negapatam.
	„ —92058 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
5	... B 46—76111 * B 47—36045 *	5	B. Satagopa Charlu, Triplicane, Madras.

* Wrongly joined.

FORT SAINT GEORGE,
The 30th May 1881.

C. HALL.
Offg. Chief Clerk of the Accts. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1881-82.		Rs.	
H5	... F 9—85377 ...	50	S. A. Mahomed, Extra Assistant Commissioner Narsingpur.

NAGPUR.
The 2nd May 1881.

W. H. EGERTON,
Asst. Comptlr., C. P., in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 20th May 1881.

The public are informed that envelopes, having embossed postage labels of the value of 4½ annas, will be available from the 1st July 1881, and may be obtained from the Post Office or from licensed stamp vendors. The charge for these envelopes will be the value of the labels embossed on them.

2. The 4½-anna embossed envelopes are intended chiefly for foreign correspondence, but they may also be used for inland correspondence and registered letters.

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

The 6th June 1881.

Correspondence for Natal, Port Elizabeth and Cape Town will hereafter be forwarded weekly through the United Kingdom (*vid* Brindisi) at the rates of postage given below.

2. The route *vid* Zanzibar, to the places named above, has been abolished.

3. The existing four-weekly communication with Zanzibar and Delagoa Bay, through Aden, still continues.

Rates of Postage mentioned above.

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	PRINTED PAPERS, INCLUDING BOOKS, &c. Each newspaper per 4 oz.	PRINTED PAPERS, INCLUDING BOOKS, &c. Each packet per 2 oz.	LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET. Not exceeding 4 oz.	LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET. Per 2 oz. additional.	SAMPLES, EACH PACKET. Per 2 oz.
	A.	A.	A. c	A.	A.	A.	A.
Cape of Good Hope and Natal (South Africa, *British*) ...							
Via Brindisi, through United Kingdom ...	9	...	2	2	4	2	2

L. G. WAIT,
Asst. Dir. Genl. of the Post Office of India, Foreign Post Branch.

Calcutta, the 10th June 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	17th June	From Bombay.
Madras, Ceylon and the Intermediate Ports.	6 „	16th „	Str. *Calna.*
Madras and Ceylon	6 „	13th „	P. & O. Str. *Venetia.**
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	14th „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	18th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	17th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	15th „	Str. *Hensada.†*
Cuttagong, Akyab, Kyouk Phyoo and Bangoon	6 „	16th „	Str. *Avagyee*
Straits and Hong-Kong	6 „	17th „	Strs. *Suez* and *Ajmir.*
Foreign Mails *viâ* Bombay	6 „	11th „	From Bombay.

* Mails for Melbourne and Sydney can be forwarded by this opportunity.

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

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

E. HUTTON,
Presidency Post Master.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 1st August 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed before the 15th of July 1881. Candidates for the grade of

Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

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

Agra, Ajmere, Ahmedabad, Allahabad, Akyab, Bolaram, Durbhunga, Howrah, Indore, Jubbulpore, Lucknow, Lahore, Mhow, Mooltan, Mount Aboo, Meerut, Nagpore, Neemuch, Rawalpindi, Rangoon, Saidpore, Shillong, and Simla.

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

J. S. SLATER,
Offg. Principal, Govt. Engrg. College, Howrah.
The 10th June 1881.

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II. 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Salaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*

Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chercapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{304}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Baukot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Belilling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulations for Pilot Brigs.
„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
„ 4. Java, North Coast, Harbour Light at Tegal.
„ 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.
„ 6. (1) Exhibition of a 4th order dioptric white revolving Light at Armeghon.
(2) Change of Pulicat red fixed Light to a white fixed Light.
„ 7. Erection of Bar Tidal Semaphore on Jooldea Flagstaff Hill, entrance to Chittagong or Kornafuli river.
„ 8. Alteration in colour of Light exhibited from the south bastion of Ratnagiri Fort.
„ 9. Exhibition of red Light on Breakwater, Colombo.
„ 10. Red Buoy off point Gordeware (Godavery.)
„ 11. Slight alteration in Lights, Paumben Pass, Gulf of Manar.
„ 12. Particulars of first point Light, Java, approach to Sunda Strait.
„ 13. Alteration in character of Flat Cape Light, Sumatra.
„ 14. Removal of North Buoy, entrance to Madras Harbour.
„ 15. Range of visibility of Paumben Light.
„ 16. Leading beacons for clearing the S. W. Prong, Kolaba.
„ 17. Zanzibar Island—
(1) Ras Kizimkazi Light-house.
(2) Light-house near Mungopani.
(3) Light-house on Mwana Mwana Island.
(4) Ras Nungwe Light-house.
„ 18. Port Said entrance—Experimental Buoy lighted by gas.
„ 19. Exhibition of revolving Light, Armeghon.
„ 20. Beacon on Tucker's Patch—Bombay Harbour.
„ 21. Exhibition of fixed white Light—Pulicat.

*** *The above rates are exclusive of mounting, colouring, packing, and postage.*

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

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Just published.

Army List—New Number.

The Official Quarterly Bengal Army List, corrected up to 31st March 1881.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

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INDEX to the enactments relating to India. Compiled, under the orders of the Government of India, by Stephen Jacob, B.C.S., to which are prefixed Chronological Tables of the Acts and Regulations of the Indian Legislatures. *Price, Rs. 10; packing and postage, 12 annas.*

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A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 18, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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E. J. DEAN,

Publisher, Gazette of India.

BANK OF BENGAL.

Calcutta, the 9th June 1881.

DOORGA POOJAH HOLIDAYS.

The Bank will be open for the transaction of business on the same days that the Custom House may be open.

By Order of the Directors,

R. HARDIE,

Secretary & Treasurer.

NOTICE TO MARINERS.

No. 22 of 1881.

INDIA—WEST COAST.

RATNAGIRI.

Exhibition of Fixed White Light.

With reference to Notice to Mariners No. 8, issued by this Department, 14th March 1881, on the intended alteration in the colour of Ratnagiri light,—information has been received that a fixed *white* light was exhibited on the night of the 1st June, and that the light should be visible in clear weather from a distance of about 15 miles.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*),

Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 6th June 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 56, 739, 2736, 826, 827 and 748*b*; Sailing Directions, West Coast of Hindustan Pilot (1880), page 133; also Light List for 1881.

INDIAN MARINE SURVEY Charts, Nos. 1190, 15 and 15*a*; Hydrographic Notice No. 17; Light List for 1881; also Taylor's Sailing Directory, Vol. I, page 389.

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

NOTICE TO MARINERS.
No. 23 of 1881.
BAY OF BENGAL—COAST OF ORISSA.
FALSE POINT.

Occasional obscuration of Light by Fog.

The attention of Mariners is called to the following remarks relative to False Point Light:—

During the months of January, February and March, the prevalence of low-lying, heavy fog—over the land which lies between the light-house and the sea—occasionally interferes with the proper visibility of the light, and, at times, may even obscure it, although the weather at sea may be clear.

Mariners should, therefore, be specially cautious when approaching the light during the first quarter of the year, and use the lead continually.

By direction of the Government of India,

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

Calcutta,—Marine Survey Department,
The 8th June 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 755, 814, 829, 70 and 748*b*. Also Light List for 1881.

INDIAN MARINE SURVEY Charts, Nos. 1165, 115, 1172, 15*c* and 103*a*. Light List for 1881. Also Taylor's Sailing Directory, Vol. I, page 469.

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

NOTICE TO MARINERS.
No. 24 of 1881.
INDIA—WEST COAST.
KARWAR OR SADASHIVGAD.

Breaking adrift of Karwar Rock Buoy.

Information has been received from the Port Officer, Karwar, that the buoy marking the Karwar rock (Gudsar sunv.), lying to the W. N. W. of Elephant island, has broken adrift.

It will be impracticable to replace it during the present monsoon.

By direction of the Government of India,

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

Calcutta,—Marine Survey Department;
The 13th June 1881.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 242, 744, 2737, 826 and 827. Also Sailing Directions, West Coast of Hindustan Pilot, page 110.

INDIAN MARINE SURVEY Charts, Nos. 15 and 15*a*. Hydrographic Notice No. 24, page 5. Also Taylor's Sailing Directory, Vol. I, page 396.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 11th June 1881.

No. 10.—Major J. Eckford, R.E., a Superintendent of the 1st Grade, is allowed privilege leave for two months and twenty-four days, under Section 73 of the Civil Leave Code, with effect from the forenoon of the 3rd June 1881.

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

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 8th June 1881.

No. 1064 *G.*—Third Class Hospital Assistant Alleemooddeen, on return from privilege leave granted him by this Office Notification No. 890 G. of 14th May 1881, received charge of the hospital at Pachbadra from 3rd Class Hospital Assistant Koodrutoollah on the afternoon of the 5th May 1881.

Third Class Hospital Assistant Koodrutoollah resumed charge from 3rd Class Hospital Assistant Alleemooddeen on the forenoon of the 13th idem.

No. 1066 *G.*—Lieutenant-Colonel F. W. Boileau, Commandant, Merwara Battalion, availed himself on the 3rd May 1881 of the privilege leave granted him in this Office Notification No. 780 G., dated 30th April 1881.

No. 1068 *G.*—Third Class Hospital Assistant Rajab Ali, of the Reserve List, is appointed to the medical charge of the Anadra Dispensary, with effect from the 1st April 1881.

Second Class Hospital Assistant Gholam Ahmed, lately attached to the Rajputana State Railway Dispensary at Dholpur, is placed on the Reserve List, with effect from the 25th May 1881.

No. 1083 *G.*—Lieutenant J. M. Clements, Officiating Adjutant, Erinpura Irregular Force, is granted ninety days' privilege leave, with effect from the 1st June 1881.

The 10th June 1881.

No. 1094 *G.*—Lieutenant J. A. Bell, Adjutant, Merwara Battalion, availed himself on the 3rd June 1881 of the privilege leave granted him in this Office Notification No. 1010 G., dated 2nd June 1881.

By Order,
E. A. FRASER,
1st Asst. Agent, Govr. Genl.

AGENT. GOVERNOR GENERAL, FOR RAJPUTANA, P. W. D.

NOTIFICATIONS.

Mount Abu, the 11th June 1881.

No. 1569 *S.*—Mr. T. W. Miles, Executive Engineer, 2nd Grade, availed himself, on the 1st June 1881, of the six months' furlough to Europe granted to him in Notification No. 738 S., dated 16th March 1881.

No. 1575 *S.*—Mr. C. E. Housden, Assistant Engineer, 2nd Grade, availed himself of the forty days' privilege leave granted him in this Office Notification No. 688 S., dated 11th March 1881, on the forenoon of the 17th April 1881, and returned from it on the forenoon of the 21st May 1881.

2. The unexpired portion of the leave, *viz.*, six days, is hereby cancelled.

3. Mr. Housden also proceeded on the 21st May 1881 to join his new appointment as Officiating Executive Engineer, Kotah and Jhallawar States.

By Order,
J. P. STEEL, *Major, R.E.*,
Secy. to Agent, Govr. Genl., & Chief Commr., in the P. W. D., Rajputana.

CHIEF AND FINANCIAL COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 7th June 1881.

No. 374.—Under Section 55 of the Indian Stamp Act I of 1879, the Chief and Financial Commissioner, Ajmere-Merwara, prescribes the following Rules for regulating the supply and sale of stamps:—

I. For the purposes of these Rules stamps are divided into two classes:—

Class I.—Adhesive stamps sold to the public for use by them in the case of instruments mentioned in Section 10 of Act I of 1879.

Class II.—All other stamps under Act I of 1879.

II. Stamps in class I may be sold by any person: stamps in class II shall be sold by *ex-officio* and licensed vendors in accordance with these Rules.

III. The treasurer of each district and such ministerial officers at tehsils as may be authorized by the Assistant Commissioner shall be *ex-officio* vendors; such persons as may be licensed by the Assistant Commissioner or any other officer empowered by the Local Government to grant licenses shall be licensed vendors. The Assistant Commissioner or other officer so authorized shall make such arrangements for the appointment of licensed vendors as will insure that intending purchasers shall only have to apply to the treasury when the stamp they require is one for which licensed vendors do not get discount.

IV. *Ex-officio* vendors shall sell such stamps as they may be directed by the Local Government to sell. Licensed vendors shall sell such stamps as are indicated in their licenses. They should ordinarily be restricted to the sale of stamps of value not exceeding Rs. 10 each.

V. Every license should be issued in the annexed form A, and renewed every year, and it may at any time be cancelled by the authority granting it.

VI. Subject to Rule VIII every person, who purchases from Government by payment of ready money stamps in class I, shall receive the same at such discount, not exceeding the following rates, as may be prescribed by the Local Government—

	Per cent.
Stamps not exceeding in value 8 annas each	6¼
Stamps exceeding in value 8 annas each, but not exceeding in value Rs. 5 each	3⅛
Stamps exceeding in value Rs. 5 each, but not exceeding in value Rs. 50	1 9/16

VI*a*. When any instrument is to be written on an impressed sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless, where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or where such application is made to a stamp vendor, the vendor,

(*a*) certifies that he is unable to furnish a single stamp of the required value;

(*b*) when the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a treasury officer or stamp vendor has certified under clause (*a*) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the treasury officer or the stamp vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount;

(*c*) no certificate shall be made, under clause (*a*) or clause (*b*), by a stamp vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorized to sell.

VII. Subject to Rule VIII, every licensed vendor, who purchases from Government by payment of ready money stamps of class II, shall receive the stamps at such discount, not exceeding the following:—

	Per cent.
Vendors licensed at places where stamps are sold by Government	3
Vendors licensed at other places	5

VIII. No discount shall be given on account of the purchase of any stamp exceeding Rs. 50 in value, nor on any stamp applied on material furnished by the purchaser himself; nor if there be purchased at one time less than the quantity which may be prescribed by the Local Government in respect of any class or value of stamps.

IX. The Local Government may authorize licensed vendors to be supplied with stamps of either class without requiring payment in ready money; such licensed vendors may receive commission on these stamps, sold by them at a rate to be prescribed by the Local Government, not exceeding 2 per cent. In this case, sufficient security shall be taken from the licensed vendors for the payment of any sum due by them to Government.

X. Every licensed vendor shall, at all times, have affixed in a conspicuous position, outside the place of sale, a signboard bearing the name of the vendor with the words "licensed vendor of stamps" in English and in the vernacular language of the district. He shall also have in the place of vend the Acts of the Legislature and their schedules referring to the stamps sold by him, together with these Rules, in English and vernacular, placed so that they can readily be seen and read by purchasers.

XI. Every *ex-officio* or licensed vendor shall write on the back of every stamp of class II which he sells a serial number, the date of sale, the name and residence of the purchaser, and the value of the stamp in words as well as figures. To this endorsement his own signature shall be attached. At the same time he shall make corresponding entries in a register to be kept by him in such form as the Local Government may prescribe. No such vendor shall knowingly make a false endorsement on the stamp sold, or a false entry in his register.

XII. Every licensed vendor shall without delay deliver any stamp which he has in his possession for sale on demand by any person tendering the value in any currency which would be accepted on behalf of Government by the Assistant Commissioner of the District.

A licensed vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.

XIII. No vendor shall sell any stamps the use of which has been ordered by competent authority to be discontinued.

XIV. Every vendor shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Assistant Commissioner or any officer duly authorized by such Assistant Commissioner or by the Local Government at any time to inspect the accounts and register which he is required to keep under Rule XI, and to examine the store of stamps in his possession.

XV. Every vendor shall at any time, on the demand of the Assistant Commissioner or other officer duly authorized by the Local Government, deliver up all stamps of class II remaining in his possession, and, if such stamps have been paid for, shall receive back the value thereof less any discount which may have been allowed.

(A).

License for vend of stamps under Act I of 1879, for the year .

To son of
resident of

You are hereby authorized, agreeably to the provisions of Section Act of 18 , to sell general stamps under the conditions herein set forth:—

1. Stamped papers and adhesive stamps of value not exceeding Rs. each that you may obtain from treasury shall alone be sold.
2. You will note on the back of every impressed bi-color stamp you sell the serial number, date of sale, name and residence of the purchaser, and the value of the stamp in words as well as figures, and attach your signature to this endorsement. These particulars you will also note in your sale register to be kept in such form as may be from time to time prescribed.
3. You shall not knowingly make a false endorsement on a stamp sold, or a false entry in your register.
4. You are required to deliver any stamp in your possession for sale that may be demanded on tender of its value in any currency which would be accepted on behalf of Government by the Collector of the District.
5. You shall not sell any stamps that may be declared obsolete.
6. You shall not demand or accept for any stamp other than the actual value denoted thereon.
7. You shall at all times have affixed in a conspicuous position, outside the place of sale, a signboard bearing your name, with the words "licensed vendor of stamps" in English and in the vernacular language of the district. You shall also have in the place of vend the Acts of the Legislature and their schedules referring to the stamps sold by you, together with the Rules for regulating the sale of general stamp, framed under Section of the General Stamp Act, in English and the said vernacular, placed so that they can readily be seen and read by purchasers.
8. You shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Assistant Commissioner or any officer duly authorized by such Assistant Commissioner or by the Local Government at any time to inspect the accounts and register which you are required to keep under Rule XI, and to examine the store of stamps in your possession.
9. You shall be liable for any infractions of these conditions to the penalties prescribed in Section Act of 18 .

_____,
Assistant Commissioner.

By Order,
E. A. FRASER,
1st Asst. to the Chief & Finl. Commr.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 9th June 1881.

No. 386.—With reference to this Office Notification No. 326, dated 16th May 1881, Pundit Bhag Ram and Munshi Ajudhia Parshad, respectively, delivered over and received charge of the Office of Judicial Assistant Commissioner, Ajmere, on the afternoon of the 18th May 1881.

No. 388.—With reference to Foreign Department Notification No. 1031 G.-G., dated 27th May 1881, Major Lassalle, Major Roberts and Pundit Bhag Ram received charge respectively of the Offices of Commissioner, Ajmere, Assistant Commissioner, Ajmere, and Assistant Commissioner, Merwara, on the forenoon of the 19th May 1881.

By Order,
E. A. FRASER,
1st Asst. to the Chief Commr.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 9th June 1881.

No. 39.—Captain G. Hildebrand, R.E., Executive Engineer, 2nd Grade, at present on privilege leave, which was granted to him in Superintending Engineer Sirhind and Lahore Command's Notification No. 111, dated 16th May 1881, will, on return from leave, join the head-quarters staff of the Inspector General of Military Works.

No. 40.—Lieutenant-Colonel W. B. Holmes, R.E., Superintending Engineer, Sirhind and Lahore Command, Military Works, is granted three months' privilege leave, with effect from 15th July 1881, or such subsequent date as he may avail himself of it.

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

Meerut Command.

Meerut, the 10th June 1881.

No. 16.—Captain S. C. Turner, R.E., Executive Engineer, on return from Field Service, joined the Meerut Command, Military Works, on afternoon of 1st June 1881.

No. 17.—Captain S. C. Turner, R.E., Executive Engineer, and Lieutenant S. Grant, R.E., Executive Engineer, respectively, received and made over charge of the Meerut Division, Military Works, on the forenoon of the 4th June.

No. 18.—With reference to Inspector General's Notification No. 38 of 27th May, Lieutenant J. A. Tanner, R.E., Assistant Engineer, 2nd Grade, is posted to the Meerut Division, Military Works, which he joined on the forenoon of 9th June 1881.

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

Rawalpindi Command.

Rawalpindi, the 9th June 1881.

No. 1961.—With reference to Inspector General of Military Works' Notification No. 32, dated 18th May 1881, Lieutenant H. Appleton, R.E., Assistant Engineer, 2nd Grade, reported arrival in this Command on the afternoon of the 2nd June 1881, and is posted to the Peshawar Division, Military Works, which he joined on the same date.

Æ. PERKINS, *Colonel, R.E.,*
Offg. Depy. Inspr. Genl. of Mily. Works, In charge, Rawalpindi Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 10th June 1881.

No. 18.—With reference to the Director General's Notification No. 27, dated 21st April 1881, Babu Labdha Ram Sahni, Assistant Engineer, 3rd Grade, is posted to the Indus Valley State Railway.

No. 19.—With reference to the Director General's Notification No. 30, dated 23rd April 1881, Mr. C. J. Cole, Assistant Engineer, 2nd Grade, is posted to the Indus Valley State Railway.

The 13th June 1881.

No. 20.—Mr. H. Luckstedt, Assistant Engineer, 1st Grade, Punjab Northern State Railway, is granted subsidiary leave from the 21st to the 29th December 1880, both days inclusive.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 9th June 1881.

No. 46.—Mr. J. M. Campion, Executive Engineer, 3rd Grade, Railway Branch, is granted privilege leave for three months, with effect from 15th June 1881, or such subsequent date as he may avail himself of the same.

The 10th June 1881.

No. 47.—Mr. E. W. Arundell, Assistant Engineer, 1st.Grade, is transferred from the Punjab Northern State Railway, Construction Section, to the Open Line of the same Railway.

No. 48.—Mr. T. J. Dumayne, Executive Engineer, 4th Grade (temporary rank), is transferred from the Punjab Northern State Railway, Construction Section, to the Open Line of the same Railway.

W. S. TREVOR, *Col., R.E.,*
Director General of Rys.

DELHI-FEROZEPORE STATE RAILWAY.

NOTIFICATION.

Delhi, the 10th June 1881.

No. 6.—With reference to Public Works Department Notification No. 194, dated 19th May 1881, Mr. E. H. Johns, Assistant Engineer, was relieved of his duties on this Railway to join the Account Branch, Indus Valley State Railway, on the forenoon of the 9th June 1881.

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

INDUS VALLEY AND KANDAHAR STATE RAILWAYS,
Manager's Office.

NOTIFICATIONS.

Mooltan, the 9th June 1881.

No. 48.—Mr. P. Duncan, Temporary Executive Engineer, 4th Grade, is transferred from the 2nd Division of the Indus Valley State Railway to the Kandahar State Railway, for temporary employment on the Nari Bridge.

Mr. Duncan joined the Kandahar State Railway on the forenoon of the 20th April 1881, and is posted to the Mittri Division.

The 10th June 1881.

No. 49.—Mr. G. Moyle, Assistant Engineer, availed himself of the three months' language leave granted to him by Consulting Engineer in his Notification No. 14, dated 1st June 1881, on the forenoon of that date.

L. CONWAY-GORDON,
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Rawalpindi, the 6th June 1881.

No. 24.—Mr. C. H. C. Bickerton, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination on 1st June 1881.

E. L. MARRYAT, *Major, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Northern Section.

NOTIFICATION.

Rawalpindi, the 13th June 1881.

Mr. H. Johnson, Executive Engineer, Attock Bridge Division, is granted privilege leave for one month and twenty days, with effect from 1st July 1881.

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

Statement of the Affairs of the Bank of Bengal for the week ending 14th June 1881.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	25,12,051	4	4
Public Deposits at Head Office (Rs. 97,46,794 12 3)			
Public Deposits at Branches (Rs. 1,15,18,307 10 10)	2,12,65,102	7	1
Other Deposits at Head Office and Branches	3,02,04,661	4	1
Bank Post Bills, &c.	2,65,918	6	7
Sundries	12,77,051	14	9
RUPEES	7,55,24,785	4	10

ASSETS.	Rs.	A.	P.
Government Securities	1,50,74,702	6	0
Loans on Government Securities at Head Office and Branches	52,71,393	12	9
Accounts of Credit on Government Securities at Head Office and Branches.	30,31,404	11	3
Bills discounted and purchased at Head Office and Branches	1,96,44,538	0	6
Balances with other Banks	6,57,439	10	11
Bullion	4,58,825	4	5
Dead Stock	11,59,559	15	7
Stamps	9,345	15	0
Sundries	3,11,745	8	8
	4,56,18,955	5	1
Cash and Currency Notes at Head Office (Rs. 1,06,76,532 4 4)			
Cash and Currency Notes at Branches (Rs. 1,92,29,297 11 5)	2,99,05,829	15	9
RUPEES	7,55,24,785	4	10

BANK OF BENGAL, *Calcutta, 16th June 1881.*

J. GORDON, *Chief Accts. & Depy. Secretary.*

By order of the Directors,
R. HARDIE, *Secretary & Treasurer.*

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, received in the Office of the Accountant General, Public Works Department, up to the 1st June 1881.

Public Works (Buildings and Roads and Military Works Branch) and Telegraph.					Irrigation.			
Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.		Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Mysore (Imperial)	Mar. 1881	May	7, 1881	1	Assam	Mar. 1881	May 17, 1881
2	Coorg	Do.	Do.	17, "	2	Rajputana	Do.	Do. 24, "
3	Military Works Branch	Do.	Do.	19, "	3	Punjab	Do.	Do. 22, "
4	Central India	Do.	Do.	25, "	4	North-Western Provinces and Oudh.	Do.	Do. 22, "
	Rajputana				5	British Burmah	Do.	Do. 31, "
	Assam					Madras		
7	Hyderabad (Imperial)	Do.	Do.	27, "	7	Bengal	Feb.	Apl. 22, "
	Port Blair				8	Bombay	Do.	Do. 26, "
	Hyderabad Assigned Dis.							
	Central Provinces							
10	Mysore (Native States)	Do.	Do.	28, "				
12	Punjab	Do.	Do.	30, "				
	Buildings under Quetta Agency.							
14	Madras	Do.	Do.	31, "				
16	British Burmah	Feb.	Apl.	23, "				
	North-Western Provinces and Oudh.							
17	Bengal	Do.	Do.	25, "				
	Bombay							

Telegraph Dept.					Guaranteed Railways.			
1	Indian	Mar. 1881	May	23, 1881	1	Bengal	Mar. 1881	May 26, 1881
2	Indo-European	Do.	Do.	30, "	2	Madras	Do.	Do. 31, "
					3	Punjab	Do.	Do. 31, "
					4	Bombay	Do.	Feb. 28, "
						North-Western Provinces and Oudh.		

State Railways (Capital).					State Railways (Revenue).			
Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.		Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley	Mar. 1881	May	6, 1881	1	Rangoon and Irrawaddy Valley	Mar. 1881	May 11, 1881
2	Delhi-Kalka	Do.	Do.	7, "	2	Comraoti	Do.	Do. 17, "
3	Nalhati	Do.	Do.	16, "	3	Calcutta & South-Eastern	Do.	Do. 23, "
4	Patna and Gya	Do.	Do.	17, "		Nalhati		
5	Tirhoot	Do.	Do.	18, "		Northern Bengal		
7	Sindia	Do.	Do.	20, "		Tirhoot		
8	Sindia Extension Survey	Do.	Do.	21, "	4	Patna and Gya	Do.	Do. 25, "
	State Railway Stores Branch.					Holkar & Sindia-Nimach		
	Rajputana	Do.	Do.	"		Sindia		
10	Calcutta & South-Eastern	Do.	Do.	23, "		Wardlah Coal		
	Ferozepore-Delhi Survey				11	Nagpur-Chhattisgarh	Do.	Do. 26, "
	Northern Bengal					Bhavnagar-Gondal		
	Holkar				13	Punjab Northern	Do.	Do. 30, "
	Jeypore-Nasirabad					Indus Valley		
12	Wardlah Coal	Do.	Do.	25, "	15	Rajputana	Do.	Do. 31, "
	Nagpur-Chhattisgarh				16	Nizam's	Do.	Do. 1, "
	Lala Moosa to Chak Nizam				17	Dhond-Manmad	Do.	June 1, "
	Bhavnagar-Gondal				18	Dhond-Manmad	Feb.	Mar. 18, "
18	Bhopal	Do.	Do.	27, "		Mutra-Hathras	Do.	Do. 29, "
	Nizam's				19	Cawnpore-Farakhabad	Do.	May 6, "
21	Dhond-Manmad	Do.	Do.	28, "	21	Mysore	Do.	Do. 19, "
	Khamgaon				23	East Indian	Do.	Do. 30, "
23	Calcutta & South-Eastern Extension.	Do.	Do.	30, "				
	Mysore							
25	Mysore and Karwar	Do.	Do.	1, "				
27	Bombay (Eastern Deccan)	Do.	June	1, "				
28	Ujjain-Bhopal	Feb.	Apl.	25, "				
29	Oomraoti	Do.	Do.	26, "				
30	Indus Valley	Do.	Do.	26, "				
31	Bhopal Extension Survey	Do.	Do.	28, "				
	Kandahar (Jacobabad Sec.)							
	Kandahar (Hurnai Sec.)							
	Western Rajputana (N. Section.)							
33	Western Rajputana (S. Section.)	Do.	Do.	30, "				
	Punjab Northern							
	Cawnpore-Farrukhabad							
	Mutra-Hathras							
	Cawnpore-Farukhabad Extension.	Do.	May	6, "				
36	Ghazipur-Dildarnagar	Do.	Do.	"				
	Achneyra-Mutra							
	Bareilly-Pilibhit							
	Kalpi Railway Survey							
43	East Indian	Do.	Do.	30, "				

SIMLA, *The 8th June 1881.*

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
June 6		...	...	...	39,26,460	2,87,764
„ 7	Holiday.					
„ 8	...	...	...	...	41,75,566	2,87,764
„ 9	...	...	...	...	44,24,531	2,87,764
„ 10	...	...	...	...	46,85,527	2,87,764
„ 11	...	...	...	...	49,17,789	2,87,764

CALCUTTA MINT, *The 13th June 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

Report of a Deserter from the 89th Regiment of Foot, dated at Belgaum, this 9th day of June 1881.

Number, Rank, and Name,—1722, Private William Lucas.
Age,—34 years 9 months.
Size,—5 feet 6¾ inches.
Color of—
Complexion, sallow; Hair, brown; Eyes, grey.
Date of Desertion,—4th June 1881.
Place of Desertion,—Belgaum.
Date of Enlistment,—7th September 1870.
At what Place Enlistd,—Westminster, London.
Parish and County in which Born,—Elmorden, Warwick.
Marks.—Scar on back and between shoulders.
Trade.—Laborer.
Coat or Jacket,—White coat.
Waistcoat,—None.
Breeches or Trowsers,—Serge trowsers.
REMARKS,—None.
Under 11 years' service.

J. DUNN, *Major, Comdg. 89th Regt.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
106	... D 17—18901 ...	50	Baboo Prem Singh, Lahore.
107	... D 14—48396 ...	20	Hafizulla Hajee Abdoolla, Bombay.
	„ —50238 ...	20	

ALLAHABAD, *The 15th June 1881.*

GODREZJEE D. PUDUMJEE, *A. A. G., In charge of Paper Currency Office.*

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
W31	... M 44—31941 ...	100	Captain V Bagot, Satara.
W32	... M10—41148 ...	5	A. D'Almeida, Cannanore.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H68	... M 34—78409 ...	20	Naik Shaik Abdool Carrim, Bombay.
	M 55—98707 ...	10	
H69	... M 3—26671 ...	5	Shaik Ghazudeen, Aligarh.
	„ —52330 ...	5	
H70	... M 56—13484 ...	20	J. Fernandes, Baroda.
H71	... M 34—93195 ...	20	Govind Bapuji, Belgaum.
H72	... M 44—38904 ...	100	Luis J. de Sa, Sinnar.
H73	... M 42—82657 ...	10	Maneckchand Koobair, Bombay.
M29	... M 50—11772 ...	10	Mitharam Narondass, Kurrachee.
	„ —11775 ...		

BOMBAY, *The 14th June 1881.*

C. E. CRAWLEY, *Asst. Accts. Genl., Paper Currency Dept.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
85	... O 32—45006 ...	50	Babu Nehar Chunder Shaw.
86	... O 32—66020 ...	50	Mr. F. A. deBeaufort.
87	... O 71—50401 ...	500	Sookdyal Soorjo Mull.
89	... O 69—49779 ...	100	Mr. T. W. Holderness, C. S.
	„ —49541 ...	100	
	O 88—40986 ...	100	
	O 64—06284 ...	20	
	O 60—48466 ...	20	
	O 94—96588 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
59	... O 32—54120 ...	50	Babu Sutty Nath Roy.
	O 61—76792 ...	20	
60	... O 32—12493 ...	50	Mrs. Skinner.
	O 64—69898 ...	20	
	O 94—20893 ...	10	
	O 95—15275 ...	10	
61	... O 63—81089 ...	20	Babu Bama Churn Mukerjee.
	O 61—47999 ...	20	
62	... O 37—37231 ...	5	The Chief Pay Master, E. I. Railway, Calcutta.
63	... P 2—01182 ...	10	Babu Romaprosad Ghose.
64	... O 94—24373 ...	10	Bhicken Chand.
65	... O 18—96927 ...	10	Babu Nundo Lall Banerjee.
	O 12—72835 ...	10	
	L 62—15138 ...	10	
66	... O 88—11821 ...	100	Hurree Lal and Mangobind Chunder.
67	... O 85—17262 ...	20	Mr. R. J. Eades.
68	... O 32—50748 ...	50	Mr. A. Milne.
69	... O 62—23788 ...	20	Babree Mull.
70	... O 55—84865 ...	20	Babu Hem Chunder Nundy.
71	... O 60—82813 ...	20	Babu Asutosh Ghosal.
	O 85—42742 ...	20	
55	... O 54—54288 ...	10	Babu Surbessur Chatterjee.
	O 50—24121 ...		
	L 57—43508 ...	10	
	L 44—29479 ...		
56	... O 85—61482 ...	20	Jea Beg.
	„ —61481 ...		
57	... O 63—58414 ...	20	Luchminarayon.
	„ —58417 ...		
	L 62—37052 ...	10	
	„ —37051 ...		
	L 24—90642 ...	5	
	„ —90646 ...		
58	... O 45—26797 ...	10	Babu Ram Das Khan.
	„ —26796 ...		
59	... O 45—83639 ...	10	Abdool Rosack.
	L 97—79212 ...		

CALCUTTA, *The 17th June 1881.*

R. A. STERNDALE, *Asst. Comptlr. Genl., in charge of Paper Currency.*

Coconada Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 8—15341 ... *	5	Mr. R. Cripps, No. 4, Soonkarama Street, Black Town, Madras.
„ —15348 ... *		

* Mismatched.

COCONADA, *The 4th June 1881.*

E. G. PRICKETTS, *Depy. Collr., in charge of Paper Currency.*

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 9—29165 ...	50	Mr. T. Wood, Chief Storekeeper, Indus Valley State Railway, Kotri.
—33198 ...	50	
„ —33381 ...	50	
„ —33329 ...	50	
„ —33491 ...	50	
„ —33836 ...	50	
G 14—74378 ...	10	Roopchund Chelaram, Merchant, Kurrachee.
G 8—70154 ... *	20	Mr. J. D'Souza, Refreshment Room-keeper, Radhun.
„ —70159 ... *		
G 13—45160 ... *	5	Mr. Dinsha Ruttonji, Shroff, Commissariat Department, Sibi.
„ —45161 ... *		
G 13—17183 ... *	5	The Cantonment Magistrate, Kurrachee.
„ —17184 ... *		

* Mismatched.

KURRACHEE, *The 10th June 1881.*

W. PATTON, *Asst. Depy. Commr., P. C., S. C.*

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
11	... E 17—48358 ...	20	Jewan Dass, of Financial Commissioner's Office, Lahore, on behalf of Sharoda Pershad, of Calcutta.
	„ —60934 ...	20	

LAHORE, *The 13th June 1881.*

H. J. BRERETON, for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
29	... B 61—72082 ...	50	Murgiappabin Erappa, Mudvi of Byadgi.
30	... B 63—23021 ...	10	Moguvala Matum Sahib, Bellary.
	„ —34148 ...	10	
6	... B 52—42643 ... *	10	Mulji, Jaitha & Co., Secretaries and Treasurers, Madras United Spinning and Weaving Mills Co., Chulai, Madras.
	„ —42642 ... *		

* Wrongly joined.

FORT SAINT GEORGE, *The 6th June 1881.*

C. HALL, *Offg. Chief Clerk of the Accts. Genl., in charge of Paper Currency Dept.*, for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 6th June 1881.

Correspondence for Natal, Port Elizabeth and Cape Town will hereafter be forwarded weekly through the United Kingdom (*vid* Brindisi) at the rates of postage given below.

2. The route *vid* Zanzibar, to the places named above, has been abolished.

3. The existing four-weekly communication with Zanzibar and Delagoa Bay, through Aden, still continues.

Rates of Postage mentioned above.

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	PRINTED PAPERS, INCLUDING BOOKS, &C.		LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET.		SAMPLES. EACH PACKET.
			Each newspaper per ½ oz.	Each packet per 2 oz.	Not exceeding 4 oz.	Per 2 oz. additional.	Per 2 oz.
	A.	A.	A. c	A.	A.	A.	A.
Cape of Good Hope and Natal (South Africa, *British*)—							
Vid Brindisi, through United Kingdom .	9	...	2	2	4	2	2

L. G. WAIT, *Asst. Dir. Genl. of the Post Office of India, Foreign Post Branch.*

The 11th June 1881.

No. 2705.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, BOMBAY.

Mr. A. F. Ingle has been appointed to be *sub. pro tem.* Deputy Post Master, Bombay Post Office.

Mr. H. J. Hewett has been appointed to be *sub pro tem.* Mail Officer, 1st Class.

Mr. E. Jardine has been appointed to be *sub pro tem.* Mail Officer, 3rd Class.

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

Calcutta, the 17th June 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	24th June	From Bombay.
Madras, Ceylon and the Intermediate Ports.	6 „	23rd „	Str. *Kerbela.*
Foreign Mails *vid* Bombay .	6 „	24th „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	24th „	From Bombay.
Rangoon, Moulmein and Straits .	6 „	22nd „	Str. *Asia.*
Chittagong, Akyab, and Rangoon	6 „	23rd „	Str. *Commilla.*
Madras, Ceylon, Batavia, Singapore and China	6 „	22nd „	French Str. *Tibre.*
Foreign Mails *vid* Bombay .	6 „	18th „	From Bombay.

* Also *vid* Aden for Zanzibar, Mozambique; also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Bé and Réunion, can be forwarded by this opportunity.

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

List of Unclaimed Letters lying in the Calcutta Post Office on the 12th June 1881.

Anderson, James L.
Beauclerk, Lieut. F. A.
Bolst, E. R.
Browne, T. Ellis.
Blunt, E. W.
Carlton, James.
Chamers, A. B.
Davis, Mrs. C.
Devon, A. T.
Eastman, Mrs.
Fleming, Mrs. W.
Gomes, G.
Gomes, H.
Gopinath Sodasweys.
Greenblatt, S. & Co.
Grey, G. A. H.
Hill, W. (D. P. W.)
Houghton, J.
Hutchison, A.
Jones, A.
Jones, J. M.
McDonald, R.
Marooth, A. J.
Manuel, Mrs. M. B.
Metcalfe, Miss.
Mitter, A. C.
Moncrieff, Mrs.
Moore, J.
Mullick, N. D.
Pack & Co.
Pussy, Mrs.
Phantome, Mrs. S.
Ramdhone Naug & Co.
Ram Narain Paul.
Renny, Mrs.
Showe, R. B.
Skipp, Mrs. A.
Smith, Miss S.
Sullivan, D. L.
Sullivan, W.
Swanwick, G.
Swaries, Mrs. S.
Tweedale, C.
Vas, Miss Caroline.
Victor, Miss J. M.
Watson, Mrs.
Watson, Mrs. J. & Co.
Walker, Mrs. L. M.
Walke, Hugh.
Wilson, Messrs., & Son.
Wood, E. P.

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

Abinash Chunder Banerjee.
Anderson, A. S.
Archer, Capt. E. B.
Barklie, Robert C.
Bennett, W. W.
Bernon, Monsieur James.
Boutillier, J. L.
Brawley, A.
Brundage, J. D.
Burns, Mrs.
Burrill, William.
Campbell, Major A. D.
Coan, John.
Coles, Mrs. Charles.
Cox, F.
Davison, T. M.
Deane, Mrs. H. A.
DeBrauanzer, C. S.
Dutt, R. N.
Dutt, Surjo Cumár.
Dykes, L. F.
Earl, F. E.
Eisenowsky, Mr.
Elwell, A. H.
Enris, W.
Feilman, F. B. Collins.
Farber, L.
Ferm, Arthur.
Fleming, Miss.
Gartely, Mrs. E.
Gheater, Mrs. J.
Goltermann, Monsieur H.
Hartley, S. R.
Havard, D.
Hedderly, Allen.
J. B. R.
J. O. N.
J. R. P.
Jackson, W. F.
Jones, David William.
Journd, Ferdinaud.
Kenderick, Geo.
King, J. P.
Littlewood, J. H.
M. H.
MacLaughlin, Dr. A. J. M.
Montgomery, R. A.
Marshall, W. K.
Malbrook, P.
Meanera, Lt. J. S. G.
Miller, John.
Montgomery, H. J. B.
Morris, Nevill.
Nicoll, A.
O'Connell, T.
P. M. J.
Pain, J. H. W.
Penny, John.
Peterson, C.
Phillips, H. H.
Phillips, W. H.
Pogose, A. N.
Radicie Vincenzo.
Read, F.
Richards, John.
Richards, Capt. W.
Renor, Wilson.
Rendell, T. H.
Roe, Lt. R. J.
Roxburgh, J.
Sapperstan, J.
Scotland, W. J.
Smith, Mrs. E.
Smith, John.
Snelling, T. R.
Straw, F. T.
Stevenson, Mrs.
Stewart, Revd. R.
Stewart, A. G. J.
Stirling, W. E.
Vaneum, R. M. (D.A., B.L.)
Vitti, Cesare.
W. E. S.
Watkins, James.
Watson, W.
Ware, Mrs. H.
Wallaston, A.
Wilson, J. E.
Willis, Albert.
Willson, W. H.
X. Y. Z.

Newspapers.

Adamson, J. Archd.
Anderson, A. S.
Baratta, Signor Carlo.
Brundage, J. D.
Campbell, Major A. D.
Cowleshaw, J.
Hedderley, Allen.
Henry, Col.
Johnson, E. C.
Peterson, C.
Rendell, T. H.
Roe, Lieut. R. J.
Sale, M.
Stainton, Mr.

Registered Letters.

Bailey, Mr.
Desilva, Mrs. C. S.
Smith, A. A.
Speyer, E. M.
Z. Y. X. W.

E. HUTTON,
Presidency Post Master.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 1st August 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed before the 15th of July 1881. Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

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

Agra, Ajmere, Ahmedabad, Allahabad, Akyab, **Belgaum, Durbhunga,** Howrah, Indore, Jubbulpore, Lucknow, Lahore, Mhow, Mooltan, **Mount Aboo, Meerut,** Nagpore, Neemuch, **Rawalpindi, Rangoon,** Saidpore, Shillong, and **Simla.**

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

J. S. SLATER,
Offg. Principal, Govt. Engrg. College, Howrah.
The 10th June 1881.

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

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

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

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

Ceylon, East Coast —

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

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

Gulf of Siam—

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

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

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

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

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{302}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulations for Pilot Brigs.
„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
„ 4. Java, North Coast, Harbour Light at Tegal.
„ 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.
„ 6. (1) Exhibition of a 4th order dioptric white revolving Light at Armeghon.
(2) Change of Pulicat red fixed Light to a white fixed Light.
„ 7. Erection of Bar Tidal Semaphore on Jooldea Flagstaff Hill, entrance to Chittagong or Kornafuli river.
„ 8. Alteration in colour of Light exhibited from the south bastion of Ratnagiri Fort.
„ 9. Exhibition of red Light on Breakwater, Colombo.
„ 10. Red Buoy off point Gordeware (Godavery.)
„ 11. Slight alteration in Lights, Paumben Pass, Gulf of Manar.
„ 12. Particulars of first point Light, Java, approach to Sunda Strait.
„ 13. Alteration in character of Flat Cape Light, Sumatra.
No. 14. Removal of North Buoy, entrance to Madras Harbour.
„ 15. Range of visibility of Paumben Light.
„ 16. Leading beacons for clearing the S. W. Prong, Kolaba.
„ 17. Zanzibar Island—
(1) Ras Kizimkazi Light-house.
(2) Light-house near Mungopani.
(3) Light-house on Mwana Mwana Island.
(4) Ras Nungwe Light-house.
„ 18. Port Saïd entrance—Experimental Buoy lighted by gas.
„ 19. Exhibition of revolving Light, Armeghon.
„ 20. Beacon on Tucker's Patch—Bombay Harbour.
„ 21. Exhibition of fixed white Light—Pulicat.

*** *The above rates are exclusive of mounting, colouring, packing, and postage.*

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

Books required for the public service cannot be supplied on payment; they are only issued on the authority of the Department to which the indenting officer is subordinate. In sending for books for personal use, it should be stated that they are required for this purpose, to avoid the delay of enquiry before complying with the requisition.

P. W. D. Code, 4th Edition.

Vol. I.—(For the use of Sub-divisional as well as Divisional Officers)—

Chap. I. Organisation of the Department.—II. Rules for candidates for appointment or promotion.—III. Duties of Departmental Officers.—IV. Rules affecting personal conduct.—V. Special Rules applicable to all branches.—VI. Office arrangements.—VII. Designs and Estimates.—VIII. Contracts.—IX. Execution of works.—X. Cash and stores.—XI. Public buildings.—XII. Accounts. *Price, Rs. 2-8; packing and postage, 4 annas: interleaved copies, Rs. 3; packing and postage, 6 annas.*

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Chap. XIII. Executive Engineers' Accounts.—XIV Duties of Examiner's Office.—XV. Budget Rules and Annual Reports.—XVI. Military Works.—XVII. Irrigation. *Price, Rs. 2; packing and postage, 4 annas: interleaved copies, Rs. 2-8; packing and postage, 6 annas.*

Super-royal octavo, cloth.

Tribes of the Hindoo Koosh. *Price, Rs. 6; packing and postage, 6 annas.*

Just published.

Army List—New Number.

The Official Quarterly Bengal Army List, corrected up to 31st March 1881.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

☞ *The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.*

A Manual of Tibetan, being a Guide to the Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. *Price, Rs. 6; postage, 3 annas.*

Copies are to be had at the Office of the Director of Public Instruction.

Publications for Sale at the Bengal Secretariat Press.

Rules for the Guidance of Officers engaged in the Administration of the Salt Department. *Price, Re. 1-4; packing and postage, 3 annas.*

Rules for the Guidance of Officers in the Administration of Wards' and Attached Estates. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1; packing and postage, 2 annas.*

Board's Rules, or Rules for the guidance of Officers engaged in the administration of the Revenue Department in the Lower Provinces of Bengal. Revised edition, Vol. I. *Price, Rs. 4; postage, 5 annas: interleaved copy, Rs. 5; postage, 8 annas.*

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Rules for the Lease of Waste Lands in Bengal, May 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 8 annas; packing and postage, 2 annas.*

Rules for the Guidance of Officers in the Opium Department. *Published by authority of the Board of Revenue, Lower Provinces. Price, Rs. 3; postage, 2 annas.*

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The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

Annual Report on Colonial Emigration for 1879-80. *Price, 12 annas per copy; packing and postage, 3 annas.*

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Papers regarding the Tea Industry in Bengal. *Price, Rs. 3; postage, 3 annas.*

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Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, Rs. 6; postage, 8 annas.*

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Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs. 5; Colored Map, Rs. 2-8.*

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Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas*

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

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, Rs. 3; postage, 3 annas.*

The Bengal Administration Report for 1879-80. *Price, Rs. 6; packing and postage, 10 annas.*

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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
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Vol.	IV.	Bardwan, Bankura and Birbhum.
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Vol.	XIII.	Tirhut and Champaran.
Vol.	XIV.	Bhagalpur and Santal Parganas.
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Vol.	XIX.	Puri and Tributary States of Orissa.
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Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. xxxv + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 6 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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

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

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

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

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 25, 1881.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1881.

From the 2nd April, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 26th March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

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

NOTIFICATION.

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

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

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Postage on single copies varies according to weight.

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

BANK OF BENGAL.

Calcutta, the 20th June 1881.

Notice is hereby given that the Transfer Books of the Bank will be closed from Friday 1st to Friday the 15th proximo, both days inclusive.

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 20th June 1881.

No. 222.—The following promotions are made, with effect from the 7th instant:—

Mr. G. Atkinson, Surveyor, 3rd Grade, to be Surveyor, 2nd Grade.

Mr. T. H. Rendell, Assistant Surveyor, 1st Grade, to be Surveyor, 4th Grade.

Mr. J. McHatton, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. S. F. Norman, Assistant Surveyor, 4th Grade, to be Assistant Surveyor, 3rd Grade.

No. 223.—Mr. W. Stotesbury, Assistant Surveyor, 1st Grade, is granted privilege leave for one month, under Chapter X, Section 136, of the Civil Leave Code, from the date on which he was allowed to avail himself of the same.

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

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 16th June 1881.

No. 1173.—The undermentioned Hospital Assistant, who has passed his septennial professional examination, is advanced to the next higher class, with effect from the date specified against his name :—

NAME.	DATE OF COMPLETION.		Date of passing the professional examination.	Date of promotion.
	14 years' service.	7 years' service.		
WITH ENGLISH QUALIFICATION.				
To be 1st Class Hospital Assistant.				
Gunesh Rai . .	Apl. 15, 1874	...	June 8, 1881	June 8, 1881

By Order,

D. ROBERTSON,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 14th June 1881.

No. 1102 *G.*—Brevet Lieutenant-Colonel A. Conolly, Officiating Commandant, Deoli Irregular Force, is granted ninety days' privilege leave, with effect from the 6th June 1881.

By Order,

E. A. FRASER,
1st Asst. Agent, Govr. Genl.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 7th June 1881.

No. 27.—The services of the undermentioned Hospital Assistants of the military establishment are placed permanently at the disposal of the Agent, Governor General, for Central India, for civil employment in that province :—

2nd Class, Mela Ram.
" Balick Ram.
" Shew Narain.
" Gunda Mul.
3rd Class, Ozeer Khan.
" Sheopershad.
" Kirpa Ram, 2nd.

No. 28.—The services of 3rd Grade Assistant Surgeon Syama Churn Sen, of the supernumerary list, are placed at the disposal of the Chief Commissioner, British Burmah.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 14th June 1881.

No. 41.—Lieutenant W. T. Shone, R.E., Executive Engineer, 4th Grade (temporary rank), is transferred from the Rawalpindi Command, Military Works, to the Meerut Command, Military Works.

The 15th June 1881.

No. 42.—Captain S. C. Turner, R.E., Executive Engineer, 3rd Grade, on return from Field Service, is posted to the Meerut Command, Military Works, which he joined on the afternoon of 1st June 1881.

No. 43.—With reference to Public Works Department Notification No. 216, dated 10th June 1881, Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade, is posted to the Rawalpindi Command, Military Works.

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

Rawalpindi Command.

Rawalpindi, the 15th June 1881.

No. 2012.—Lieutenant H. Appleton, R.E., Assistant Engineer, 2nd Grade, Peshawar Division, Military Works, is granted fifty-five days' privilege leave, with effect from the forenoon of the 7th June 1881.

Æ. PERKINS, *Colonel, R.E.,*
Offg. Depy. Inspr. Genl. of Mily. Works, In charge, Rawalpindi Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 17th June 1881.

No. 21.—It is hereby notified that public telegraph messages will, on and after this date, be received for transmission at the following stations on the Punjab Northern State Railway (under the terms of the rules for the conduct of public message traffic), *viz.* :—

Name of Railway Station.	Distance from Lahore.
On Main Line.	
Domeli	122
Missa	137
Gujar Khan.	143
Mandra	152
Rawal Pindi	174
Tarnaul Junction.	185
Kala-ka-Serai	195
Hasan Abdál	205
Burhán	211
Lawrencepur	217
Campbellpur Road	225
Hazi Shah	232
Attock	237
On Kohat Branch.	
Kuthál	196
Futteh Jang	203
Gaggan	211
Kahal.	224
Pind Sultani Road	232
Langar	244
Khushalgarh	252

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

INDUS VALLEY AND KANDAHAR STATE RAILWAYS, Manager's Office.

NOTIFICATION.

Mooltan, the 15th June 1881.

No. 50.—Messrs. Labdha Ram Sama and C. J. Cole, Assistant Engineers, transferred under Notifications Nos. 18 and 19, dated 10th current, from the Consulting Engineer, reported their arrival at Mooltan on the 27th April 1881, and were posted as follows :—

Mr. Labdha Ram Sama to the 1st Division, Indus Valley State Railway, which he joined on the afternoon of the 29th idem.

Mr. C. J. Cole to Kandahar State Railway, which he joined on the afternoon of the same day.

L. CONWAY-GORDON,
Manager.

Report of a Deserter from the 1st Battalion, 12th Regiment of Foot, dated at Fyzabad, this 20th day of June 1881.

Number, Rank, and Name,—No. 32Bde.—585, Private James Monaghan.	Date of Enlistment,—19th June 1876.
Age,—28 years.	At what Place Enlisted.—Liverpool.
Size,—5 feet 8¾ inches.	Parish and County in which Born,—Dublin.
Colour of—	Marks,—B on left fore-arm.
Complexion, fresh; Hair, brown; Eyes, blue.	Trade,—Laborer.
Date of Desertion,—18th June 1881.	Coat or Jacket,— / Waistcoat,— ... / Breeches or Trowsers,— ... } Kept in regimental white clothing.
Place of Desertion,—Fyzabad.	REMARKS,—Under 6 years' service.

C. J. C. SILLERY, *Lieut.-Col.,*
Comdg. 1st Bn., 12th Regt.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 21st day of June 1881.

Number, Rank and Name,—No. 60Ba.—2125, Private Robert Foster.	Coat or Jacket,— / Waistcoat,— ... / Breeches or Trowsers ... } Kept in regimentals.
Age,—23 years.	Date of Desertion,—17th June 1881.
Size,—5 feet 7 inches.	Place of Desertion,—Fort William, Calcutta.
Colour of—	Date of Enlistment,—6th December 1876.
Complexion, sallow; Hair, dark brown; Eyes, brown.	Place of Enlistment,—
Parish and County in which Born,—St. Saviours, York.	REMARKS,—Slight black moustache. A transfer from 62nd Regiment.
Marks,—None.	Under 5 years' service.
Trade,—Moulder.	

A. CHERRY, *Lt.-Col.,*
Comdg. 90th L. I.

Statement of the Affairs of the Bank of Bengal for the week ending 21st June 1881.

LIABILITIES.	Rs.	A.	P.	ASSETS.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0	Government Securities	1,47,68,913	14	0
Reserve Fund	25,12,051	4	4	Loans on Government Securities at Head Office and Branches	51,65.801	9	8
Public Deposits at Head Office (Rs. 88,13,868 10 9)				Accounts of Credit on Government Securities at Head Office and Branches.	31.19,478	5	0
Public Deposits at Branches (Rs. 1,24,90.135 11 6)	2,13,04,004	6	3	Bills discounted and purchased at Head Office and Branches	1,75,59,362	7	4
Other Deposits at Head Office and Branches	2,93,18,839	3	10	Balances with other Banks	5.99.544	7	5
Bank Post Bills, &c.	8,44.110	8	2	Bullion	4,51,902	12	7
Sundries	11,97,565	0	5	Dead Stock	11,58.577	13	1
				Stamps	9,156	15	0
				Sundries	3,10.209	9	3
					4,31,42,947	13	4
				Cash and Currency Notes at Head Office (Rs. 1,19,54,680 4 10)	3,20,33.622	9	8
				Cash and Currency Notes at Branches (Rs. 2,00.78,942 4 10)			
RUPEES	7.51,76,570	7	0	RUPEES	7.51.76,570	7	0

BANK OF BENGAL, Calcutta, 23rd June 1881.

J. GORDON, *Chief Accti. & Depy. Secretary.*

By order of the Directors.
R. HARDIE, *Secretary & Treasurer.*

COMPTROLLER GEN

No. 610.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April 1879 to Feb. 1880.	April 1880 to Feb. 1881.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	18,510,379	17,351,276	...	1,159,103
II.—Tributes	698,000	629,713	659,040	29,327	...
III.—Forest	688,400	407,949	484,584	76,635	...
IV.—Excise on Spirits and Drugs	2,782,000	2,488,996	2,771,328	282,332	...
V.—Assessed Taxes	535,000	771,650	534,666	...	236,984
VI.—Provincial Rates	2,764,000	2,383,443	2,403,975	20,532	...
VII.—Customs	2,175,000	1,985,446	2,226,368	240,922	...
VIII.—Salt	7,541,000	6,597,335	6,342,637	...	254,698
IX.—Opium	9,410,000	9,619,706	9,552,883	...	66,823
X.—Stamps	3,194,000	2,889,818	2,943,005	53,187	...
XI.—Registration	265,000	209,651	255,997	46,346	...
XII.—Mint	196,000	217,150	86,385	...	130,765
XIII.—Post Office	1,008,000	895,778	944,288	48,510	...
XIV.—Telegraph	463,100	412,129	456,555	44,426	...
XV.—Minor Departments	61,700	59,117	54,634	...	4,483
XVI.—Law and Justice	680,000	571,738	583,421	11,683	...
XVII.—Police	232,000	193,511	205,725	12,214	...
XVIII.—Marine	226,000	157,446	179,958	22,512	...
XIX.—Education	137,000	125,980	136,170	10,190	...
XX.—Medical	38,200	47,126	35,664	...	11,462
XXI.—Stationery and Printing	45,000	42,732	52,069	9,337	...
XXII.—Interest	641,000	653,257	626,896	...	26,361
XXIII.—Pensions	291,700	161,267	146,390	...	14,877
XXIV.—Miscellaneous	262,000	234,445	210,546	...	23,899
XXX.—Gain by Exchange	237,000	172,630	213,647	41,017	...
TOTAL	56,633,100	50,438,392	49,458,107	...	980,285
XXIX.—Army	800,200	889,806	1,126,160	236,354	...
XXVII.—Other Public Works	456,700	392,185	385,883	...	6,302
XXVI.—Irrigation and Navigation	860,200	559,754	535,346	...	24,408
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	8,697,717*	6,853,667	...	1,844,050
XXV.—State Railways	4,720,000	1,257,124	4,402,662	3,145,538	...
XXVIII.—Provincial and Local Deficits	247,200	...	...	...	...
TOTAL	71,217,400	62,234,978	62,761,825	526,847	...
England, including Army, Public Works Ordinary, &c.	203,800	225,112	436,348	211,236	...
GRAND TOTAL	71,421,200	62,460,090	63,198,173	738,083	...

* Includes £2,889,081 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE,
CALCUTTA,
The 21st June 1881.

E. W. KELLNER,
Deputy Comptroller General.

ERAL'S OFFICE.

eleventh month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April 1879 to Feb. 1880.	April 1880 to Feb. 1881.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	2,824,436	3,098,459	274,023	...
2.—Interest on Service Funds	398,400	313,871	335,405	21,534	...
3.—Refunds and Drawbacks	318,000	305,917	400,994	95,077	...
4.—Land Revenue	2,991,400	2,567,151	2,585,929	18,778	...
5.—Forests	527,600	319,075	335,447	16,372	...
6.—Excise	111,000	103,482	106,093	2,611	...
7.—Assessed Taxes	20,000	28,153	20,115	...	8,038
8.—Provincial Rates	53,000	42,845	44,424	1,579	...
9.—Customs	204,000	182,840	181,656	...	1,184
10.—Salt	368,000	324,966	329,669	4,703	...
11.—Opium	2,159,500	2,007,734	1,966,345	...	41,389
12.—Stamps	77,500	70,415	68,909	...	1,506
13.—Registration	166,000	130,495	157,681	27,186	...
14.—Mint	91,500	75,367	69,167	...	6,200
15.—Post Office	1,043,800	957,102	1,092,006	134,904	...
16.—Telegraph	380,900	339,414	362,968	23,554	...
17.—Administration	1,245,500	1,150,035	1,141,644	...	8,391
18.—Minor Departments	415,100	299,699	320,809	21,110	...
19.—Law and Justice	3,350,900	2,973,124	2,904,599	...	68,534
20.—Police	2,513,000	2,207,626	2,243,618	35,992	...
21.—Marine	419,000	286,968	340,398	53,430	...
22.—Education	1,015,800	864,013	881,698	17,685	...
23.—Ecclesiastical	158,600	141,797	143,002	1,205	...
24.—Medical	701,400	568,202	580,472	12,270	...
25.—Stationery and Printing	415,700	260,874	374,882	114,008	...
26.—Political	393,000	372,515	359,306	...	13,209
27.—Allowances	1,824,900	1,143,075	1,223,004	79,929	...
28.—Civil Furlough and Absentee Allowances	3,000	4,088	5,474	1,386	...
29.—Superannuation	640,300	768,649	723,736	...	44,913
30.—Miscellaneous	243,300	273,731	216,175	...	57,556
31.—Famine Relief	5,000	47,406	711	...	46,695
37.—Loss by Exchange	3,411,000	2,844,045	2,758,800	...	85,245
TOTAL	29,044,200	24,799,110	25,373,586	574,476	...
36.—Army	15,171,900	13,557,847	19,627,773	6,069,926	...
34.—Other Public Works	4,216,500	2,501,275	2,824,765	323,490	...
33.—Irrigation and Navigation	1,026,800	768,208	804,479	36,271	...
32.—Working Expenses (Guaranteed Railways)	4,675,000	4,221,220*	3,873,595	...	347,625
32.—Surplus Profits paid to Railway Companies	450,300	591,388	358,040	...	233,348
32.—Guaranteed Interest in India	9,000	12,991	146,530†	133,539	...
32.—Land and Supervision	69,500	53,648	43,778	...	9,870
32.—State Railways	1,630,200	2,195,458	3,271,276	1,075,818	...
35.—Provincial and Local Surpluses	129,400	2,578,462	2,337,023	...	241,439
TOTAL	56,422,800	51,279,607	58,660,845	7,381,238	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	13,351,339	13,292,603	...	58,736
TOTAL	71,002,400	64,630,946	71,953,448	7,322,502	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	1,981,018	2,606,480	625,462	...
Ditto ditto in England	966,000	464,972	504,437	39,465	...
TOTAL	3,312,000	2,445,990	3,110,917	664,927	...
GRAND TOTAL	74,314,400	67,076,936	75,064,365	7,987,429	...

* Includes £1,003,043 as working expenses of East Indian and Jubbulpore Lines.
† Includes £138,434, write-back of exchange on net revenue transferred.

J. WESTLAND,
Offg. Comptroller General.

2 6

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1881.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
June 13	...	...	...	...	43,64,655	2,87,764
„ 14	...	...	...	...	46,79,379	2,87,764
„ 15	...	...	...	...	45,28,805	2,87,764
„ 16	...	...	...	...	44,29,180	2,87,764
„ 17	1,31,384	...	...	...	43,29,140	2,87,764
„ 18	...	...	...	...	43,29,091	2,87,764

CALCUTTA MINT, *The 20th June 1881.* } J. F. TENNANT, *Col., R.E., Mint Master.*

CURRENCY NOTES.

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

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
108	... D 16—27346 ...	10	Barkat Ali, Dehra Dún.
	„ —29670 ...	10	
109	... D 18—42296 ...	100	Messrs. M. A. Lukmanjee and Co., Quetta.
27	... D 6—44721 *	10	Messrs. Huckina, Opajee and Co., Bombay.
	„ —44660 *		
28	... D 14—54129 *	20	The Station Master, Meean Meer, East.
	„ —54130 *		

* Mismatched.

ALLAHABAD, *The 22nd June 1881.* }

GODREZJEE D. PUDUMJEE, *A. A. G.*, *In charge of Paper Currency Office.*

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1881.		Rs.	
H74	... M 49—83962 ...	10	Diogo Minezes, Bangalore.
H75	... M 53—28061 ...	20	Esmaiji Russulbhoy, Bombay.
H76	... M 53—22961 ...	20	E. A. Boyd, Allahabad.
H77	... M 58—28344 ...	10	Malsi Poonja, Bodwad.
	„ —29495 ...	10	
	„ —41134 ...	10	
	„ —42493 ...	10	
	„ —47552 ...	10	
	„ —50138 ...	10	
	M 55—58184 ...	10	
	„ —96097 ...	10	
M30	... M 46—70925 ...	50	Jaitha Harjivan, Bombay.
	„ —70928 ...		

BOMBAY, *The 21st June 1881.* }

C. E. CRAWLEY, *Asst. Accts. Genl., Paper Currency Dept.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
92	... O 63—07313 ...	20	Mr. H. W. Wollen.
93	... O 95—14792 ...	10	Mr. H. Martindale.
94	... O 86—47672 ...	20	Babu Hurry Das Das.
96	... O 71—46687 ...	500	Babu Pittumbur Bhuttacharjee.
	„ —47163 ...	500	
97	... O 88—50468 ...	100	Babu Ram Chand Sing.
	„ —08405 ...	100	
	„ —94135 ...	100	
	O 32—51186 ...	50	
98	... O 32—54084 ...	50	Babu Jodu Nath Dutt.
102	... L 83—40933 ...	100	Mr. G. Moyle.
	O 71—34056 ...	500	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
60	... O 76—17760	10	Babu Poorna Chunder Mukerjee.
	O 54—00705		
61	... O 64—56066	20	Babu Preogopal Mitter.
	O 60—36819		
62	... L 60—47656	10	Messrs. Chooni Lal Coondoo and Co.
	„ —47659		
63	... O 38—24387	5	The Secretary and Treasurer, Bank of Bengal, Calcutta.
	„ —24397		
65	... L 89—14704	20	Babu Sitanath Bunerjee.
	L 65—27547		
	O 75—44221	10	
	„ —44219		
	O 91—76663	10	
	D 16—10660		
72	... O 98—42787 ...	5	Mrs. D. E. Macnaghten.
73	... O 91—61452 ...	10	Behari Lal Misser.
74	... O 38—08168 ...	5	Khoda Buksh.
75	... L 55—98730 ...	5	Babu Hurro Gobind Dey.
76	... O 88—75820 ...	100	Babu Khetter Mohan Chatterjee.
	„ —67955 ...	100	
77	... O 67—25318 ...	100	Messrs. Finlay, Muir & Co.
	O 30—55924 ...	50	

CALCUTTA, *The 24th June 1881.* }

R. A. STERNDALE, *Asst. Comptlr. Genl., in charge of Paper Currency.*

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
12	... E 18—30689 ...	10	Jewan Das, Financial Commissioner's Office, Lahore.
13	... E 15—39456 ...	50	Ram Chand, Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
18	... E 15—78376 ...	50	Jawahur Lal & Co., Muradabad.
23	... E 12—18123 ...	20	Fazul Elahee, Delhi.
24	... E 15—95224 ...	50	Babree Mul, Umballa.
26	... E 18—34824 ...	10	Baboo Raj Comar Sen, Simla.
28	... E 15—56845 ...	50	Gunda Mul, Gujrat.
	„ —37434 ...	50	

LAHORE, *The 18th June 1881.* }

H. J. BRERETON, for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
21	... B 68—03175 ...	100	Malavathu Narayana Chetti, Salem.

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
31	... B 66—28763 ...	100	Mathinani Batchiah, of Allur.
	„ —34030 ...	100	
	„ —55367 ...	100	
32	... B 60—00375 ...	10	Mr. Charles Rossi, Cambridge, County of Middlesex, State of Massachusetts.
34	... B 64—24788 ...	20	S. Tiruvengadacharri, Krishnagiri Taluk, Salem District.
35	... B 47—11438 ...	5	O. Subraya Mudali, Clerk, Maharajah's Palace Office, Mysore
36	... B 63—49342 ...	10	V. Muthuswami Mudali, No. 1, China Bazar Street, Madras.
7	... B 62—58606 *	100	T. Vishwanath Aiyar, No. 18, Yagambrapuram, Madras.
	B 66—34248 *		

* Wrongly joined.

FORT SAINT GEORGE, *The 13th June 1881.* }

C. HALL, *Offg. Chief Clerk to the Accts. Genl., in charge of Paper Currency Dept.*, for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 6th June 1881.

Correspondence for Natal, Port Elizabeth and Cape Town will hereafter be forwarded weekly through the United Kingdom (*vid* Brindisi) at the rates of postage given below.

2. The route *vid* Zanzibar, to the places named above, has been abolished.

3. The existing four-weekly communication with Zanzibar and Delagoa Bay, through Aden, still continues.

Rates of Postage mentioned above.

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	PRINTED PAPERS, INCLUDING BOOKS, &c.		LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET.		SAMPLES, EACH PACKET.
			Each newspaper per ½ oz.	Each packet per 2 oz.	Not exceeding 4 oz.	Per 2 oz. additional.	Per 2 oz.
	A.	A.	A. c	A.	A.	A.	A.
Cape of Good Hope and Natal (South Africa, *British*)—							
Vid Brindisi, through United Kingdom . .	9	...	2	2	4	2	2

The 14th June 1881.

Consequent upon the admission of Paraguay into the Universal Postal Union, the rates and conditions of postage (as given below) appertaining to Union Countries served through the United Kingdom will be applicable, from the 1st July 1881, to correspondence addressed to Paraguay.

2. In like manner the same rates and conditions of postage (as given below) will be applicable to correspondence addressed to Guatemala after the 1st August 1881, as that State will then be admitted into the Universal Postal Union:—

(c) denotes compulsory prepayment.	Each letter per ½ oz.	Each post-card.	PRINTED PAPERS, INCLUDING BOOKS, &c.		LEGAL AND COMMERCIAL DOCUMENTS. EACH PACKET.		SAMPLES, EACH PACKET.
			Each newspaper per ½ oz.	Each packet per 2 oz.	Not exceeding ½ oz.	Per 2 oz. additional.	Per 2 oz.
	A.	A.	A. c	A.	A.	A.	A.
With effect from the 1st July 1881.							
Paraguay (South America)—							
Vid Brindisi, through *United Kingdom* .	c4½	1½	1½	1½	3	1½	1½
Vid Brindisi, through *French Office, Modane*—							
Additional route from Aden only—							
By French Packet, through *Agent on board* . .	3	1½	1	1	2	1	1
With effect from the 1st August 1881.							
Guatemala (Central America)—							
Vid Brindisi, through *United Kingdom* .	c4½	1½	1½	1½	3	1½	1½
Vid Brindisi, through *French Office, Modane*—							
Additional route from Aden only—							
By French Packet, through *Agent on board* . .	3	1½	1	1	2	1	1

L. G. WAIT, *Asst. Dir. Genl. of the Post Office of India, Foreign Post Branch.*

Calcutta, the 24th June 1881.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	7 P. M.	1st July	From Bombay.
Madras, Ceylon and the Intermediate Ports.	6 „	30th June	Str. *Chinsura.*
Madras and Ceylon . . .	6 „	30th „	P. & O. Str. *Indus.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *vid* Hong-Kong for Yokohama; also for Australian Colonies .	6 „	28th „	From Bombay.
Foreign Mails *vid* Bombay .	7 „	2nd July	From Bombay.
Do. Book Post and Pattern Packets	7 „	1st „	From Bombay.
Rangoon, Moulmein and Straits .	6 „	29th June	Str. *Simla.*
Cuttagong, Akyab, Kyouk Phyoo, and Rangoon . .	6 „	30th „	Str. *Madras.*
Foreign Mails *vid* Bombay .	6 „	26th „	From Bombay.*

* Also *vid* Aden for Zanzibar, Mozambique; also *vid* Aden for Mauritius Mahé (Seychelles), Mayotte, Nossi Bé and Réunion, can be forwarded by this opportunity.

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

From 1st July 1881, the Letter Box will be closed at 7 P.M. and la letters will be received up to 7-30 P.M.

E. HUTTON, *Presidency Post Master.*

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 1st August 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed before the 15th of July 1881. Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

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

Agra, Ajmere, Ahmedabad, Allahabad, Akyab, Bolaram, Durbhunga, Howrah, Indore, Jubbulpore, Lucknow, Lahore, Mhow, Mooltan, Mount Aboo, Meerut, Nagpore, Neemuch, Rawalpindi, Rangoon, Saidpore, Shillong, and Simla.

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

J. S. SLATER,
Offg. Principal, Govt. Engrg. College, Howrah.
The 10th June 1881.

GOVERNMENT CINCHONA FEBRIFUGE.

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

گورنمنٹ سنکونا فبري فيوج

يهه دوا کونينا ٹين کا خوب قائم مقام هی اور کلکٹه کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے عرايك ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريه کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانيومين بکتي هی عاصيواے فيمت مذکورهٔ بالا کے محصول ڈاک چ ر اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا باره آنه

Meteorological Publications for Sale.

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

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

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

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„ ALLAHABAD SERIES	„ 8	„ 9
Complete set... ...	„ 45	„ 47-8

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For a Part of the CALCUTTA SERIES ...	Rs.	3	8
„ „ MADRAS SERIES ...	„	1	0
„ „ BOMBAY SERIES ...	„	1	0
„ „ ALLAHABAD SERIES.	„	1	0
Complete set	„	4	0

Persons desiring to subscribe for or purchase the Reports, should apply to—

MESSRS. THACKER, SPINK AND CO., CALCUTTA ;
MESSRS. THACKER AND CO., BOMBAY ;
MESSRS. HIGGINBOTHAM AND CO., MADRAS ;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY ;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

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

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

Indian Ocean—

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

India, West Coast—

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

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

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

Ceylon, East Coast—

Batticaloa Roadstead. *Annas 8.*

Coast of Burma, &c.—

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

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
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Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled ; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled ; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled ; superseded by Notice No. 28. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13 Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*

No. 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

Notices to Mariners, 1881.

No. 1. River Hooghly Sandheads. Light Regulations for Pilot Brigs.
„ 2. Coromandel Coast. Rules for regulating the entry and departure of vessels using the Harbour.
„ 3. Java. Approach to Sunda Strait, Re-exhibition of Flashing light on First Point.
„ 4. Java, North Coast, Harbour Light at Tegal.
„ 5. British Burma, Akyab. Beacon on Table-land of Borongo Island.
„ 6. (1) Exhibition of a 4th order dioptric white revolving Light at Armeghon.
(2) Change of Pulicat red fixed Light to a white fixed Light.
„ 7. Erection of Bar Tidal Semaphore on Jooldea Flagstaff Hill, entrance to Chittagong or Kornafuli river.
„ 8. Alteration in colour of Light exhibited from the south bastion of Ratnagiri Fort.
„ 9. Exhibition of red Light on Breakwater, Colombo.
„ 10. Red Buoy off point Gordeware (Godavery.)
„ 11. Slight alteration in Lights, Paumben Pass, Gulf of Manar.
„ 12. Particulars of first point Light, Java, approach to Sunda Strait.
„ 13. Alteration in character of Flat Cape Light, Sumatra.
„ 14. Removal of North Buoy, entrance to Madras Harbour.
„ 15. Range of visibility of Paumben Light.
„ 16. Leading beacons for clearing the S. W. Prong, Kolaba.
„ 17. Zanzibar Island—
(1) Ras Kizimkazi Light-house.
(2) Light-house near Mungopani.
(3) Light-house on Mwana Mwana Island.
(4) Ras Nungwe Light-house.
„ 18. Port Said entrance—Experimental Buoy lighted by gas.
„ 19. Exhibition of revolving Light, Armeghon.
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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 065673, of the 4 per cent. Loan of 1st May 1865, for Rs. 500, standing in the name of Radha Romun Mullick, and last endorsed to none.

RADHA ROMUN MULLICK,
Comptlr. Genl.'s Office, Treasury Buildings.

Stolen

The Government Promissory Note No. 038346, of the 4 per cent. of May 1865, for Rs. 500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Kaminy Coomar Ghosh, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

KAMINY COOMAR GHOSH,
Rajibpore, 24-Pergunnahs.

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UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Forty-third Annual General Meeting of Subscribers of the above institution will be held in the Town Hall, on Saturday, the 29th January 1881, at 3 P.M., to receive the Report of the Directors and to consider such matters as may then be submitted.

By Order of the Directors,
W. H. RYLAND,
Secretary.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE;
The 30th December 1880.

PROMISSORY NOTES.

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The Government Promissory Note No. 065673, of the 4 per cent. Loan of 1st May 1865, for Rs. 500, standing in the name of Radha Romun Mullick, and last endorsed to none.

RADHA ROMUN MULLICK,
Comptlr. Genl.'s Office, Treasury Buildings.

Lost

The Government Promissory Notes Nos. 20311 and 20312, of the 5½ per cent. of 1859-60, for Rs. 1,000 each, originally standing in the name of W. D. H. Oehme, and last endorsed to Dinabundhoo Moodee, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favor of the proprietor.

TROILOKYA NATH BURAR,
Constituted Attorney of Dinabundhoo Moodee, No. 12, Patuldanga Street, Calcutta.

Stolen

The Government Promissory Note No. 038346, of the 4 per cent. of May 1865, for Rs. 500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Kaminy Coomar Ghosh, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

KAMINY COOMAR GHOSH,
Rajibpore, 24-Pergunnahs.

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W. H. RYLAND,
Secretary.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE;
The 30th December 1880.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 065673, of the 4 per cent. Loan of 1st May 1865, for Rs. 500, standing in the name of Radha Romun Mullick, and last endorsed to none.

RADHA ROMUN MULLICK,
Comptlr. Genl.'s Office, Treasury Buildings.

Lost

The Government Promissory Notes Nos. 20311 and 20312, of the 5½ per cent. of 1859-60, for Rs. 1,000 each, originally standing in the name of W. D. H. Oehme, and last endorsed to Dinabundhoo Moodee, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favor of the proprietor.

TROILOKYA NATH BURAT,
Constituted Attorney of Dinabundhoo Moodee,
No. 12, Patuldanga Street, Calcutta.

Stolen

The Government Promissory Note No. 038346, of the 4 per cent. of May 1865, for Rs. 500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Kaminy Coomar Ghosh, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

KAMINY COOMAR GHOSH,
Rajibpore, 24-Pergunnahs.

Destroyed by White-Ants

The Government Promissory Note No. 009974, of the 4 per cent. of 1842-43, for Rs. 300, originally standing in the name of Uddit Chunder Addy, and last endorsed to Gopaul Chunder Ghose, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

GOPAUL CHUNDER GHOSE.
No. 21, Brindabun Mullick's 2nd Lane,
Sukea's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 22, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

In the Goods of HERBERT EDWARD RAVENSHAW, Deceased.

Pursuant to the Trustees and Mortgagees Powers Act 1866 notice is hereby given that all creditors and other persons having any claims or demands upon or against the estate of Herbert Edward Ravenshaw late of Meean Meer a Lieutenant in the 1st Central India Horse who died at Meean Meer aforesaid on the 13th day of October 1880 intestate and letters of administration of whose estate were granted by the High Court Calcutta on the 11th day of January 1881 to Thomas Edward Ravenshaw Esq. C.S. of Chinsurah the father of the said deceased are hereby required to send in writing the particulars of their claims and demands addressed to the said Thomas Edward Ravenshaw at Chinsurah aforesaid on or before the 31st day of March next after which date the said Thomas Edward Ravenshaw will distribute the assets of the said deceased amongst the parties entitled thereto.

ROBERTS, MORGAN & Co.,
Attorneys.

The 14th January 1881.

JAMES DURIE BAYNE, Deceased.

Pursuant to Section 42 of Act XXVIII of 1866 notice is hereby given that all creditors and other persons having any claims or demands upon or against the estate of James Durie Bayne late of Allahabad in the North-Western Provinces an Assistant Engineer in the employ of the East Indian Railway Company who died at sea on the 12th day of February 1880 and letters of administration of whose property and credits were duly granted to Mrs. Georgina Grant of 14 Russell Street in the Town of Calcutta by the High Court of Judicature at Fort William in Bengal in its Testamentary and Intestate Jurisdiction on the 12th day of January 1881 are hereby required to send in writing the particulars of their claims or demands to the undersigned Solicitors of the said Mrs. Georgina Grant at their Office at No. 9 Old Post Office Street in the Town of Calcutta on or before the 17th day of March 1881 and notice is hereby also given that at the expiration of the last-mentioned day the said Mrs. Georgina Grant will be at liberty to distribute the assets of the said James Durie Bayne or any part thereof among the parties entitled thereto having regard to the claims of which the said Mrs. Georgina Grant has then had notice and that the said Mrs. Georgina Grant will not be liable for the assets or any part thereof so distributed to any person of whose claim she has not had notice at the time of such distribution. Dated this 17th day of January 1881.

DIGNAM & ROBINSON,
Attorneys for the said Mrs. Georgina Grant.

Partnership.

NOTICE OF DISSOLUTION OF PARTNERSHIP.

The partnership heretofore existing between the undersigned, under the style and firm of Cook & Co., at Nos. 182 and 183, Dhurrumtollah Street, in Calcutta, has been dissolved as from the 1st January 1881, by mutual consent.

THOMAS GREENHILL.
ARTHUR BOIS.
R. SPOONER HART.
H. B. SPOONER.

With reference to the above advertisement, the late partnership of Cook & Co. will be liquidated by the undersigned, who will receive all monies due to the late firm, and discharge its liabilities.

The business will be carried on as heretofore in the Premises Nos. 182 and 183, Dhurrumtollah.

THOMAS GREENHILL.
ARTHUR BOIS.
H. B. SPOONER.

PROMISSORY NOTES.

Lost

The Government Promissory Notes Nos. 20311 and 20312, of the 5½ per cent. of 1859-60, for Rs. 1,000 each, originally standing in the name of W. D. H. Oehme, and last endorsed to Dinabundhoo Moodee, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favor of the proprietor.

TROILOKYA NATH BURAT,
Constituted Attorney of Dinabundhoo Moodee,
No. 12, Patuldanga Street, Calcutta.

Destroyed by White-Ants

The Government Promissory Note No. 009974, of the 4 per cent. of 1842-43, for Rs. 300, originally standing in the name of Uddit Chunder Addy, and last endorsed to Gopaul Chunder Ghose, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

GOPAUL CHUNDER GHOSE.
No. 21, Brindabun Mullick's 2nd Lane,
Sukea's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 29, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the 4th Quarter ending 30th April 1880, compared with the corresponding quarter of the year 1879.

PARTICULARS.	In the 4th quarter ending 30th April 1880.	In the 4th quarter ending 30th April 1879.	Increase.	Decrease.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Balance at credit of the Fund on the Government books at the end of the previous quarter.	65,06,545 10 5	60,70,489 15 4	4,36,055 11 1	.....
ADD RECEIPTS—				
Subscriptions from February to April in the Widows' Fund ...	1,10,133 9 2	1,07,829 4 9	2,304 4 5	.....
Ditto ditto Children's Fund ...	72,803 5 9	73,636 11 10	.....	833 6 1
Ditto ditto	757 9 0	881 8 0	.....	123 15 0
Entrance Fees, &c.	2,961 1 11	2,979 6 1	.....	18 4 2
Amount received, with interest (Rs. 93-1-11) from Government of India, for sums advanced to Widows and Orphans on account of Mutiny of 1857.	3,86,759 2 1	3,70,943 0 11	15,816 1 2	.....
Interest received from Government of India	.....	10 8 0	.....	10 8 0
Interest on Reserve Fund, and Divisible Surplus, W. and C. Fund, passed to debit of a Subscriber.				
Total Receipts ...	5,73,414 11 11	5,56,280 7 7	18,120 5 7	986 1 3
Grand Total ...	70,79,960 6 4	66,26,770 6 11	4,54,176 0 8	986 1 3
DEDUCT PAYMENTS—				
Pensions paid to incumbents in the Widows' Fund	69,554 4 8	67,433 8 9	2,120 11 11	.....
Ditto ditto Children's Fund	51,431 11 2	47,375 2 7	4,056 8 7	.....
Cost of Office Establishment, including house-rent and contingencies.	17,520 8 9	20,378 3 0	.....	*2,847 10 3
Amount written back on account of Entrance fees	.....	14 8 0	.....	14 8 0
Ditto ditto of Divisible Surplus, W. and C. Fund, and Interest on Reserve Fund, Widows' and Children's Fund.	.....	264 12 0	.....	264 12 0
Total Payments ...	1,38,516 8 7	1,35,466 2 4	6,177 4 6	3,126 14 3
Net balance in favour of the Fund, inclusive of Interest upon Capital on 30th April 1880.	69,41,443 13 9	64,91,304 4 7	64,47,998 12 2	2,140 13 0
Proportion of interest on Reserve Fund payable to Subscribers ...	33,237 12 0	31,900 8 0	1,337 4 0	.....
Ditto of Divisible Surplus payable to Subscribers	.....	12,660 0 0	.....	12,660 0 0
Total ...	33,237 12 0	44,560 8 0	1,337 4 0	12,660 0 0

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of Subscribers	1,443	949	1,407	928	36	21	.....	.....
Ditto of Incumbents	833	536	324	505	9	31	.....	.....
Ditto of Subscribers sharing Reductions	819	557	761	548	58	9	.....	.....
Ditto ditto ditto Surplus	.....	..	958	664	...	...	958	664

A—Net increase in receipts ... ... Rs. 4,53,189 15 5
B—Net increase in payments ... ... „ 3,050 6 3
C—Net increase in balances ... ... „ 4,50,139 9 2

* Including Rs. 1,084-12-8 written back and Rs. 750-12-9 being the difference in exchange.

G. W. MACLEOD, H. RONALDSON, } *Auditors U. S. F. P. F.* for 1879-80.

FUND OFFICE, the 15th January 1881.

Published by order of the Directors,
W. H. RYLAND, *Secretary.*

UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Forty-third Annual General Meeting of Subscribers of the above institution will be held in the Town Hall, on Saturday, the 29th January 1881, at 3 P.M., to receive the Report of the Directors and to consider such matters as may then be submitted.

By Order of the Directors,

W. H. RYLAND,

Secretary.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE;
The 30th December 1880.

Stolen

A certificate of the Public Debt Office, standing in the name of undersigned and not endorsed.

H. WHITWELL, *Surgeon-Major,*
Residency Surgeon of Nepal.

CALCUTTA,
The 24th January 1881.

PROMISSORY NOTES.

Destroyed by White-Ants

The Government Promissory Note No. 009974, of the 4 per cent. of 1842-43, for Rs. 300, originally standing in the name of Uddit Chunder Addy, and last endorsed to Gopaul Chunder Ghose, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

GOPAUL CHUNDER GHOSE.
No. 21, Brindabun Mullick's 2nd Lane, Sukea's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 5, 1881.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

Stolen

A certificate of the Public Debt Office, standing in the name of undersigned and not endorsed.

H. WHITWELL, *Surgeon-Major,*
Residency Surgeon of Nepal.

CALCUTTA,
The 24th January 1881.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 12, 1881.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

Stolen

A certificate of the Public Debt Office, standing in the name of undersigned and not endorsed.

H. WHITWELL, *Surgeon-Major,*
Residency Surgeon of Nepal.

CALCUTTA,
The 24th January 1881.

NOTICE.

Take notice that the Partnership heretofore existing between us, the undersigned Benjamin Moore and Thomas Mason, as Retail Drapers at Calcutta and Simla, in the East Indies, under the style of "Moore & Co.," was dissolved by mutual consent on 30th April last, and that all accounts due to, and all liabilities owing by, the said firm will be received and discharged by the undersigned Benjamin Moore.

Dated this 17th day of November 1880.

BENJAMIN MOORE. THOS. MASON.

Signed by the said Benjamin Moore and Thomas Mason in the presence of—

CHARLES EAST STRONG, *Solicitor,*

8, Union Court, Old Broad Street, London.
a Commissioner to administer Oaths in the Supreme Court of Judicature in England.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 19, 1881.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Caution.

The public are hereby cautioned against purchasing, or in any way dealing with, the Government Promissory Notes No. 016587 of the 4½ per cent. loan of 1879, for Rs. 1,500, and No. 016588 of the 4½ per cent. loan of 1879, for Rs. 20,000; the same having been placed with Messrs. Nicholls & Co. for safe custody only.

G. A. WATSON, *Surgeon-Major,*
Offg. Examiner of Medical Accounts.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 26, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

BENGAL CIVIL FUND.

At a Half-yearly General Meeting of Subscribers to the Bengal Civil Fund, Calcutta, held at the Town Hall, on Monday, the 31st January 1881.

PRESENT.—C. T. Buckland, Esq.; the Hon'ble H. L. Dampier; the Hon'ble W. F. McDonell, V.C.; the Hon'ble L. R. Tottenham; H. Bell, Esq., M.A.; the Hon'ble A. T. Maclean; F. R. Hogg, Esq.; J. Beames, Esq.; J. D. Maclean, Esq.; the Hon'ble C. D. Field, M.A. & LL.D.; H. Beverley, Esq., M.A.; D. R. Lyall, Esq.; J. Westland, Esq.; the Hon'ble A. Mackenzie, B.A.; D. M. Barbour, Esq.; W. M. Souttar, Esq., M.A.; J. Scobell Armstrong, Esq.; C. J. Lyall, Esq., B.A., C.I.E.; H. J. S. Cotton, Esq.; J. Crawfurd, Esq., B.A.; C. A. Wilkins, Esq.; C. P. L. Macaulay, Esq., M.A.; J. A. Bourdillon, Esq.; S. Jacob, Esq.; F. F. Handley, Esq.; H. M. Kisch, Esq., M.A.; G. A. Grierson, Esq.; and H. Lee, Esq.

The Hon'ble L. R. Tottenham in the chair.

The following report was submitted by the Managers:—

REPORT.

1. The Managers submit the proceedings for the past half-year for the consideration and sanction of the meeting.

2. Subject to the approval of the subscribers, they have admitted to the benefits of the Fund the following families:—

Mrs. Halkett ...	...	... £	300

The widow of the late Mr. D. C. Halkett, an annuitant of 1877, who died in Scotland on the 11th February 1880.

Mrs. Money ...	...	... £	300
One daughter ...	...	... „	100
	Total	... „	400

The widow and one daughter of the late Mr. D. J. Money, an annuitant of 1859, who died in England on the 16th July 1880.

Lady Beadon ...	...	... £	300
Eight children ...	...	... „	670
	Total	... ...	970

The widow and eight children (three sons and five daughters) of the late Sir Cecil Beadon, an annuitant of 1867, who died in England on the 18th July 1880.

3. Under Article V of the Rules the Marquis of Tweeddale has incurred the penalty of the exclusion of his daughter from the benefits of the Fund by failure to report her birth within the prescribed six months. Lord Tweeddale states that the omission was the result of oversight, and asks that the child may be admitted. The admission of the child to Fund benefits is dependent upon the decision of a general meeting of subscribers; and the Managers submit the case accordingly. They recommend that the child be admitted on payment of the minimum fine of Rs. 100, together with arrear subscriptions and 8 per cent. interest, as required by the rules. It has been the practice of the Fund hitherto to grant applications of this nature on the terms now recommended.

4. Mr. C. R. Marindin has applied for the remission of the fine of Rs. 50 incurred under Article V of the Rules for failure to report the birth of his daughter within the prescribed time. Mr. Marindin pleads that, as his daughter was born on the 30th October and his com-

munication reporting the occurrence was dated 1st December, he was only one day late. He further states that the delay was accidental, and that on his pay-bill for November 1880 being made out, he directed that subscriptions for this child be deducted. He was informed in reply to his application that the fine must be paid and that the Managers would submit his representation to the subscribers at the next general meeting, if he desired it; but that they would be unable to recommend the subscribers to comply with his request. The practice of the Fund has been to exact the penalty of Rs. 50 in all cases where only carelessness or oversight can be pleaded. The case is submitted to the meeting, at the request of Mr. Marindin, for decision.

5. The Managers have received the following further application from Miss Palmer for a reconsideration of her case :—

Dated 5th October 1880.

From—MISS ALICE W. PALMER,

To—The Secretary to the Managers of the Bengal Civil Fund, Calcutta.

I BEG to acknowledge the receipt of your letter of the 24th July. I regret that the Managers of the Bengal Civil Fund have not felt themselves at liberty to recommend my appeal to the favorable consideration of the Members of the Service; for I am sure they must perceive the inequality of the rules, that accord to my half-brother, whose mother is living, and supported by the Fund, what they deny to me, who have no living mother to maintain or assist me.

The fact of my step-mother being on the Fund, is held by the Managers to bar my claim to an increase of allowance until after her death, though no bar to the claim of her son, my half-brother, during her life-time.

The fundamental error, as it appears to me, in the rule regarding the "wife or widow," is its failing to recognise the obvious distinction between a mother and a step-mother, in relation to the daughter. The daughter has a natural right to protection from the mother or "widow," but the step-daughter has none, and may be left at any time, to an unaided and admittedly inadequate provision.

My father, as I have stated in my former appeal, was more than forty years in the service, and contributed to the Fund, as the price of his annuity, more than three times the estimated half value of the pension.

Can it be too late, with the permission of the Managers, to re-open my case, as *special* and *exceptional*, at the next general meeting of the members of the service, or too presumptuous on my part, in again soliciting the support of the Managers which I am certain they would grant me, could they only realise the difficulty, or rather the impossibility, of maintaining even a decent exterior on a limited income of one hundred a year.

I shall feel greatly obliged by your laying this letter before the Managers of the Fund, for such further consideration as they may think proper, and thanking you for your kind attention to my last, and requesting an answer to my present appeal, at your early convenience.

In reply to her previous application Miss Palmer was informed that her case was excluded under the revised rules which provided for the increased pension in the event of the "wife or widow" of a deceased subscriber having died, and that as cases of this description had been carefully considered when the rules were amended, the Managers were not prepared to recommend the subscribers to alter their decision. The action of the Managers was approved at the meeting of 10th August 1880. The present application is laid before the meeting at Miss Palmer's request.

6. The following circular has been addressed by the Managers to the subscribers with reference to a circular issued by certain subscribers in support of two resolutions advertised to be proposed at the next general meeting.

CIRCULAR.

Dated Calcutta, the 11th December 1880.

To—All Subscribers.

I AM directed by the Managers to address you with reference to a circular recently issued by certain subscribers in support of two Resolutions which they propose to bring forward at the half-yearly general meeting in January.

2. Before proceeding to discuss the merits of the resolutions, the Managers desire to invite your attention to certain allegations in this circular, reflecting upon the management. It is stated that the Managers allowed unnecessary delay to occur in the preparation of the Actuary's report. If the subscribers will refer to the reports presented by the Managers at the different half-yearly general meetings, they will observe that the Managers have regularly reported to the subscribers the obstacles that had been encountered in obtaining the report, and the efforts that had been made to overcome them. In July 1875 the Managers reported that Mr. Brown, the Actuary, to whom the quinquennial valuation papers of 1873 had been entrusted, had died suddenly, leaving his report unfinished, and that owing to the difficulty experienced in tracing the process adopted by him, it had been found necessary to commission another Actuary (Mr. R. Hardy) to begin a fresh report. After a time it was found that Mr. Hardy was not making such satisfactory progress as might have been wished. In 1876 Mr. Verner, who had been officiating as Secretary to the Fund, had an interview with Mr. Hardy in London, and efforts were made to expedite the submission of the report. As there was still delay, the Managers, early in 1877, begged Mr. E. F. Harrison, the Comptroller-General, who had lately been one of their number, to see Mr. Hardy in London, and to endeavour to close the engagement with him, and to leave them free to select another Actuary. This was reported to the subscribers in July 1877, and it was at the same time announced that, as the delay which had occurred had rendered the information originally submitted for Mr. Brown's consideration practically obsolete, the Managers proposed to submit to professional enquiry the further data which the four years (1873—77) had rendered available. Mr. Harrison was at first disposed to think that the work had better remain in Mr. Hardy's hands. This was reported by the Managers in January 1878. Subsequently, in February 1878, Mr. Harrison reported that he had made an arrangement by which the investigation would be carried through by Mr. Sutton conjointly with Mr. Hardy The statistical information was then, by Mr. Sutton's desire, brought up to 1878, and forwarded to him. The Managers reported progress in January 1879, and the report was received in July 1879. Not only were these proceedings before the service, but two of the subscribers who have signed this circular had special knowledge of some of the circumstances described above. One (Mr. Cotton) was a Manager in 1875 and the beginning of 1876, and the other (Mr. Verner) officiated as Secretary in 1875 and 1876, and in the latter year was actually engaged in London, on behalf of the Managers, in negotiating for the prompt submission of the report, and was cognizant of the proposal to lay more recent information before the Actuary.

3. It is further suggested that the Managers suppressed the resolution of 28th January 1874. That this is not the case will be apparent from the following extract from the Managers' circular of 13th October 1879, in which they stated the grounds on which they had decided not to recommend that the rules should be amended with retrospective effect from 1st April 1873 :—

"The Managers consider it unnecessary to go back further than 31st March 1878 for the adjustment of the accounts. It is a fixed principle in the administration of all systems of insurance that long retrospective effect cannot be given to any distribution of surplus funds. The existing members of a fund are alone entitled to the benefit of a surplus, as they alone bear the chance of having to provide for a deficit. Claims which have become incumbent are represented by separate allotments of funds to provide for them. No risk attaches to them, they have been settled in full, and it would be impossible to manage any institution properly if they were liable to reconsideration. Moreover, the principle of retrospective adjustment, if once admitted, would involve the extinction of the greater part of the surplus, with no appreciable benefit to the Fund. It will be observed that the Actuary's calculation gives only Rs. 6,18,333 as the surplus on 31st March 1873. If, therefore, retrospective effect were given to that date, there would be very little to distribute."

The resolution was also prominently referred to at the meeting of 31st January last, immediately before the vote was taken on the proposal to give retrospective effect to the amendments of the rules from 1st April 1878 only : and the report of the proceedings of that meeting was before the subscribers for the period of two months, required by the rules, before their confirmation of its resolutions was finally accepted. It is stated in the circular that "so long ago as the 30th October 1879, Mr. Cotton protested by letter against the Managers' proposal, but without effect." This letter was communicated by Mr. Cotton to the newspapers simultaneously with its despatch to the Managers; it was referred to in the circular of 22nd November 1879 ; and it was referred to at the meeting of 31st January, before the vote was taken; Mr. Cotton also informed the Managers unofficially that he did not require a separate reply to his letter; and he afterwards, in March, voted in favour of the resolution, against which he now states that he protested without effect. If Mr. Cotton, the author of the letter, thus adopted the very view against which the letter was chiefly directed, it is very difficult to see how it can be urged that others would have voted differently had their attention been more closely directed to the contents of this letter.

4. From the wording of the first resolution and the language used in the paragraph which precedes it, it would seem that the authors of the circular are of opinion that, under the rules as now amended, the families enumerated do not in any way participate in the increased benefits. As a matter of fact, however, these families are, except in respect of the donation, in exactly the same position, from 1st April 1878, as the families of subscribers who died on or after that date. None of them are subject to the one-sixth deduction; all of them who were motherless on 1st April 1878, and who have since become motherless, draw the increased allowance with effect from the date in question; all the sons draw the special allowance with effect from 1st April 1878. Additions can only be made to benefits by amendments of rules, and retrospective distribution can only be effected by giving retrospective effect to the amendments. The amendments were given retrospective effect from 1st April 1878. They were accordingly to be read as having been in force on that day; and therefore the rule regarding one-sixth deduction ceased to have effect from that day, and every child fulfilling the conditions of being motherless, or, in the cases of sons attaining the age of 16 years on or after that day, was necessarily entitled to the new benefits. The donation, however, could only be given to families which became incumbent on or after that day. It could only be granted under the rules on the decease of the subscriber, and accordingly the family of a subscriber, who had died before 1st April 1878, could not claim it. The deductions of one-sixth were wholly eliminated from the Actuary's calculations of the liabilities of the Fund from 1st April 1878, and at page 7 of his second report, he shows the charges placed on the Fund by the extension from that date of the special allowances to motherless orphans, and by the provisions of special allowances to sons attaining the age of 16. The actual effect, therefore, of the first resolution would be simply to give to certain families arrear payments before 1st April 1878 of allowances which they never expect to get, and which accordingly never entered into their calculations in regulating their expenditure. The donation, for instance, is given avowedly to enable the family to meet the expenses incident on settling in a home. Can it be said that there is any reason in giving in 1880 a donation of £200 or £300 to the family of a subscriber who died in 1874 in order to enable them to establish themselves? The Managers are altogether unable to understand how such a proceeding can be recommended on the ground of "keeping faith with the members of our own Service." They will show further on that the proposal as it stands involves a breach of faith with two other classes—annuitants who retired before 31st March 1873 and died before 31st March 1878, and annuitants now surviving. To deprive the families of the former of benefits given to the families of active subscribers who died during the same period, and to tax the latter indefinitely to provide the necessary funds, would be to act in diametric opposition to the terms of the resolution of January 1874, on which the proposals of the circular profess to proceed.

5. With reference to the second Resolution, the Managers do not know why Mr. G. K. Webster is selected for exceptional treatment. It is the duty of the Managers to inform the subscribers that, if this resolution is adopted, there are many other subscribers who will possess similar claims. The amendment of the rule must have effect from 1st April 1873, if it is taken beyond 1st April 1878; and every invalid annuitant who retired in the interval will come within its purview. Mr. Richardson Evans is precisely in the same position as Mr. Webster: he retired in March 1877, and, like Mr. Webster, secured one-fourth benefits only to his family. Messrs. W. Johnstone, P. Humphrey, E. Waterfield, and G. Graham retired between 1873 and 1878, making up their balances to Rs. 12,500, and securing half benefits. If Mr. Webster is to be admitted to the same position without paying anything, clearly the amounts paid by these gentlemen, not being demandable under the amended rule, must be refunded. Messrs. C. E. C. Merington, H. Priestly, D. W. Marsden, H. M. Rogers, F. Hurley, and E. M. Money have not made up their balance to the minimum of Rs. 6,250, and have consequently ceased to belong to the Fund. If the operation of the amendment is thrown back so as to secure half benefits to Mr. Webster's family, these subscribers must also be restored, and the Fund must undertake liability for their existing or future families. The cost of this measure alone to the Fund would be nearly Rs. 70,000.

6. But the Managers must point out that the proposal to extend special consideration to invalid annuitants who retired between 1873 and 1878 is not reasonable, even on the grounds on which the other proposals of the circular are supposed to rest. The argument of the circular is that the subscribers of 1874 only abstained from utilizing the then existing surplus in certain ways, on the understanding that their families would not lose by the postponement, and that their expectations must be fulfilled. Now, it is clear that those expectations could only extend to measures which had been already discussed. But the proposal to deal specially with invalid annuitants was never mooted till 1879. Clearly, therefore, any invalid subscriber retiring before 1st April 1878 was innocent of any expectation of special benefit of this nature, and the subscribers have not even an imaginary duty to fulfil in regard to him.

7. The Managers cannot accept the proposal to exclude from the additional benefits the families of annuitants who retired from the service before 31st March 1873, but who died before 31st March 1878. The arguments that they were not voters when the resolution of January 1874 was carried, and "were not considered when that vote was passed," are such as have not hitherto been resorted to in dealing with Fund

questions, and they will not, the Managers apprehend, find favour with the subscribers. Though annuitants are, from the accident of their position, debarred from active co-operation in the administration of the Fund, they have, it is needless to say, precisely the same rights in the Fund that active subscribers possess. To exclude them from benefits because they were not present to assert their rights, or to cause themselves to be considered, would be a proceeding out of harmony with the spirit that has hitherto governed the action of the Service. The proposal, however, is impracticable as well as unjust. The same error has been made here as has been made in regard to the position of incumbent families on 1st April 1878. As has already been said, additions can only be made to benefits by amendments of rules, and retrospective distribution can only be effected by giving retrospective effect to the amendments. If it is intended to give retrospective effect to 1st April 1873, every case occurring on or since that date must be dealt with as if the amended rule applied to it. Therefore the families of deceased annuitants must have precisely the same privileges as those of deceased active subscribers, however little the interests of the annuitants in question may have been considered by those who voted away the surplus funds.

8. Before proceeding to discuss the estimate of the cost of the proposed measures, it is necessary for the Managers to advert to the source from which it is sought to obtain the funds required. It is proposed in the circular to meet the increased charges "by a further postponement of the total exemption of annuitants." Now, the resolution of January 1874, on which the circular relies, provided that "any benefits that may be distributed shall have retrospective effect from the 1st April 1873." It is not easy to see how those who rely upon this resolution can propose, not only not to give retrospective effect to one of the benefits decreed, but to postpone it indefinitely. The Managers apprehend that it is not open to those who consider the resolution binding to proceed directly against its terms, in order, amongst other things, to provide funds for a measure which it did not contemplate.

9. It is estimated in the circular that the cost of the proposals would be "about two lakhs, or perhaps rather more than two lakhs;" but no details are given to show the basis on which the estimate was framed. With reference to this point it may be mentioned that, in returning to Mr. Cotton his draft circular, the Managers warned him that many of his statements were open to contradiction, and that the liabilities which his proposal involved would "certainly enormously exceed" his estimate of two lakhs. The proposals are too vague to be made the subject of a precise estimate. In the first place the Managers have shown that the greater part of the effect intended by the signatories is already included under the Resolutions of January, so that the actual effect in regard to the families named is much less than the signatories intend. But, on the other hand, it is clear that the proposals cannot be accepted without entailing several extensions beyond what the circular contemplates. Taking the proposals as they appear to the signatories of the circular, the Managers have no hesitation in saying that the estimate should be multiplied by at least five. Taking them as they must in any case be modified by the considerations which have been detailed above, the Managers present the following estimate of the real cost of giving effect to the amendments of the rules from 1st April 1873, with the exception of that regarding the ordinary subscriptions of annuitants:—

	£
Refund of one-sixth deductions	11,350
Refund of additional subscriptions, composition, &c.	11,460
Increase of £50 to sons	3,050
Increase of 50 per cent. to motherless orphans	11,800
Donations	12,350
Refund to invalid annuitants	1,460
Value of contingent and potential benefits to families of invalid annuitants who have left the Fund, so far as known	5,430
Total ...	56,400

As regards the proposal to retain the ordinary subscriptions of annuitants in order to cover this charge, it must be remembered that these subscriptions have been provisionally retained, on the ground that the proposals already carried out have left the Fund considerably in deficit. Mr. Cotton's proposal would leave the Fund in deficit by 5¾ lakhs in addition to the present deficit of about 3 lakhs, making a total of at least 8¾ lakhs. The retention of 4¼ lakhs would only meet half of this deficit. To carry out the proposals now made, therefore, it would be necessary either to continue the subscriptions of annuitants to both branches for a practically indefinite period, or to impose additional rates on active subscribers. The Managers think it right to inform the subscribers that the first course is not open to them consistently with the undertaking already given by the Service. In 1869 the subscribers decided by a majority of 92 to 11 to amend the rules so as to relieve annuitants of all charges except a composition rate of one-tenth of their subscriptions, which was to be maintained under the erroneous impression that some payment would be required to ensure correct returns of family occurrences. As the Actuary reported that the Fund could not afford this measure in full, it was decided "for the present" to reduce annuitants' subscriptions only by half. But it has always been recognized that the Service is committed to the remission of annuitants' subscriptions as soon as the Fund can afford it. The circular professes to rest upon the general resolution of January 1874,—the provisions of which, however, it proposes to infringe, but it takes no cognizance of a formal amendment of the rules deliberately adopted by the Service, and avowedly only suspended for a time on financial grounds.

10. It remains therefore for the subscribers to decide whether they are willing to impose additional taxation on active members in order that certain families may receive arrear payments, for a period which closed more than two-and-a-half years ago, representing allowances which they never expected to receive and for which the occasion has necessarily passed away, and that a number of invalid annuitants may be placed in a position which, at the time of their retirement, they could not possibly have contemplated. The Managers have little doubt what the decision of the Service will be.

11. In conclusion, the Managers desire me to say that while they are most anxious that all proposals affecting the Fund should receive the fullest possible discussion (and of this they have given ample proof in the communications addressed to the subscribers before the proposals carried in January were formally submitted), and that the records of the Fund Office should be consulted to the fullest extent by every subscriber, they must point out the impossibility of carrying on the administration of a great institution like our Fund, if there is to be no finality in formal amendments of rules. In the present instance the measures for distributing the surplus were fully discussed before they were formulated; they were under consideration by the subscribers in their formal shape for two months before the general meeting was held; they were discussed at the meeting; they were, after being carried with only one dissentient vote in a meeting at which 45 subscribers were present, submitted for two months to the further consideration of the Service, and they were confirmed by an overwhelming majority. Eight months after this confirmation certain gentlemen re-opened the discussion. Even had these gentlemen consistently opposed the resolutions of January, the Managers think that they should have accepted the decision of the majority of the subscribers. But it is a remarkable circumstance that not one of them recorded a vote against the measures which they now so vehemently assail. Three of them voted unreservedly for all the resolutions. The other signatories of the circular did not feel themselves called upon even to return the voting papers supplied to them.

With this exposition of the circumstances, the Managers leave it to the Service to pronounce its decision on the question. In order that Members who cannot be present at the meeting may be able to record their votes on one side or the other, the usual form of proxy is enclosed. The Managers hope that Members of the Service will not fail in these important discussions to exercise their privilege of recording a distinct vote, so that some finality may be attained.

I have, &c.,
COLMAN MACAULAY,
Secretary.

Mr. Cotton has announced in the public papers that he does not intend to bring forward the Resolutions in question: but the Managers have received no communication from him on the subject.

The following letter has since been received by the Managers:—

TO THE MANAGERS OF THE BENGAL CIVIL FUND.

GENTLEMEN,

WE have had under consideration your circular of the 11th instant on the subject of the retrospective effect to be given to the increased benefits from the Fund to the families of subscribers deceased since 1873. We have also read the letter published by Mr. Cotton in to-day's *Englishman*, in which that gentleman announces (for the first time) his withdrawal from the positions originally taken up by him in common with the rest of us.

2. In the circular to which we attached our signatures, we took up two prominent and important positions—the *first*, to the effect that a resolution which had received the formal sanction of the service, and which consequently, under paragraph 2, Articles 17 and 18 of the rules, was "finally adopted" and became "final and conclusive," had never been formally rescinded by the service; and the *second*, that certain increased benefits should be extended to the families of certain specified deceased subscribers with retrospective effect from April 1873.

3. The second of these positions has been, we consider, disposed of by your circular already alluded to. We now understand that it has been your intention to extend to the families of subscribers dying between 1873 and 1878 very much what our first proposal was intended to secure for them, inasmuch as it is now stated that such families are to be included in the increased benefits which are to accrue from April 1878.

4. But our first position remains, in our opinion, intact. We do not find in your reply any specific statement to the effect that the final and conclusive resolution arrived at by the service has been formally cancelled or rescinded by the subscribers, who alone have power in the matter. We do not find that the question of rescission has been ever formally put to the subscribers as it should be. The fact that the resolution of the Managers was "prominently referred to" on the occasion of the vote being taken thereon has not, we consider, that formality which the rules require; and the further argument that the majority of the service voted for the accrual of the increased benefits from April 1878, while it shows indeed that the subscribers were willing to go so far, falls short of a resolve on the part of the service that they should go no further. It is true that in your circular of the 11th instant you state that "the vote was taken on the proposal to give retrospective effect to the amendments of the rules from the 31st April 1878 only." But if you will refer to the report of the meeting held on the 31st January 1880, as well as to the vote paper separately circulated amongst all subscribers, you will find that this word "*only*" occurs in neither; and we think you will agree with us that many who did vote on that occasion may not have understood that they were voting for the entire cancelment of the former resolution of the service, and that the word "only" should not, therefore, have been inserted in the circular-reply. Taking, therefore, into consideration the whole facts of the case as they are now before us, we are of opinion that the resolution of January 1874 should now be formally and specifically cancelled or amended so as to meet the circumstances of the Fund, so as to allow an accrual of increased benefits from April 1878 only.

5. We have only to add that for the accuracy of the statements contained in our previous circular we are not directly responsible. We were not all in a position to satisfy ourselves from a personal inspection of the records of the Fund as to the accuracy of these statements, and some of us accepted them on the distinct declaration (communicated to us) that they were statements of absolute and undeniable facts.

6. We are now content to leave the matter in the hands of the Managers, being satisfied that we have done our duty in bringing what we consider to be an omission to the notice of the service, and that the Managers will be, equally with ourselves, desirous to rectify this omission so as best to suit the interests of all subscribers.

We have, &c.,
G. J. B. T. DALTON.
A. A. WACE.
C. A. WILKINS.
F. C. DAUKES.
J. A. BOURDILLON.
L. C. ABBOTT.

The 25th December 1880.

With reference to the last paragraph of this letter, the Managers are satisfied that the decision arrived at represents fully the wishes of the service at large, and they are of opinion that no further formal action on their part is required.

7. In accordance with Article XXII of the revised rules, the Managers have to report that the Hon'ble J. O'Kinealy having obtained six months' leave of absence from 11th October last, tendered his resignation as an elected manager, and that the Hon'ble H. J. Reynolds was invited to join the Board of Managers in succession to Mr. O'Kinealy.

8. The following is the result of the voting on the resolution of the Special General Meeting of 22nd November:—

"That so much of the amendment of Article VIII of the Rules, adopted at the Half-yearly General Meeting held on 31st January last, as regards the subscriptions of annuitants to the Ordinary Branch of the Fund be held in abeyance."

For	131
Against	10

9. The accounts for the year 1879-80 are submitted.

Abstract of the Accounts of the Bengal Civil Fund for 1879-80.

	Bearing interest at 8 per cent.			Bearing interest at 5 per cent.		
UNAPPROPRIATED FUNDS.	Rs.	A.	P.	Rs.	A.	P.
By balance on 1st April 1879	39,50,845	14	2	47,62,078	15	3
„ Interest	3,15,907	5	4	2,44,678	13	1
„ subscriptions during the year	2,64,773	2	3	2,02,061	1	1
„ payments by three annuitants in India to complete subscription balance to Rs.	6,742	3	5	.....		
„ composition payment by an annuitant in India	1,360	2	0	1,102	9	6
„ ditto from six in England	58	13	8	427	13	0
„ minimum payment by an incumbent under Rule 7	6,257	2	7	1,764	13	5
„ recredit of overpaid pensions in England	1,162	0	7	327	12	1
„ contributions by annuitants in India	5,133	12	8	4,562	15	2
„ ditto paid in England and by absentees on furlough	17,812	13	7	16,256	5	9
„ fine from 12 subscribers, including 7 for unequal age at marriage ...	.....			13,129	7	4
„ transfer from appropiated funds of deduction of one-sixth from pensions under Rule 7.	14,586	4	4	6,617	10	4
„ amount granted by Government for the payment of pensions of families of those subscribers who were killed in the mutiny.	26,459	10	11	7,462	15	9
„ transfer from Annuity Fund	1,404	0	0	396	0	0
„ donation from the Government paid in England	25,000	0	0	.....		
„ transfer from additional to the ordinary branch on account of alteration of proportion.	87,483	14	1	.....		
	47,55,017	3	7	52,60,867	3	9
DEDUCT—						
To transfer to Appropriated Funds—						
„ value of pension of Mrs. J. P. Gubbins, widow, and one son of J. P. Gubbins (annuitant).	19,149	12	6	6,539	6	2
„ ditto of Mrs. G. Udny, widow, one daughter, and one son of G. Udny, (annuitant).	26,860	13	9	9,306	5	0
„ ditto of Mrs. J. Lean, widow, two daughters, and two sons of J. Lean (annuitant).	44,064	1	2	15,924	11	2
„ ditto of Mrs. F. Macnaghten, widow of F. Macnaghten (annuitant) (one-fourth pension).	5,678	0	2	2,079	2	8
„ ditto of a posthumous daughter of G. Ouseley	5,164	6	1	2,133	6	10
„ ditto of Mrs. J. H. Bax Ironside, two daughters, and one son ...	37,315	15	7	13,507	1	11
„ ditto of Mrs. W. T. Trotter, widow of W. T. Trotter (annuitant).	21,467	2	7	7,661	15	0
„ ditto of Mrs. W. H. Smith	21,682	7	0	8,383	5	1
„ ditto of a posthumous son of E. S. Moseley	4,396	7	6	1,644	11	6
„ ditto of Lady J. L. M. Lawrence, widow, one daughter, and one son of Lord Lawrence (annuitant).	28,934	1	7	9,996	1	2
„ ditto of Mrs. F. M. Lind, widow, one daughter, and three sons of F. M. Lind (annuitant).	40,125	7	4	14,029	13	7
„ ditto of Mrs. G. H. Damant	22,903	14	9	8,419	9	11
„ ditto of Mrs. T. F. Harkness, two daughters, and one son ...	37,761	4	6	14,728	13	10
„ ditto of one daughter of A. Dick (annuitant)	5,963	1	7	2,021	5	9
„ ditto of Mrs. T. W. Gribble and one son	29,061	7	7	10,841	1	11
„ ditto of Mrs. E. A. Bradbury and two sons	33,465	13	1	12,623	4	0
„ ditto of Mrs. J. C. Geddes, two daughters, and one son ...	43,159	3	1	16,192	4	11
„ interest thereon	20,866	2	8	4,709	15	5
„ transfer to Appropriated Funds on account of pensions payable by Government.	26,459	10	11	7,462	15	9
„ refund of overpaid subscriptions	590	0	7	717	4	5
„ establishment, &c.	8,563	5	11	2,056	5	4
„ printing charges	920	1	3	253	10	1
„ transfer to ordinary as above	.....			87,483	14	1
	4,84,552	13	2	2,58,716	9	6
Balance on 31st March 1880 ...	42,70,464	6	5	50,02,150	10	3
APPROPRIATED FUNDS.						
By balance on 1st April 1879	56,73,749	6	5	10,51,179	3	4
„ interest	4,28,198	5	5	50,933	10	6
„ transfer from Unappropriated Funds, values of pensions granted to the above seventeen families within the year.	4,27,153	7	10	1,56,032	8	5
„ interest thereon	20,866	2	8	4,709	15	5
„ transfer from Unappropriated Funds on account of pensions payable by Government.	26,459	10	11	7,462	15	9
	65,76,427	1	3	12,70,318	5	5
DEDUCT—						
To pensions paid in England under old rules	1,43,560	0	0	.....		
„ ditto ditto new rules	5,54,617	15	8	1,48,097	11	0
„ ditto India ditto	13,606	14	0	3,110	3	0
„ transfer to unappropriated funds of the deductions of one-sixth from pensions under Rule 7.	14,586	4	4	6,617	10	4
	7,26,371	2	0	1,57,825	8	4
Balance on 31st March 1880 ...	58,50,055	15	3	11,12,492	13	1
TOTAL BALANCE ON 31ST MARCH 1880 ...	1,01,20,520	5	8	61,14,643	7	4

INVESTMENT OF THE ABOVE BALANCE.

	Rs.	A.	P.
Invested Treasury Notes at 8 per cent. ...	90,15,802	5	6
Uninvested at 8 per cent. (since invested)	11,04,718	0	2
Ditto at 5 per cent.	61,14,643	7	4
Total ...	1,62,35,163	13	0

COMPARISON OF THE BALANCE.

	Rs.	A.	P.
Balance on 31st March 1879	1,54,37,853	7	2
Ditto on 31st March 1880	1,62,35,163	13	0
Increase ...	7,97,310	5	10

CIVIL FUND OFFICE,
The 31st January 1881.

E. E.
COLMAN MACAULAY,
Secretary and Accountant.

Proposed by *Mr. H. Beverley*, Seconded by *Hon'ble A. T. Maclean*, and carried.

THAT the Managers' proceedings in admitting the families of the late Messrs. D. C. Halkett, D. J. Money, and Sir Cecil Beadon, to the benefits of the Fund, be confirmed.

Proposed by *Mr. John Beames*, Seconded by *Mr. George A. Grierson*, and carried.

THAT the daughter of the Marquis of Tweeddale be brought on the books of the Fund on payment of the minimum fine of Rs. 100, together with all arrears of subscriptions and interest at 8 per cent. as recommended by the Managers.

Proposed by *Mr. D. R. Lyall*, Seconded by *Mr. C. J. Lyall*, and carried.

THAT the reply given by the Managers to Mr. C. R. Marindin be approved.

Proposed by *Mr. W. M. Souttar*, Seconded by *Hon'ble C. D. Field*, and carried.

THAT the accounts for the past year 1879-80 be approved.

Proposed by *The Hon'ble A. Mackenzie*, Seconded by *Mr. D. M. Barbour*, and carried.

THAT the following gentlemen be elected Managers for the ensuing year:—

Hon'ble Mr. Justice McDonell, v.c.; Hon'ble H. J. Reynolds; J. Monro, Esq.; A. Forbes, Esq., and C. A. Wilkins, Esq.

Mr. Cotton said that he rose to make a personal explanation, and also to make a statement which he thought, in the opinion of the subscribers present, would call for explanation from the Board of Management. Although he had no especial authority to do so, he felt that in the remarks he was about to make he might speak both for himself and for the other gentlemen who had joined with him in signing the appeal-circular to the subscribers dated 26th November 1880. That circular was in the hands of all present. It proposed that the increased benefits awarded at the General Meeting of 31st January 1880, should be awarded (in accordance with the Resolution of the 28th January 1874) so as to include the specified families of subscribers who died after the 1st April 1873, but before the 1st April 1878, from which latter date only the benefits were declared by the meeting of 31st January 1880 to have effect. It had subsequently been explained by the Managers, in their circular of the 11th December 1880, that the families of the subscribers who died within this quinquennial period "were, except in respect of the donation, in exactly the same position from 1st April 1878 as the families of subscribers who died on or after that date." So that in point of fact the appeal which he and others thought it necessary to make to the Service had substantially been allowed by the management, and there was no necessity therefore for him to press the resolution of which he had given notice.

He would explain, however, that the authoritative interpretation now given by the Managers, of the retrospective character of the benefits recently awarded, was a novel one and directly inconsistent with the interpretation the Managers had themselves put upon the same point in the circular letter in which they had recommended those benefits for the approval of the Service. In that circular, dated 13th October 1879, it was distinctly explained that the families of subcribers who died before 1st April 1878, would be ineligible for any increased benefits that might be awarded. The arguments of that circular had never been disavowed or contradicted. They had gone abroad to the Service as indicating the policy it was intended to follow in regard to the distribution of benefits, and *Mr. Cotton* for one certainly understood from them, and he believed that almost every member of the Service was also with him in understanding from them, that the families of subscribers who died before 1st April 1878, were excluded from all participation in the increased benefits recently awarded.

In order to justify these remarks and the public action he had taken in consequence of the opinion he held, he would read to the meeting extracts from the Managers' circular of the 13th October 1879. That circular was sent along with a copy of the Actuaries' report, and "submitted proposals for the distribution of the surplus as ascertained by Mr. Sutton." Paragraph 3 of that circular is expressed as follows:—

"3. The Managers consider it unnecessary to go back farther than 31st March 1878 for the adjustment of the accounts. It is a fixed principle in the administration of all systems of insurance that long retrospective effect cannot be given to any distribution of surplus funds. The existing members of a fund are alone entitled to the benefit of a surplus, as they alone bear the chance of having to provide for a deficit."

He begged to call particular attention to the last-quoted sentence. It meant, as plainly as words could say it, that members of the Fund who had died before 1st April 1878 would not be entitled to the benefit of the surplus, and the reason it gave for their exclusion was, that as they were dead and no longer subscribers, it would be impossible to impose upon them any liability to provide for a deficit. Under this interpretation there could be no doubt that the families of the late Messrs. Schalch, Geoghegan, Carpenter, Falcon, and others, enumerated in the appeal which he and his co-signitaries had made to the Service, would be excluded once and for all from any participation in the increased benefits. He would continue reading from the 3rd paragraph of the Managers' circular:—

"Claims which have become incumbent are represented by separate allotment of funds to provide for them. No risk attaches to them, they have been settled in full, and it would be impossible to manage any institution properly if they were liable to reconsideration."

These words also can bear but one meaning. They mean that funds had been appropriated on account of the families of subscribers who died before the 1st April 1878, and that it would be impossible to readjust the amount of appropriated funds so as to admit those families to any subsequently sanctioned increase of benefits.

The same paragraph proceeds:—

"Moreover, the principle of retrospective adjustment, if once admitted, would involve the extinction of the greater part of the surplus, with no appreciable benefit to the Fund."

This sentence, when read with the context of the words which precede it, has no other meaning than that the Managers were opposed to granting increased benefits to the families of any subscriber who died before the 1st April 1878, on the ground that, by so doing, they would swallow up the greater part of the Fund surplus.

The Managers then proceeded, in the circular from which he was quoting, to describe the increased benefits proposed, and to estimate the cost of each. In the seventh paragraph they summarise their remarks, and continue, in language which must clear away the faintest doubt that may have lingered in the mind of any reader, as follows:—

> These measures (*i.e.*, above recited benefits) as well as the abolition of the rule regarding one-sixth deductions, the Managers would wish to see introduced at once with retrospective effect from 1st April 1878, the first day of the new quinquennial period,—that is, they will be applied to all pensions which have become incumbent on or after that date."

Here is a distinct exclusion of all pensions which had become incumbent before the 1st April 1878. There is nothing more wanted to show that, in the opinion of the Managers, on the 13th October 1879 the families of all subscribers who had come on the Fund before 1st April 1878 were to be excluded from any participation in the increased benefits. This at least is the view *Mr. Cotton* took, and this is the justification—he ventured to think it was a satisfactory one—that he had now to offer to the Service for the action he had taken. In this view of the case he had recorded a formal written protest from Chittagong, where he was stationed at the time of the last January meeting. At that meeting it is true the subject was just alluded to, but nothing explanatory of the circular of the 13th October, or in any way modifying the observations therein expressed, was elicited from the management.

Mr. Cotton being fully occupied with other concerns was then inclined to let the matter drop, but he was moved to act again on the representation of others who had a personal interest in seeing that the incumbents of the Fund, during the quinquennial period from 1873 to 1878, were not excluded from the increased benefits. He accordingly, on the 6th September 1880, addressed the Secretary to the Fund with the same arguments as those on which his own and his co-signitaries' circular of the 26th November was based, and in order to avoid any division in the Service, asked the Managers to identify themselves with a proposal, that the increased benefits should be distributed with retrospective effect, so as to include the families of all subscribers who died during the quinquennial period from 1873 to 1878, and pointed out that this was in accordance with the Resolution of the 28th January 1874, which enjoined that "any benefits that may be distributed shall have retrospective effect from the 1st April 1873." In reply to this representation *Mr. Cotton* received a letter on the 15th September, in which it was said that the Managers "did not consider that they could profitably enter on a discussion of an informal proposal, made by a single member of the Service, to set aside a Resolution almost unanimously adopted by the Service at a recent General Meeting." There was no mention in this reply that *Mr. Cotton* was labouring under any misapprehension in regard to the actual retrospective distribution of the benefits, or that the Managers in any way repudiated the principles and proposals they had enunciated in their circular of the 13th October 1879.

Failing to get any satisfaction from the management, and relying entirely on the statements of the Managers in their circular of October, which it never occurred to him for one moment to mistrust, *Mr. Cotton* then consulted certain other members of the service as to the course he should pursue, and the result was the issue of the circular-appeal to the Service, dated 28th November 1880. The result of this appeal was that Managers proceeded to make an elaborate exposition of the case for the information of the Service.

The manifesto of the Managers, dated 11th December 1880, was a most valuable document, and although it contained many passages, personal allusions, as well as other points open to much objection, *Mr. Cotton* did not propose to detain the meeting by indulging in any *criticism* in regard to them. He might say in passing that he considered the expression "vehement assault" contained in the penultimate paragraph was quite uncalled for by any of the language used in his own circular. But he did not wish to dwell on such matters. He would refer to the fourth paragraph only, and was glad to express his unqualified satisfaction that the Fund management had now been able to place such an interpretation on the retrospective clause as to admit the families of all subscribers who died before 1st April 1878 to the full benefits now sanctioned (except donation), equally with the families of subscribers who may die, or have died, after that date. The Managers had now virtually conceded what he and his co-signitaries had asked for, and the only regret he had to express was that the Managers had not thought fit to favour him personally with this explanation (which had now, as it were, been furnished at the eleventh hour) when he addressed them in September last on the subject. Had the Managers at that time discussed the matter with him, or supplied him with information, which presumably at that time was available, showing that their October circular was no longer to be accepted as an indication of the Managers' policy, much time and trouble would have been saved.

Mr. Cotton had now completed the personal explanation he had to make to the meeting. He would now ask the Managers to furnish the explanation he thought was due from them to the meeting,—that is to say, he would ask them to reconcile the contradictory statements he had pointed out that afternoon, between the remarks contained in the circular of the 13th October 1879 and those contained in the fourth paragraph of the circular of the 11th December 1880. Before he sat down, however, he wished to make some remarks regarding the distribution of the surplus, with retrospective effect, to the families of invalid annuitants. This was

a point prominently alluded to in the appeal-circular of the 28th November. The name of Mr. Webster was particularly cited in that circular, because from the information available to the drafters of that circular it could not be discovered that any other invalid annuitant occupied a similar position to his. The facts of Mr. Webster's case were that he retired with a family in 1877, and now subscribes at quarter rates, and that under the Resolution of 1880, his wife and children on his death will only get quarter benefits, calculated on the increased allowances now awarded; but if the benefits recently sanctioned are extended as contemplated by the Resolution of 1874, they would be entitled to half benefits calculated on the increased allowances. It is now explained by the Managers that there are other subscribers who possess similar claims to those of Mr. Webster, and that if half benefits were guaranteed to Mr. Webster's family, it would be necessary to restore other subscribers to the Fund, and that the Fund would have to undertake liability for their existing or future families. The cost of such a measure is estimated by the Managers at nearly Rs. 70,000. It appeared, however, to *Mr. Cotton* that this estimate would probably be found to be excessive. He observed that in the Managers' circular of 22nd November 1879, in which the concession of this benefit generally to the families of invalid annuitants was discussed and recommended, it was stated: "The provision will not affect wives married, and children born of such wives after retirement. The cost of the benefit proposed by the Managers will not be great. Cases of this nature are so rare that they cannot be accurately valued." The benefit at that time was considered a very inexpensive one, and yet when the Managers were asked to extend it to the families of the invalid annuitants during a single quinquennial period, they pointed out that for these families only the benefit would cost nearly Rs. 70,000. It occurred to *Mr. Cotton* that when the management were in favour of a proposal, there was a tendency among the Managers to under-estimate its cost; but that when they were opposed to a proposition, they were liable to a tendency to pronounce the cost greater than it really was. In the present case it must be remembered that the benefit proposed "would not effect wives married, and children born of such wives after retirement." It was *Mr. Cotton's* belief that, of the invalid annuitants between 1st April 1873 and 1st April 1878, not above two or three were married at the time of retirement, and it was in his opinion out of the question to say that it would cost nearly Rs. 70,000 to extend the recently sanctioned benefit to the case of these families. Those who retired as bachelors could have no claim on the Fund on account of this benefit. It appeared to *Mr. Cotton* that the Managers had lost sight of this fact, and he questioned therefore the accuracy of their calculations. He threw himself on the favourable consideration of the Managers and of the meeting in dealing with this question. There was no class of subscribers for whom the members of the Service ought to feel greater sympathy than for the invalid annuitants. They were all men cut off from active service in the prime of life, with pitiful annuities hardly sufficient to support existence, and their families, in the event of their death, will be even in still narrower circumstances. It was not for Mr. Webster's family only that he was pleading, but for the families of all other invalid annuitants who had retired between 1873 and 1878, and whose position under the rules was similar to that of Mr. Webster's family. He was sure that if the accounts were again made up, the cost of this concession would come to a very insignificant total compared with the resources of the Fund and the value of the benefit to the family in each individual case. He earnestly hoped that the Managers and the meeting would consider his plea, and, as a special case, or as a special favour, allow the wives married to, and children born of, the invalid annuitants of this quinquennial period, at the time of retirement, the full value of the benefits awarded to the families of invalid annuitants by the Resolutions passed at the last January meeting.

Mr. Westland said he was surprised to find Mr. Cotton, when he rose to address the meeting, instead of offering an apology to the Managers, had proceeded to demand explanations of them. The proceedings which culminated on the resolution of last January had been characterized by the utmost deliberation, having been submitted to the Service for discussion for some months before the meeting, and afterwards in accordance with the rules for confirmation after it; he thought that Mr. Cotton should have been more careful before challenging the resolutions, and re-opening the whole matter by a new agitation. It was only twelve months since he (Mr. Westland) in this same place had complained of Members of the Service rushing into print, and getting up agitations without first making some enquiry as to their facts. Last year's agitation collapsed the moment a simple statement of the fact was made. This year's had collapsed for the same reason even before it came up for discussion.

Mr. Cotton had tried to justify his misapprehension of the facts by quoting from a Circular of the Managers of October 1879, in which they had asked for the opinions of the Service. The fact was that the Managers, after consulting the Service, and receiving, among other communications, one from Mr. Cotton himself, had determined to frame the resolutions so as to give the new benefits more of retrospective effect than they at first indicated; and Mr. Cotton, if he wanted to know what the effect of the resolutions was, should have looked to their wording, and not merely excerpted a statement from the discussions preceding it. At the meeting of January 1880, when the resolutions were brought forward, a valuation of their effect was printed and laid upon the table, where an entry would be found of the very benefits which Mr. Cotton was proposing by his first resolution; and afterwards in the Actuary's report, which was circulated to all the Service, the same entry was made, viz., "present incumbents" upon page

7. If Mr. Cotton had only read the documents sent him, he would never have been under any misapprehension as to the purport of the resolutions.

Then, besides that, Mr. Cotton sent a copy of his proposed circular to the Managers, and was distinctly informed that "many of his statements were open to contradiction." But the only result was, as appeared from a letter now received from Mr. Cotton's co-signatories, that the circular was sent to them for signature, with the assurance that "they were statements of absolute and undeniable facts." It was plainly Mr. Cotton himself and not the Managers who were responsible for the former so completely misunderstanding the facts of the case concerning which he had undertaken to address the Service.

As the other point raised by Mr. Cotton,—the case of the invalid annuitants,—Mr. Westland said that he was very sorry to appear to press hard upon any individual. Mr. Webster was a friend of his own, and he could not but sympathize with him in the misfortunes which had closed to him an Indian career. But the Managers were dealing in this matter with money which they held as trustees, and they would manifestly fail in their duty, if, instead of holding the scales evenly between all parties, they were to give special consideration to the hard cases which happened to come to their personal knowledge, or with which they might have some personal sympathy. Mr. Webster had at the time of his retirement deliberately chosen to insure his life for quarter benefits, and that at a time when no question had been raised about giving any extension in that direction. His case was not distinguishable from that of a person who, after insuring his life in an assurance office for £500, should apply that, in consideration of his special hardship, he might get £1,000 instead, and he would leave the meeting to judge what the Directors' reply to such an application would be. It was manifestly impossible for the Managers to accept Mr. Cotton's motion to separate off Mr. Webster's case for special treatment.

On the question of valuations Mr. Westland warned the meeting of the carefulness necessary in discussing all questions of increased benefits. The Managers drew up careful valuations of all that they themselves proposed, and the details of these were as open to Mr. Cotton as to any other person. All these questions were matters of very serious responsibility, and he warned the service of the extreme danger they would be led into, if they permitted private members to brush aside all careful calculations upon the mere plea that their own inner consciousness gave a result that differed from that arrived at by mathematical processes. He also explained the details of the Rs. 70,000, stated by the Managers as the cost of the application of Mr. Cotton's proposal to such invalid annuitant cases as were known.

Mr. Dampier said that before the subject was dropped, he would like to ask Mr. Westland on behalf of the Managers a question—

If before the next meeting Mr. Cotton were to address the Managers saying that he proposed to bring forward a motion that the service should as a matter of grace admit all subscribers whose cases stood on all fours with that of Mr. Webster, to the extra benefits which had been proposed for Mr Webster, and asking the Managers to assist him in getting up his case by furnishing a list of such members, and of the probable cost which the measure would entail, what answer would the Managers make to such an application?

No one could regret more than he did the growth of what he might term an opposition to the Managers, which was inclined to be overwilling to call them to account for informalities rather than to accept what they did on its merits.

Mr. Barbour pointed out that the question raised by Mr. Dampier was not before the meeting, and that Mr. Westland had no authority to speak for the Managers.

Mr. Westland said that he had no business to answer for the Managers in such a matter, as of course it would come before the Board for settlement, but that for himself he might say that, if Mr. Cotton, or any other member of the Service, desired to bring forward any reasonable proposal, he would give him every facility for obtaining information from the records of the Fund Office; and if Mr. Cotton wished to bring forward such a motion as Mr. Dampier mentioned, he (Mr. Westland) would also be happy to give him personal assistance.

Mr. Dampier said that his question was now completely and satisfactorily answered.

After a vote of thanks to the Chair the meeting dissolved.

CIVIL FUND OFFICE;
The 31st January 1881.

L. R. TOTTENHAM,
Chairman.

Estate of FRANK EGERTON HUDDLESTON, Sub-Assistant Conservator of Forests, Deceased.

Persons who claim to administer to the above estate are hereby called upon to present their claims in the Court of the District Judge of Prome, British Burma, within four months from this date.

ARTHUR HOUGH,
District Judge, Prome.

PROME,
The 12th February 1881.

Ramgurh Company, "Limited."

The Ordinary General Meeting of the Shareholders of this Company will be held in the Company's Registered Office, No. 16, Strand, on Wednesday, the 2nd March, at noon.

MACKINNON, MACKENZIE & Co.,
Agents.

PROMISSORY NOTES.

Caution.

The public are hereby cautioned against purchasing, or in any way dealing with, the Government Promissory Notes No. 016587 of the 4½ per cent. loan of 1879, for Rs. 1,500, and No. 016588 of the 4½ per cent. loan of 1879, for Rs. 20,000; the same having been placed with Messrs. Nicholls & Co. for safe custody only.

G. A. WATSON, *Surgeon-Major,*
Offg. Examiner of Medical Accounts.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 5, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

Mr. Robert Douglas MacGregor and Mr. Thomas Henderson have been admitted partners in our firm as from 1st January 1881.

DUNCAN BROTHERS & Co.

PROMISSORY NOTES.

Caution.

The public are hereby cautioned against purchasing, or in any way dealing with, the Government Promissory Notes No. 016587 of the 4½ per cent. loan of 1879, for Rs. 1,500, and No. 016588 of the 4½ per cent. loan of 1879, for Rs. 20,000; the same having been placed with Messrs. Nicholls & Co. for safe custody only.

G. A. WATSON, *Surgeon-Major,*
Offg. Examiner of Medical Accounts.

Stolen

The following Government Promissory Notes of 4 per cent. Loan :—

No. 082232 of 1842-43, for Rs. 500.
„ 091249 of 1842-43, „ 500.
„ 007558 of 1835-36, „ 500.
„ 057447 of 1879 „ 500.

And the following Notes have been renewed on Notes stolen from the undersigned :—

MEMO.

Old Notes.	*New Notes.*
No. 037421 of 1854-55, for Rs. 2,000.	No. 043400 of 1854-55, for Rs. 2,000.
No. 034780 of 1854-55, for Rs. 1,000.	No. 043399 of 1854-55, for Rs. 1,000.
No. 012785 of 1835-36, for Rs. 500.	No. 019615 of 1835-36, for Rs. 500.
No. 057448 of 4½ per cent. of 1872, for Rs. 500.	No. A011529 of 4 per cent. of 1879, for Rs. 500.

Payment of the same and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietors.

RAMLOLL BUDDREEDOSS,
50, Burtollah Street, Burrabazar,
Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 12, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

Great Eastern Hotel, Wine & General Purveying Company, "Ld."

Notice is hereby given that an Extraordinary General Meeting of Shareholders of the above Company will be held at 3 o'clock P.M., on Saturday, the 12th March 1881, at Nos. 1, 2 and 3, Old Court House Street, for the purpose of electing an Auditor in the room of Mr. William Nicholls.

Application for the vacancy should be sent in to the Secretary not less than three days before the meeting.

By Order of the Directors,

A. CUMMING,
Secretary.

CALCUTTA,
The 9th February 1881.

PROMISSORY NOTES.

Stolen

The following Government Promissory Notes of 4 per cent. Loan :—

No. 082232 of 1842-43, for Rs 500.
„ 091249 of 1842-43, „ 500.
„ 007558 of 1835-36, „ 500.
„ 057447 of 1879 „ 500.

And the following Notes have been renewed for Notes stolen from the undersigned :—

MEMO.

Old Notes.	*New Notes.*
No. 037421 of 1854-55, for Rs. 2,000.	No. 043400 of 1854-55, for Rs. 2,000.
No. 034780 of 1854-55, for Rs. 1,000.	No. 043399 of 1854-55, for Rs. 1,000.
No. 012785 of 1835-36, for Rs. 500.	No. 019615 of 1835-36, for Rs. 500.
No. 057448 of 4½ per cent. of 1872, for Rs. 500.	No A011529 of 4 per cent. of 1879, for Rs. 500.

Payment of the same and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietors.

RAMLOLL BUDDREEDOSS,
50, Burtollah Street, Burrabazar, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 19, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

No.	Loan.	Amount.	Names of the registered proprietors.	Remarks.
		Rs.		
057447	4 per cent. of 1879.	500	D. Magregor . .	Blank endorsed by Damodur Chowbay.
091249	4 per cent. of 1842-43.	500	Major Edward Newbury.	Blank endorsed by Damodur Chowbay.
007558	4 per cent. of 1835-36.	500	Bank of Bengal . .	Blank endorsed by Jadonath Chatterjee.
082232	4 per cent. of 1842-43.	500	Goolab Roy Nahur Sing.	Blank endorsed by Luchmundass.
*037421	4 per cent. of 1854-55.	2,000	Joogul Kissore Balkissun Dass.	Blank endorsed by Russicklall Chunder.
*034780	4 per cent. of 1854-55.	1,000	Sen Sahay Mull .	Blank endorsed by Russicklall Chunder.
*012785	4 per cent. of 1835-36.	500	Bakur Ally . .	Blank endorsed by Mooltanchand Dânga.
*057448	4½ per cent. of 1872.	500	D. Magregor . .	Blank endorsed by Damodur Chowbay.

The Notes marked * having been stolen, are renewed in the following numbers :—

No. 043400 of 4 per cent. of 1854-55, for Rs. 2,000, in favor of Gobind Chunder Sen.
„ 043399 of 4 „ „ „ 1,000, „ „
„ 019615 of 4 „ of 1835-36, „ 500, „ „
„ A011529 of Rd. 4 per cent. of 1879, for Rs. 500, „ „

Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor.

RAMLALL BUDDREEDASS,
No. 50, Banstolla Gullee,
Calcutta.

NOTICE.

The following Resolution passed at the Ninth Annual General Meeting of the Subscribers to the Hindu Family Annuity Fund, held on the 29th January 1881, is published for general information agreeably to Rule 57 :—

"That the Budget Estimate be passed and that the Directors be authorized to draw Rs. 4,617 during the year 1881-82, as provided in Rule 55, from the Deposit Account with the Government of India."

RAM SHUNKER SEN,
Chairman.

GOBINDLAUL ROY,
Secretary.

CALCUTTA,
The 14th March 1881.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 2, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

No.	Loan.	Amount.	Names of the registered proprietors.	Remarks.
		Rs.		
057447	4 per cent. of 1879.	500	D. Magregor . .	Blank endorsed by Damodur Chowbay.
091249	4 per cent. of 1842-43.	500	Major Edward Newbury.	Blank endorsed by Damodur Chowbay.
007558	4 per cent. of 1835-36.	500	Bank of Bengal . .	Blank endorsed by Jadonath Chatterjee.
082232	4 per cent. of 1842-43.	500	Goolab Roy Nahur Sing.	Blank endorsed by Luchmundass.
*037421	4 per cent. of 1854-55.	2,000	Joogul Kissore Balkissun Dass.	Blank endorsed by Russicklall Chunder.
*034780	4 per cent. of 1854-55.	1,000	Sen Sahay Mull .	Blank endorsed by Russicklall Chunder.
*012785	4 per cent. of 1835-36.	500	Bakur Ally . .	Blank endorsed by Mooltanchand Danga.
*057448	4½ per cent. of 1872.	500	D. Magregor . .	Blank endorsed by Damodur Chowbay.

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No. 043400 of 4 per cent. of 1854-55, for Rs. 2,000, in favor of Govind Chunder Sen.
„ 043399 of 4 „ „ „ 1,000, „ „
„ 019615 of 4 „ of 1835-36, „ 500, „ „
„ A011529 of Rd. 4 per cent. of 1879, for Rs. 500, „ „

Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor.

RAMLALL BUDDREEDASS,
No. 50, Baustolla Gullee,
Calcutta.

Lost

The Government Promissory Notes described below :—

No. 049515, of the 4½ per cent. of 1872, for Rs. 500, S. J. Moysey ;
No. 039090, of the 4 per cent. of 1842-43, for Rs. 500, Bank of Bengal ;
No. 039487, of the 4 per cent. of 1842-43, for Rs. 500, S. J. Moysey ;

last endorsed to S. J. Stuart, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor.

H. G. EVANS,
Mysore State Railway,
Bangalore.

Lost, Stolen, or Mislaid

The upper half of the Government Promissory Note, No. 055526, of the 4 per cent. loan of 1st May 1865, for Rs. 1,000, originally standing in the name of the New Bank of Bombay, Limited, and last endorsed to Tabitha Edwards, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of a duplicate in favor of the proprietress.

TABITHA FORRESTER, *late* EDWARDS.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of Votes on Circular No. 6, dated 23rd December 1880.

Subject.	For.	Against.
Whether the three children of the late Mr. G. W. Stuart, named in Circular No. 6, dated 23rd December 1880, shall be admitted to pension on payment of all arrears of subscription.	1,330	2

By Order of the Directors,
W. H. RYLAND,
Secretary.

CALCUTTA,
The 25th March 1881.

PROMISSORY NOTES.

Lost

The Government Promissory Notes described below :—

No. 049515, of the 4½ per cent. of 1872, for Rs. 500, S. J. Moysey ;
No. 039090, of the 4 per cent. of 1842-43, for Rs. 500, Bank of Bengal ;
No. 039487, of the 4 per cent. of 1842-43, for Rs. 500, S. J. Moysey ;

last endorsed to S. J. Stuart, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor.

H. G. EVANS,
Mysore State Railway,
Bangalore.

Lost

Government Promissory Note, No. 050117 of 1842-43, of the 4 per cent. Loan, for Rs. 500. Payment of the above Note and interest due thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate.

DURGAMANI DEBAYA.

Lost, Stolen, or Mislaid

The upper half of the Government Promissory Note, No. 055526, of the 4 per cent. loan of 1st May 1865, for Rs. 1,000, originally standing in the name of the New Bank of Bombay, Limited, and last endorsed to Tabitha Edwards, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of a duplicate in favor of the proprietress.

TABITHA FORRESTER, *late* EDWARDS.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 9, 1881.

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PART III.

Advertisements and Notices by Private Individuals and Corporations

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 16, 1881.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

A reward of Rs. 100 will be given to the person who will deliver the following lost Notes :—

No. 74—51870, Calcutta Circle, for Rs. 1,000.
" " —56120 " " 1,000.

CHUJMAL DOSS.

PROMISSORY NOTES.

Lost

Government Promissory Note, No. 050117 of 1842-43, of the 4 per cent. Loan, for Rs. 500. Payment of the above Note and interest due thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate.

DURGAMANI DEBAYA.

Lost, Stolen, or Mislaid

The upper half of the Government Promissory Note, No. 055526, of the 4 per cent. Loan of 1st May 1865, for Rs. 1,000, originally standing in the name of the New Bank of Bombay, Limited, and last endorsed to Tabitha Edwards, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of a duplicate in favor of the proprietress.

TABITHA FORRESTER, *late* EDWARDS.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 23, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

JOSEPH WILLIS, Deceased.

Pursuant to an Act of Parliament of the 22nd and 23rd Victoria, chapter 35, intituled "An Act to further amend the Law of Property and to relieve trustees," notice is hereby given, that all creditors and other persons having any claims or demands upon or against the Estate of Joseph Willis, late of No. 39, Fountain-street, in the Borough of Kingston-upon-Hull, England, formerly of Goalundo, in the Province of Bengal, in the Empire of India, a Master Mariner, at the time of his death, hereafter mentioned, in the service of the Eastern Bengal Railway Company, who died at No. 39, Fountain-street aforesaid, on the 1st day of October, 1880, and Probate of whose Will was granted by Her Majesty's High Court of Justice at the District Registry attached to the Probate Division thereof at York, on the 17th day of November, 1880, to John Atkinson Harker, of Balmoral-terrace, Anlaby-road, in the Borough of Kingston-upon-Hull aforesaid, gentleman, the Executor therein named, are required to send to us, the undersigned solicitors to the said Executor, on or before the 17th day of May next, full particulars in writing of their claims and demands, after which date the Executor will proceed to distribute the assets of the said deceased amongst the persons entitled thereto, having regard only to the claims of which he shall then have had notice, and the said Executor will not be liable for any part of the assets so distributed to any person of whose debt or claim he shall not then have had notice.

Dated this Twenty-eighth day of March, 1881.

THOMPSON, COOK and BABINGTON,
14, Parliament-street, Hull, England,
Solicitors to the said Executor.

NOTICE.

Persons having claims against the estate of Miss Juliana Laforey Tovey, late of Chandernagore, who died on or about the 11th day of November 1879, are required to present them to the undersigned, one of the executors to the estate, on or before the 31st May next, after which date no claim will be admitted.

R. C. S. MACKENZIE.

1, UPPER WOOD STREET,
CALCUTTA.
The 19th April 1881.

PROMISSORY NOTES.

Lost

Government Promissory Note, No. 050117 of 1842-43, of the 4 per cent. Loan, for Rs. 500. Payment of the above Note and interest due thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate.

DURGAMANI DEBAYA.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 30, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

Persons having claims against the estate of Miss Juliana Laforey Tovey, late of Chandernagore, who died on or about the 11th day of November 1879, are required to present them to the undersigned, one of the executors to the estate, on or before the 31st May next, after which date no claim will be admitted.

R. C. S. MACKENZIE.

1, UPPER WOOD STREET,
CALCUTTA,
The 19th April 1881.

PROMISSORY NOTES.

Destroyed by Rats.

The Government Promissory Note No. $\frac{6627}{8886}$, of the 4 per cent. of 1835-36, for Rs. 500. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAGUVANS RAI,
Rais of Sakit, Zilla Etah.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 7, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Destroyed by Rats.

The Government Promissory Note No. $\frac{6627}{8848}$, of the 4 per cent. of 1835-36, for Rs. 500. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAGUVANS RAI,
Rais of Sakit, Zilla Etah.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 14, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 011498, of the 4 per cent. of 1879, for Rs. 5,000, originally standing in the name of Ram Lal Budri Das and lastly endorsed by Sikri Parshad to "the Registrar, High Court, N.W. P.," by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has been made for the issue of a duplicate in favour of the proprietor.

S. HARVEY JAMES,
Registrar,
High Court, N. W. P.

ALLAHABAD,
The 5th May 1881.

Lost, Stolen, or Destroyed

The Government Promissory Notes Nos. 056251 and 052900, of the 4 per cent. loan of 1842-43, for Rs. 5,000 each, originally standing in the names of E. D. J. Ezra and the Chartered Mercantile Bank of India, London and China, and last endorsed to the late Gunga Narain Sircar, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has been made for the issue of duplicates in favour of the executrix to the said Gunga Narain Sircar.

KALLY DASS BOSE,
Manager of the Estate of the late
Gunga Narain Sircar, Chotla.

Destroyed by Rats.

The Government Promissory Note No. $\frac{6627}{8886}$, of the 4 per cent. of 1835-36, for Rs. 500. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAGUVANS RAI,
Rais of Sakit, Zilla Etah.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 21, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 011498, of the 4 per cent. of 1879, for Rs. 5,000, originally standing in the name of Ram Lal Budri Das and lastly endorsed by Sikri Parshad to "the Registrar, High Court, N.W. P.," by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has been made for the issue of a duplicate in favour of the proprietor.

S. HARVEY JAMES,
Registrar,
High Court, N. W. P.

ALLAHABAD,
The 5th May 1881.

Lost, Stolen, or Destroyed

The Government Promissory Notes Nos. 056251 and 052906, of the 4 per cent. loan of 1842-43, for Rs. 5,000 each, originally standing in the names of E. D. J. Ezra and the Chartered Mercantile Bank of India, London and China, and last endorsed to the late Gunga Narain Sircar, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has been made for the issue of duplicates in favour of the executrix to the said Gunga Narain Sircar.

KALLY DASS BOSE,
Manager of the Estate of the late
Gunga Narain Sircar, Chetla.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 28, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the first quarter ending 31st July 1880, compared with the corresponding quarter of the year 1879.

Particulars.	For the 1st quarter ending 31st July 1880.	For the 1st quarter ending 31st July 1879.	Increase.	Decrease.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Balance at credit of the Fund on the Government books at the end of the previous quarter.	69,41,443 13 9	64,91,304 4 7	4,50,139 9 2	.....
Add Receipts—				
Subscriptions from May to July in the Widows' Fund	1,10,156 10 4	1,09,713 10 9	442 15 7	.....
Ditto ditto Children's Fund	73,750 0 9	74,381 7 9	.....	631 7 0
Entrance Fees, &c., ditto	410 13 9	519 14 4	.....	109 0 7
Amount transferred from Widows' Fund to Reserve Fund (W. F.) ...	.....	1,39,579 0 0	.....	1,39,579 0 0
Ditto ditto Children's Fund to ditto (C. F.) ...	.....	92,304 0 0	.....	92,304 0 0
Ditto ditto Reserve Widows' Fund to Interest Reserve Fund (W. F.)	47,000 0 0	82,742 0 0	.....	35,742 0 0
Ditto ditto Widows' Fund to Interest Reserve Fund (W. F.) ...	33,929 0 0	53,490 0 0	.....	19,561 0 0
Ditto ditto Reserve Fund (C. F.) to Interest Reserve Fund (C. F.)	22,000 0 0	.....	22,000 0 0	.....
Ditto ditto Children's Fund to ditto (C. F.)	20,807 0 0	.....	20,807 0 0	.....
Ditto ditto Reserve Fund to Widows' Fund	5,29,010 0 0	.....	5,29,010 0 0*	.....
Ditto ditto ditto to Children's Fund	3,60,187 0 0	.....	3,60,187 0 0*	.....
Total Receipts ...	11,97,250 8 10	5,52,730 0 10	A9,32,446 15 7	2,87,926 7 7
Grand Total ...	81,38,694 6 7	70,44,034 5 5	B13,82,586 8 9	2,87,926 7 7
Deduct Payments—				
Pensions paid to Incumbents in the Widows' Fund	69,156 3 6	68,005 0 8	1,151 2 10	.....
Ditto ditto Children's Fund	51,958 2 4	47,692 7 5	4,265 10 11	.....
Cost of Establishment, including house rent and contingencies ...	19,970 2 9	18,636 1 0	1,334 1 9	.....
Interest on Reserve Fund passed to Subscribers of over and above 5 years' standing (W. F.)	85,125 3 0	81,412 8 0	3,712 11 0	.....
Ditto ditto ditto ditto (C. F.)	47,777 10 0	51,432 12 0	.....	3,655 2 0
Amounts transferred from Widows' Fund to Reserve Fund and Interest Reserve Fund (W. F.)	33,929 0 0	2,06,213 0 0	.....	1,72,284 0 0
Ditto ditto Children's Fund to Interest Reserve Fund (C. F.) ...	20,807 0 0	1,35,349 0 0	.....	1,14,542 0 0
Ditto ditto Reserve Fund to Widows' Fund and Interest Reserve Fund (W. F.)	5,76,010 0 0	16,108 0 0	5,59,902 0 0	..... *
Ditto ditto to Children's Fund and Interest Reserve Fund (C. F.)	3,82,187 0 0	10,445 0 0	3,71,742 0 0	.....
Total Payments ...	12,86,820 5 7	6,35,193 13 1	C9,42,107 10 6	2,90,481 2 0
Net balance in favour of the Fund, exclusive of Interest upon Capital ...	68,51,874 1 0	64,08,840 8 4	D4,40,478 14 3	2,554 10 5
Proportion of Interest on Reserve Fund payable to Subscribers	33,282 12 0	33,237 12 0	45 0 0	.....

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of Subscribers	1,443	955	1,428	940	15	15	.....	.....
Ditto of Incumbents	335	541	327	513	8	28	.....	.....
Ditto sharing interest on Reserve Fund	864	590	819	557	45	33	.....	.....

* Adjustments made to bring the surplus on the books in accord with the Actuary's valuation, *vide* paragraph 5 of report for 1878-79.

A—Net increase ... ... Rs. 6,44,540 8 0
B— Ditto ... ... ,, 10,94,660 1 2
C— Ditto ... ... ,, 6,51,626 8 6
D— Ditto ... ... ,, 4,43,033 8 8

G. W. Macleod,
Acctt. and Collector.

Uncovenanted Service Family Pension Fund Office;
The 28th April 1881.

H. Ronaldson,
James Bell,
} *Auditors.*

Published by order of the Directors,
W. H. Ryland,
Secretary.

BENGAL CIVIL FUND.

NOTICE.

The Half-yearly General Meeting of Subscribers will be held at the Town Hall on Wednesday, the 27th July next, at 4-30 P.M.

The Managers will propose the following amendments to the Rules:—

In Article V in the last clause before the words "of birth," *insert* "other evidence of the date of," and before the words "be accepted," *insert* "or evidence."

In Articles XXVIII and XXIX after the words "shall have died," *add*—

"or if such member has been divorced from his wife and leaves no widow, or if his widow has been excluded from the Fund under Article XXV."

In Article XXX for the words "or if there be no widow," *substitute*—

"on her admission to the Fund, or if there be no widow, or if such widow has been excluded from the Fund under Article XXV."

COLMAN MACAULAY,
Secretary.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 011498, of the 4 per cent. of 1879, for Rs. 5,000, originally standing in the name of Ram Lal Budri Das and lastly endorsed by Sikri Parshad to "the Registrar, High Court, N.W. P.," by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has been made for the issue of a duplicate in favour of the proprietor.

S. HARVEY JAMES,
Registrar,
High Court, N. W. P.

ALLAHABAD,
The 5th May 1881.

Lost, Stolen, or Destroyed

The Government Promissory Notes Nos. 056251 and 052900, of the 4 per cent. loan of 1842-43, for Rs. 5,000 each, originally standing in the names of E. D. J. Ezra and the Chartered Mercantile Bank of India, London and China, and last endorsed to the late Gunga Narain Sircar, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has been made for the issue of duplicates in favour of the executrix to the said Gunga Narain Sircar.

KALLY DASS BOSE,
Manager of the Estate of the late Gunga Narain Sircar, Chotla.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 4, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the second quarter ending 31st October 1880, compared with the corresponding quarter of the year 1879.

PARTICULARS.	For the 2nd quarter ending 31st October 1880.	For the 2nd quarter ending 31st October 1879.	Increase.	Decrease.
Balance at credit of the Fund on the Government books at the end of the previous quarter.	Rs. A. P. 68,51,874 1 0	Rs. A. P. 64,06,840 8 4	Rs. A. P. 4,43,033 8 8	Rs. A. P. .....
ADD RECEIPTS—				
Subscriptions from August to October in the Widows' Fund	1,10,827 4 9	1,11,479 4 9	.....	1,152 0 0
Ditto ditto Children's Fund	74,352 10 9	74,230 13 9	121 13 0	.....
Entrance Fees, &c., ditto	331 10 0	285 13 0	45 13 0	.....
Amount written back from Interest on Reserve Fund	128 4 0	.....	128 4 0	.....
TOTAL RECEIPTS ...	1,85,139 13 6	1,85,995 15 6	A295 14 0	1,152 0 0
GRAND TOTAL ...	70,37,013 14 6	65,94,836 7 10	B4,43,329 6 8	1,152 0 0
DEDUCT PAYMENTS—				
Pensions paid to Incumbents in the Widows' Fund	71,320 1 3	68,019 5 5	3,300 11 10	.....
Ditto ditto Children's Fund	52,204 11 7	50,805 14 5	1,398 13 2	.....
Establishment, including office rent and contingencies	15,995 12 8	17,811 0 8	.....	1,815 4 0
TOTAL PAYMENTS ...	1,39,520 9 6	1,36,636 4 6	C4,699 9 0	1,815 4 0
Net balance in favor of the Fund, exclusive of Interest upon Capital ...	68,97,493 5 0	64,58,200 3 4	D4,38,629 13 8	663 4 0
Proportion of Interest on Reserve Fund payable to Subscribers	33,282 12 0	33,237 12 0	45 0 0	.....
TOTAL ...	33,282 12 0	33,237 12 0	45 0 0	.....

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of Subscribers	1,443	958	1,427	939	16	19	.....	.....
Ditto of Incumbents	339	552	327	522	12	30	.....	.....
Ditto sharing Interest on Reserve Fund	864	590	819	557	45	33	.....	.....

A—Net decrease ... ... Rs. 856 2 0
B—Net increase ... ... ,, 4,42,177 6 8
C— Ditto ... ... ,, 2,884 5 0
D— Ditto ... ... ,, 4,39,293 1 8

G. W. MACLEOD,
Acctt. and Collector.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE;
The 30th April 1881.

H. RONALDSON,
JAMES BELL, } *Auditors.*

Published by order of the Directors,
W. H. RYLAND,
Secretary.

PROMISSORY NOTES.

Lost

The undermentioned fourteen Government Promissory Notes, originally standing as detailed below, and last endorsed to Cunchi Jagurlapudy Vencatasoobbiah, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor :—

No.	Loan.	Amount.	Originally standing in the name of—
		Rs.	
42809 ...	4 Per Cent. of 30th June 1854	600	A. M. Southerland, Esq.
022431 / 30078 ...	Ditto ditto ...	900	The Bank of Madras.
019741 / 25692 ...	Ditto ditto ...	2,500	The Collector of Kristna District.
024498 ...	4½ Per Cent. Transfer Loan of 1879	3,000	Cunchi Jagurlapudy Vencatasoobbiah.
044752 / 022275 ...	Ditto ditto ...	1,000	The Oriental Bank Corporation, Madras.
044753 ...	Ditto ditto ...	1,000	
024496 ...	Ditto ditto ...	500	E. D. Evezard.
029625 ...	Ditto ditto ...	5,000	Cunchi Jagurlapudy Vencatasoobbiah.
106688 ...	4 Per Cent. of 1st May 1865 ...	1,000	The Chartered Mercantile Bank of India, London, and China.
106686 ...	Ditto ditto ...	1,000	
036554 / 023748 / 047785 / 061686 ...	Ditto ditto ...	2,000	The Bank of Madras.
029091 ...	Reduced 4 Per Cent. of 1879 ...	600	C. A. Ainslie, Admr. of Captain T. R. Ardagh.
004367 ...	4½ Per Cent. of 1878 ...	1,000	The National Bank of India, Limited.

CUNCHI JAGURLAPUDY VENCATASOOBBIAH,
No. 27, Narryana Modelly Street, Peddoo Naick's Petta,
Black Town, Madras.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 11, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The undermentioned fourteen Government Promissory Notes, originally standing as detailed below, and last endorsed to Cunchi Jagurlapudy Vencatasoobbiah, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor :—

No.	Loan.	Amount.	Originally standing in the name of—
		Rs.	
42809 ...	4 Per Cent. of 30th June 1854	600	A. M. Southerland, Esq.
022431 / 30078 ...	Ditto ditto ...	900	The Bank of Madras.
019741 / 25692 ...	Ditto ditto ...	2,500	The Collector of Kristna District.
024498 ...	4½ Per Cent. Transfer Loan of 1879	3,000	Cunchi Jagurlapudy Vencatasoobbiah.
044752 / 022275 ...	Ditto ditto ...	1,000	The Oriental Bank Corporation, Madras.
044753 ...	Ditto ditto ...	1,000	
024496 ...	Ditto ditto ...	500	E. D. Evezard.
029625 ...	Ditto ditto ...	5,000	Cunchi Jagurlapudy Vencatasoobbiah.
106688 ...	4 Per Cent. of 1st May 1865 ...	1,000	The Chartered Mercantile Bank of India, London, and China.
106686 ...	Ditto ditto ...	1,000	
036554 / 023748 / 047785 / 061686 ...	Ditto ditto ...	2,000	The Bank of Madras.
029091 ...	Reduced 4 Per Cent. of 1879 ...	600	C. A. Ainslie, Admr. of Captain T. R. Ardagh.
004367 ...	4½ Per Cent. of 1878 ...	1,000	The National Bank of India, Limited.

CUNCHI JAGURLAPUDY VENCATASOOBBIAH,
No. 27, Narryana Modelly Street, Peddoo Naick's Petta,
Black Town, Madras.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 18, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The undermentioned fourteen Government Promissory Notes, originally standing as detailed below, and last endorsed to Cunchi Jagurlapudy Venkatasoobbiah, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor :—

No.	Loan.	Amount.	Originally standing in the name of—
		Rs.	
42809 ...	4 Per Cent. of 30th June 1854	600	A. M. Southerland, Esq.
022431 / 30078 ...	Ditto ditto ...	900	The Bank of Madras.
019741 / 28392 ...	Ditto ditto ...	2,500	The Collector of Kristna District.
024498 ...	4½ Per Cent. Transfer Loan of 1879	3,000	Cunchi Jagurlapudy Venkatasoobbiah.
044752 / 044753 ...	Ditto ditto ...	1,000	The Oriental Bank Corporation, Madras.
044753 ...	Ditto ditto ...	1,000	
024496 ...	Ditto ditto ...	500	E. D. Evezard.
029625 ...	Ditto ditto ...	5,000	Cunchi Jagurlapudy Venkatasoobbiah.
106688 ...	4 Per Cent. of 1st May 1865 ...	1,000	The Chartered Mercantile Bank of India, London, and China.
106686 ...	Ditto ditto ...	1,000	
023554 / 023748 ...	Ditto ditto ...	2,000	The Bank of Madras.
067186 / 061686 ...	Ditto ditto ...	2,000	
029091 ...	Reduced 4 Per Cent. of 1879 ...	600	C. A. Ainslie, Admr. of Captain T. R. Ardagh.
004367 ...	4½ Per Cent. of 1878 ...	1,000	The National Bank of India, Limited.

CUNCHI JAGURLAPUDY VENKATASOOBBIAH,
No. 27, Narryana Modelly Street, Peddoo Naick's Petta,
Black Town, Madras.

Destroyed

The Government Promissory Notes, Nos. 103275 and 112331 of the 4 per cent. of 1865, for Rs. 500 each, originally standing in the names of the National Bank of India, Limited, and Ram Jeebun Ghose, respectively, and both last endorsed to Upendra Nath Ghose, Munsiff of Kasba, in District Tipperah in Bengal, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

UPENDRA NATH GHOSE,
Munsiff of Kasba, in District Tipperah in Bengal, on leave.
Care of Baboo Prova Chunder Ghose, Pleader, Judge's Court, Bulloram Bose's Ghát Street, Bhowanipore, Churruckdangah, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 25, 1881.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Destroyed

The Government Promissory Notes, Nos. 103275 and 112331 of the 4 per cent. of 1865, for Rs. 500 each, originally standing in the names of the National Bank of India, Limited, and Ram Jeebun Ghose, respectively, and both last endorsed to Upendra Nath Ghose, Munsiff of Kasba, in District Tipperah in Bengal, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

UPENDRA NATH GHOSE,

Munsiff of Kasba, in District Tipperah in Bengal, on leave.

Care of Baboo Prova Chunder Ghose, Pleader, Judge's Court, Bulloram Bose's Ghât Street, Bhowanipore, Churruckdangah, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 1, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th December, 1880, and is hereby promulgated for general information :—

ACT No. XVI OF 1880.

An Act to regulate the Traffic on the Madras Irrigation and Canal Company's Canal.

Preamble.

WHEREAS, by the twenty-seventh clause of an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State for India in Council of the one part, and the Madras Irrigation and Canal Company (hereinafter referred to as "the Company") of the other part, it was, amongst other things, provided that the Company should be authorized and empowered to charge such tolls for navigation, and such fares or rates for the conveyance of passengers, animals and goods, as should not exceed the rates, tolls or fares which should be defined and sanctioned by an Act of the Indian legislature; and that the Company should not in any case charge any higher tolls, fares or rates whatsoever; and whereas it is expedient to define and sanction, for the purposes of the said clause, fares and rates for the conveyance of passengers, animals and goods;

And whereas it is also expedient to empower the Company to make rules for the conveyance of passengers, animals and goods upon, and the use, management and working of, its canal; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Irrigation and Canal Company's Act, 1880;"

Commencement.

and it shall come into force at once.

Fares and rates for conveyance of passengers and goods.

2. The fares and rates specified in the schedule hereto annexed shall be deemed to be the fares and rates defined and sanctioned for the purposes of the said clause.

Company empowered to make working rules for its canal.

3. The Company may, from time to time, make rules for the following purposes, that is to say :—

(*a*) for licensing vessels (other than those of the Company) to navigate the canal and for registering vessels so licensed and denoting upon each its carrying capacity;

(*b*) for fixing the maximum number of passengers or animals, and the maximum amount of goods, which vessels navigating the canal may carry; and

(*c*) generally for regulating the traffic upon, and the use and management of all vessels upon, the canal.

Penalty for breach of rules.

4. Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to one month.

Notification of rules.

5. All such rules shall, when sanctioned by the Governor of Fort St. George in Council and published in the *Fort St. George Gazette*, have the force of law.

Power to cancel rules.

The said Governor in Council may at any time cancel any such rule.

Copy and translation of Act, &c., to be shown at stations and on vessels.

6. A copy of this Act and the rules made hereunder, and of the Time-table and Tariff of Charges which may from time to time be observed for the Company's vessels navigating the canal, shall be exhibited, both in English and in Telugu, in some conspicuous place at each station of the canal, and

in each vessel employed by the Company in conveying passengers, animals or goods over the canal.

Penalty for failure to exhibit copy and translation as required by section 6.

7. Any servant of the Company in charge of any such station or vessel at or in which the provisions of section six are not complied with shall be punished with fine which may extend to ten rupees; and the Company shall forfeit to Government the sum of fifty rupees for every day during which such provisions are not complied with at or in any such station or vessel.

Place of trial.

8. Any person committing any offence against this Act or the rules made under it shall be triable for such offence at any place at which he may be, or which the Governor of Fort St. George in Council may, from time to time, by notification in the official Gazette, direct, as well as in any other place in which he might be tried under any law for the time being in force.

Saving of prosecutions under other laws.

9. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

THE SCHEDULE.

(*See section 2.*)

Fares and Rates.

PASSENGERS.

	Pies.
First class, per passenger, per mile or fraction of a mile ...	14·4
Second class, per ditto ditto ...	5·6
Third class, per ditto ditto { Mail (fast)	3·2
Third class, per ditto ditto { Ordinary	2·0

ANIMALS.

	Pies.
A horse or mule taken singly, per mile or fraction of a mile ...	14·4
	Annas.
Cattle, horses and mules, per 10 or fraction of 10, per ditto ...	6·0
Calves needing only half the space of a cow, to be reckoned as half.	
Sheep, goats and pigs, per 60 or fraction of 60, per ditto	6·0
Asses, half the rates for horses.	

N.B.—Dogs if conveyed at all will not be charged for, no accommodation being provided for them.

Elephants and camels will not be conveyed at all.

GOODS.

Heavy Goods, i.e., Goods weighing above 180 lbs.

	Pies.
First class (which includes all articles for the time being comprised in the special and first classes, Madras Railway) per ton, per mile or fraction of a mile ...	7·2
Second class (which includes all articles for the time being comprised in the second and third classes, Madras Railway) per ditto, ditto ...	12·8
Third class (which includes all articles for the time being comprised in the fourth and fifth classes, Madras Railway) per ditto, ditto ...	24·0

Fractions of a ton will be charged for proportionately, fractions of 20 lbs. being reckoned as 20 lbs.

N.B.—Carriages or vehicles will not be conveyed.

Parcels.

DISTANCE.	EXCLUSIVE OF COLLECTION AND DELIVERY.									
	10 lbs. and under.	Above 10 and not above 20 lbs.	Above 20 and not above 40 lbs.	Above 40 and not above 60 lbs.	Above 60 and not above 80 lbs.	Above 80 and not above 100 lbs.	Above 100 and not above 120 lbs.	Above 120 and not above 140 lbs.	Above 140 and not above 160 lbs.	Above 160 and not above 180 lbs.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
50 miles and under ...	0 2 6	0 3 9	0 5 0	0 6 3	0 7 6	0 8 9	0 10 0	0 11 3	0 12 6	0 13 9
Above 50 and not above 100 miles	0 5 0	0 7 6	0 10 0	0 12 6	0 15 0	1 1 6	1 4 0	1 6 6	1 9 0	1 11 6
„ 100 „ 150 „	0 7 6	0 11 3	0 15 0	1 2 9	1 6 6	1 10 3	1 14 0	2 1 9	2 5 6	2 9 3
„ 150 „ 200 „	0 10 0	0 15 0	1 4 0	1 9 0	1 14 0	2 3 0	2 8 0	2 13 0	3 2 0	3 7 0

The rates for bread, meat, fish, poultry (dead or alive), ice, fruit, plants, vegetables and flowers will be half parcel-rates as shown above.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 8, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th December, 1880, and is hereby promulgated for general information:—

ACT NO. XVI OF 1880.

An Act to regulate the Traffic on the Madras Irrigation and Canal Company's Canal.

Preamble.

WHEREAS, by the twenty-seventh clause of an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State for India in Council of the one part, and the Madras Irrigation and Canal Company (hereinafter referred to as "the Company") of the other part, it was, amongst other things, provided that the Company should be authorized and empowered to charge such tolls for navigation, and such fares or rates for the conveyance of passengers, animals and goods, as should not exceed the rates, tolls or fares which should be defined and sanctioned by an Act of the Indian legislature; and that the Company should not in any case charge any higher tolls, fares or rates whatsoever; and whereas it is expedient to define and sanction, for the purposes of the said clause, fares and rates for the conveyance of passengers, animals and goods;

And whereas it is also expedient to empower the Company to make rules for the conveyance of passengers, animals and goods upon, and the use, management and working of, its canal; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Madras Irrigation and Canal Company's Act, 1880;"

Commencement.

and it shall come into force at once.

Fares and rates for conveyance of passengers and goods.

2. The fares and rates specified in the schedule hereto annexed shall be deemed to be the fares and rates defined and sanctioned for the purposes of the said clause.

Company empowered to make working rules for its canal.

3. The Company may, from time to time, make rules for the following purposes, that is to say:—

(*a*) for licensing vessels (other than those of the Company) to navigate the canal and for registering vessels so licensed and denoting upon each its carrying capacity;

(*b*) for fixing the maximum number of passengers or animals, and the maximum amount of goods, which vessels navigating the canal may carry; and

(*c*) generally for regulating the traffic upon, and the use and management of all vessels upon, the canal.

Penalty for breach of rules.

4. Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to one month.

Notification of rules.

5. All such rules shall, when sanctioned by the Governor of Fort St. George in Council and published in the *Fort St. George Gazette*, have the force of law.

Power to cancel rules.

The said Governor in Council may at any time cancel any such rule.

Copy and translation of Act, &c., to be shown at stations and on vessels.

6. A copy of this Act and the rules made hereunder, and of the Time-table and Tariff of Charges which may from time to time be observed for the Company's vessels navigating the canal, shall be exhibited, both in English and in Telugu, in some conspicuous place at each station of the canal, and

in each vessel employed by the Company in conveying passengers, animals or goods over the canal.

7. Any servant of the Company in charge of any such station or vessel at or in which the provisions of section six are not complied with shall be punished with fine which may extend to ten rupees; and the Company shall forfeit to Government the sum of fifty rupees for every day during which such provisions are not complied with at or in any such station or vessel.

Penalty for failure to exhibit copy and translation as required by section 6.

8. Any person committing any offence against this Act or the rules made under it shall be triable for such offence at any place at which he may be, or which the Governor of Fort St. George in Council may, from time to time, by notification in the official Gazette, direct, as well as in any other place in which he might be tried under any law for the time being in force.

Place of trial.

9. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

Saving of prosecutions under other laws.

THE SCHEDULE.

(See section 2.)

Fares and Rates.

PASSENGERS.

	Pies.
First class, per passenger, per mile or fraction of a mile ...	14·4
Second class, per ditto ditto ...	5·6
Third class, per ditto ditto { Mail (fast)	3·2
Third class, per ditto ditto { Ordinary	2·0

ANIMALS.

	Pies.
A horse or mule taken singly, per mile or fraction of a mile ...	14·4
	Annas.
Cattle, horses and mules, per 10 or fraction of 10, per ditto ...	6·0
Calves needing only half the space of a cow, to be reckoned as half.	
Sheep, goats and pigs, per 60 or fraction of 60, per ditto	6·0
Asses, half the rates for horses.	

N.B.—Dogs if conveyed at all will not be charged for, no accommodation being provided for them.

Elephants and camels will not be conveyed at all.

GOODS.

Heavy Goods, i.e., Goods weighing above 180 lbs.

	Pies.
First class (which includes all articles for the time being comprised in the special and first classes, Madras Railway) per ton, per mile or fraction of a mile ...	7·2
Second class (which includes all articles for the time being comprised in the second and third classes, Madras Railway) per ditto, ditto ...	12·8
Third class (which includes all articles for the time being comprised in the fourth and fifth classes, Madras Railway) per ditto, ditto ...	**24·0**

Fractions of a ton will be charged for proportionately, fractions of 20 lbs. being reckoned as 20 lbs.

N.B.—Carriages or vehicles will not be conveyed.

Parcels.

DISTANCE.	EXCLUSIVE OF COLLECTION AND DELIVERY.									
	10 lbs. and under.	Above 10 and not above 20 lbs.	Above 20 and not above 40 lbs.	Above 40 and not above 60 lbs.	Above 60 and not above 80 lbs.	Above 80 and not above 100 lbs.	Above 100 and not above 120 lbs.	Above 120 and not above 140 lbs.	Above 140 and not above 160 lbs.	Above 160 and not above 180 lbs.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
50 miles and under ...	0 2 6	0 3 9	0 5 0	0 6 3	0 7 6	0 8 9	0 10 0	0 11 3	0 12 6	0 13 9
Above 50 and not above 100 miles	0 5 0	0 7 6	0 10 0	0 12 6	0 15 0	1 1 6	1 4 0	1 6 6	1 9 0	1 11 6
„ 100 „ 150 „	0 7 6	0 11 3	0 15 0	1 2 9	1 6 6	1 10 3	1 14 0	2 1 9	2 5 6	2 9 3
„ 150 „ 200 „	0 10 0	0 15 0	1 4 0	1 9 0	1 14 0	2 3 0	2 8 0	2 13 0	3 2 0	3 7 0

The rates for bread, meat, fish, poultry (dead or alive), ice, fruit, plants, vegetables and flowers will be half parcel-rates as shown above.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st January, 1881, and is hereby promulgated for general information:—

ACT No. I OF 1881.

An Act for the determination of claims to Táj Mahal's pension.

WHEREAS, by a treaty dated the 24th Shabán 1244, Hijri, corresponding with the first day of March, 1829, and made between His Majesty the King of Oudh and the Government of the Hon'ble the East India Company, it was (amongst other things) agreed that a certain pension therein specified should be paid by the English Government to one Nawáb Táj Mahal therein named, and that if she should die leaving an heir or heirs the English Government might at its election continue as before such pension to her heirs, or make over to them the principal sum proportionate to such pension according to the rate thereinbefore mentioned;

Preamble.

and whereas the said Táj Mahal is now dead and doubts exist as to who are her heirs, and it is therefore expedient to provide for the appointment of a person to represent her estate for the purpose of receiving such pension;

and whereas the Secretary of State for India in Council is desirous of making over to the persons entitled to receive the said pension the principal sum proportionate thereto as provided in the said treaty, and it is expedient to empower the said Secretary of State in Council to capitalize the said pension pending the appointment of a person as aforesaid; It is hereby enacted as follows:—

1. This Act may be called "Táj Mahal's Pension Act, 1881"; and it shall come into force at once.

Short title. Commencement.

2. Any person considering himself entitled to the said pension or any portion thereof may apply in writing to the Court of the District Judge of Lucknow (hereinafter called the District Court) for a certificate authorizing him to receive the same.

Certificate to be obtained by application to the District Court.

The application shall be in such form and shall contain such particulars as the Governor General in Council may from time to time, by rules to be published in the *Gazette of India*, direct.

Form of application.

3. The District Court shall fix a day for hearing the application, and shall cause to be stuck up in the court-house, and otherwise published or made known at the expense of the applicant in such manner as it thinks fit, a copy of the application, with a notice stating the time and place at which it will be heard, and calling upon all persons claiming to have a better right than the applicant to the grant of the certificate to come in and oppose the application.

Publication of application and notice to persons desiring to oppose it.

4. On the day so fixed, or any subsequent day to which the Court may adjourn the hearing, the Court shall, if no person claiming to have a better right than the applicant to the grant of the certificate is present, hear the application; and if, after recording the evidence produced by the applicant in support of his claim, and making such further enquiry (if any) as it thinks necessary, the Court is of opinion that the applicant has established his claim, it shall make an order for granting him a certificate.

Procedure at hearing when no opposition.

In the event of the applicant not having, in the opinion of the Court, established his claim, it shall make an order dismissing his application.

5. In any case in which any person claiming to have a better right than the applicant to the grant of the certificate is present, the Court shall, after hearing the application and recording the evidence produced by the applicant in support of his claim, hear such person and record the evidence produced by him in support of his claim, and shall then, after making such further enquiry (if any) as it thinks necessary, determine which of the parties (if either) has established his claim to the certificate, and shall make an order for granting the same accordingly.

Procedure in case of opposition.

In the event of neither party having, in the opinion of the Court, established his claim, the Court shall make an order dismissing both the application and the counter-claim.

6. When any order dismissing an application under section four, or any order under section five, is made, an appeal by any party to the proceedings, who deems himself aggrieved by such order, shall lie to the High Court, which may make an order dismissing such appeal or granting a certificate, or otherwise reversing or varying the order of the District Court, as it thinks fit.

Appeal to the High Court.

7. The period of limitation for an appeal under section six shall be sixty days from the date of the order appealed against.

Period of limitation for appeal.

In computing such period, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

8. A certificate granted under this Act shall specify the payments which the person to whom it is granted is entitled to receive, and shall contain such other particulars as the Governor General in Council may from time to time prescribe in this behalf.

Form of certificate.

9. Every certificate granted under section four, or section six,

Effect of certificate.

and every certificate granted under section five, when the period of limitation fixed by section seven has expired without an appeal having been preferred against the order granting such certificate, shall, while it remains in force, be conclusive evidence against the said Secretary of State in Council of the right of the person to whom it has been granted to receive the payments specified therein, and shall, unless or until it is rescinded and the authority rescinding it has given to the said Secretary of State in Council notice of such rescission, empower such person to give to the said Secretary of State in Council a full discharge for any such payment.

10. The said Secretary of State in Council shall not be bound to pay the said pension or any portion thereof to any person claiming the same, except on the production by such person of a certificate, granted in the manner herein provided, authorizing him to receive the same.

No obligation to pay except on production of certificate.

11. Nothing herein contained shall be deemed to affect the right of any person to recover by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate

Right of third parties against holder of certificate saved.

12. The Court ordering any certificate to be granted under this Act may, if it thinks fit, direct that before such certificate is granted, such security (if any) as it thinks necessary shall be taken from the person to whom such certificate is to be granted, for his rendering an account of the payments to be received by him in virtue of such certificate to any person who may be entitled to recover from him in manner referred to in section eleven the whole or any part of such payments.

Court may take security from grantee of certificate.

13. The District Court may, on the application of any person who has recovered by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate, grant a certificate to such person in supersession, wholly or in part, as the case may be, of the former certificate.

Court may grant fresh certificate to person who has recovered by suit amount paid to holder of old certificate.

No appeal shall lie from any order under this section.

On the grant of a fresh certificate under this section the former certificate shall be deemed to be rescinded wholly or in part, as the case may be.

Effect of fresh certificate.

14. In all proceedings under this Act the District Court and the High Court shall, as far as may be and except as herein otherwise provided, exercise the powers and follow the procedure conferred on, and prescribed for, a Court of first instance and a Court of appeal respectively by the Code of Civil Procedure: Provided that nothing contained in Chapter XLV of the said Code shall apply to any order made in any such proceeding.

Proceedings to be regulated by Code of Civil Procedure.

15. The provisions of section thirteen of the said Code shall apply to all cases under section five of this Act in which the question of heirship to the said Táj Mahal, having been directly and substantially in issue in a suit in a Court of competent jurisdiction between the claimants, or between parties under whom they or any of them claim, litigating under the same title, has been heard and finally determined by such Court.

Matters decided in civil suits to be treated as *res judicata*.

16. All payments heretofore made by or on behalf of the said Secretary of State in Council under the said treaty shall be deemed to have been made in accordance with law: Provided that nothing in this section shall affect the right of any person to recover by suit the amount of any such payment from the person to whom the same has been made.

Indemnity as to payments already made.

17. The said Secretary of State in Council may, pending the grant of a certificate as hereinbefore provided, invest in securities of the Government of India the principal sum proportionate to the pension of the said Táj Mahal according to the rate mentioned in the said treaty, and may invest the income from time to time resulting from such securities in like securities.

Government empowered to capitalize the amount of the pension.

And, thereupon, all further claim to such pension and income shall cease, and the person obtaining a certificate in manner hereinbefore provided shall be entitled, in lieu of such pension and income, to the securities aforesaid, together with the uninvested income (if any) which from the date of making such investment has resulted from such securities.

On capitalization, all claim to pension barred.

18. The said Secretary of State in Council shall, without unnecessary delay, invest, in securities of the Government of India, all arrears of such pension due at the time of the passing of this Act, and all such arrears falling due thereafter, and before the investment of the principal sum aforesaid. When any such arrears have been so invested, all further claim in respect thereof shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall, in lieu of such arrears, be entitled to the securities in which they have been invested and the income resulting therefrom.

Arrears of pension accruing before capitalization to be invested.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st January, 1881, and is hereby promulgated for general information:—

ACT No. II OF 1881.

An Act to regulate the Navigation of the Pegu and Sittang Canal, and to provide for the protection of the said Canal and the execution of works necessary for its maintenance.

WHEREAS the Government has constructed a canal connecting the waters of the Pegu and Sittang rivers, partly by digging artificial channels and partly by using the water-bed of the Ka-ya-zoo creek; and whereas it is necessary to provide for the navigation, protection and maintenance of the said canal; It is hereby enacted as follows:

Preamble.

Preliminary.

1. This Act may be called "The Pegu and Sittang Canal Act, 1881"; and it shall come into force at once.

Short title.

Commencement.

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

Interpretation-clause.

(1) "The canal" means the Pegu and Sittang Canal, and includes—

"The canal."

(*a*) all channels and reservoirs now or hereafter constructed, maintained or controlled by the Government for the supply or storage of water in connection with the said canal, or supplemental thereto, between the Sittang lock, situated at Myit-kyo, on the Sittang river, and the Pegu lock, situated near the village of Sin-o-bo, on the Pegu river;

(*b*) all works, embankments, structures and supply and escape-channels connected with the canal or with the said channels and reservoirs;

(*c*) all lands occupied by the Government for the purposes of the said canal, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by, or belonging to, the Government, upon such lands:

(2) "Vessel" includes boats, rafts, timber and other floating bodies:

"Vessel."

(3) "Canal Officer" means an officer appointed under this Act by the Chief Commissioner to exercise control over the canal or any part thereof:

"Canal Officer."

(4) "Superintending Canal Officer" means an officer exercising general control over the canal.

"Superintending Canal Officer."

3. The Chief Commissioner may from time to time declare, by notification in the *British Burma Gazette*, the officers by whom and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Power to appoint officers.

Navigation of the Canal.

4. Such tolls as the Chief Commissioner may from time to time, by notification in the *British Burma Gazette*, direct, shall be levied from all vessels entering or navigating the canal.

Tolls to be levied from vessels using the canal.

5. Any vessel entering or navigating the canal contrary to the rules made in that behalf under this Act by the Chief Commissioner, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained, or both removed and detained, by a Canal Officer, or by any other person duly authorized under section three in that behalf.

Power to detain vessels violating rules.

The owner of any vessel causing damage to the canal, or removed or detained under this section, shall be liable to pay to the Government such charge as the Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the cost of repairing such damage, or of such removal or detention, as the case may be.

6. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Canal Officer may seize and detain such vessel and the furniture thereof, until such toll or charge, together with all expenses arising from such seizure and detention, is paid in full.

Power to detain vessel on failure to pay tolls or charges.

7. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is not paid on demand to the person authorized to collect the same, the Canal Officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full.

Power to seize cargo or goods if charges due thereon are not paid.

8. Within a reasonable time after any seizure under section six or section seven, the Canal Officer shall give notice to

Power to sell property seized under sections 6 and 7.

the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than twenty-one days from the date of the notice, be sold in satisfaction of the claim on account of which such property is detained, unless the claim is discharged before the day so named;

and if such claim is not so discharged, the Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

9. If any vessel is found abandoned in the canal, or any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is or are left unclaimed for a period of two months, the Canal Officer may take possession of the same.

Procedure in respect of vessels abandoned and goods unclaimed.

The officer so taking possession shall publish a notice, in such manner as the Chief Commissioner may from time to time by rule direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and if such vessel, contents, cargo or goods is or are not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Power to sell.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges due in respect of the vessel, cargo or goods and all expenses incurred by the Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Canal Officer.

Disposal of proceeds of sale.

If the Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold and the proceeds to be paid into the district-treasury, there to be held until the right thereto is decided by a Court of competent jurisdiction.

Maintenance of the Canal.

10. A Canal Officer, empowered by the Commissioner of the Division generally or specially in this behalf, or any other person acting under the general or special order of such officer, may enter on any land in the neighbourhood of the canal and remove any obstructions, and may close any channels and do any other thing necessary or convenient for the maintenance of the canal.

Power of Canal Officer to enter on land and remove obstructions, &c.

11. Any such officer or other person may, for the purposes of any enquiry relating to any part of the canal under the charge of such officer, enter upon any such lands, and undertake surveys or levels thereon, and dig and bore into the sub-soil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for such purposes;

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle.

Power to enter, survey, &c.

Power to clear land.

12. In case of any accident happening or being reasonably apprehended to the canal, any such officer or other person may enter upon any such lands, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Power to enter, to repair and to prevent accidents.

13. In every case of entry under section ten, eleven or twelve, the Canal Officer shall tender, as soon as may be reasonably practicable, to the owner or occupiers of the land compensation for any damage which may be occasioned by such entry and by any proceeding under such section.

Compensation for damage caused by entry.

In case of dispute as to the sufficiency of the amount so tendered, the Canal Officer shall forthwith refer the same for decision by the Deputy Commissioner, whose decision thereon shall be final.

Obtaining Labour and Materials for Work on the Canal.

14. Whenever it appears to a Canal Officer that, unless some work is immediately executed, such serious damage will happen to the canal as will cause sudden and extensive public injury,

Procedure for obtaining labour and materials for works urgently required.

and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such damage,

such officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(*a*) every able-bodied person whose name appears in the list hereinafter mentioned shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or other person directs, and

(*b*) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of the Canal, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found in or upon such property, and use the same for the purposes of such work.

Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

15. Subject to such rules as the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioners of Rangoon and Shwaygin shall prepare lists of persons residing in the neighbourhood of the canal in the said districts respectively and liable to be required under section fourteen to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Deputy Commissioner to prepare list of persons liable to serve.

16. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section fourteen, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the Canal Officer for their labour and detention, or for such materials (as the case may be), at a rate not being less than twenty-five per cent. above the highest market-rates for similar labour or materials for the time being prevailing in the neighbourhood.

Payment for labour impressed and materials taken.

Any dispute arising between the Canal Officer and any person as to the amount to be paid to such person under this section may be referred by either party to the Deputy Commissioner, whose decision thereon shall be final.

17. Whenever, from the removal, under section fourteen, of any trees, bamboos or other materials, any damage over and above the price payable for such materials results directly to any person, the Canal Officer shall pay to such person such sum as may be agreed upon as compensation for such damage. In case of dispute as to the amount so to be paid, either party may refer such dispute to the Deputy Commissioner, whose decision thereon shall be final.

Compensation for damage done in taking materials.

Offences and Penalties.

18. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:—

Offences under Act.

(*a*) damages, alters or obstructs the canal;

(*b*) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under the canal;

(*c*) interferes with or alters the flow of water in any river or stream, so as to endanger or damage the canal or render it less useful;

(*d*) corrupts or fouls the water of the canal, so as to render it less fit for the purposes for which it is ordinarily used;

(*e*) causes any vessel to enter or navigate, or to remain at any place in, the canal contrary to the rules for the time being prescribed by the Chief Commissioner for entering, navigating or remaining in the canal;

(*f*) while navigating the canal, neglects to take proper precautions to prevent injury to the canal and to vessels therein,

(*g*) being a person liable to labour under section fourteen, refuses or neglects without reasonable cause so to labour;

(*h*) destroys or moves any land-mark, level-mark or water-gauge fixed by the authority of a Canal Officer;

(*i*) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of the canal contrary to rules made under this Act, after he has been desired by a Canal Office to desist therefrom; or

(*j*) pastures any animals on the banks of the canal or knowingly suffers any animals belonging to him or under his charge to graze on such banks;

shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty.

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Saving of prosecution under other laws.

19. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel.

Recovery of fines for offences in navigating canal.

20. Any person duly authorized in this behalf under section three may remove from the lands or buildings belonging to the canal, or may arrest without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who, within his view, commits any of the offences mentioned in clauses (*a*), (*b*) and (*c*) of section eighteen.

Power to arrest without warrant.

Power to make Rules.

21. The Chief Commissioner may, subject to the control of the Governor General in Council, from time to time make rules consistent with this Act to regulate the following matters:—

Power to make rules.

(*a*) the navigation of the canal;

(*b*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*c*) the amount of any tolls leviable under this Act; and

(*d*) generally, to carry out the provisions of this Act.

The Chief Commissioner may, in making any such rule, attach to the breach of it the penalty specified in section eighteen.

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

Publication of rules.

Validation of past proceedings.

22. Anything heretofore done which might legally have been done if this Act had been in force shall be deemed to have been done in accordance with law.

Validation of past proceedings.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 15, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th December, 1880, and is hereby promulgated for general information :—

ACT No. XVI OF 1880.

An Act to regulate the Traffic on the Madras Irrigation and Canal Company's Canal.

Preamble.

WHEREAS, by the twenty-seventh clause of an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State for India in Council of the one part, and the Madras Irrigation and Canal Company (hereinafter referred to as "the Company") of the other part, it was, amongst other things, provided that the Company should be authorized and empowered to charge such tolls for navigation, and such fares or rates for the conveyance of passengers, animals and goods, as should not exceed the rates, tolls or fares which should be defined and sanctioned by an Act of the Indian legislature; and that the Company should not in any case charge any higher tolls, fares or rates whatsoever; and whereas it is expedient to define and sanction, for the purposes of the said clause, fares and rates for the conveyance of passengers, animals and goods;

And whereas it is also expedient to empower the Company to make rules for the conveyance of passengers, animals and goods upon, and the use, management and working of, its canal; It is hereby enacted as follows :—

Short title.

Commencement.

1. This Act may be called "The Madras Irrigation and Canal Company's Act, 1880;" and it shall come into force at once.

Fares and rates for conveyance of passengers and goods.

2. The fares and rates specified in the schedule hereto annexed shall be deemed to be the fares and rates defined and sanctioned for the purposes of the said clause.

Company empowered to make working rules for its canal.

3. The Company may, from time to time, make rules for the following purposes, that is to say :—

(*a*) for licensing vessels (other than those of the Company) to navigate the canal and for registering vessels so licensed and denoting upon each its carrying capacity;

(*b*) for fixing the maximum number of passengers or animals, and the maximum amount of goods, which vessels navigating the canal may carry; and

(*c*) generally for regulating the traffic upon, and the use and management of all vessels upon, the canal.

Penalty for breach of rules.

4. Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to one month.

Notification of rules.

5. All such rules shall, when sanctioned by the Governor of Fort St. George in Council and published in the *Fort St. George Gazette*, have the force of law.

Power to cancel rules.

The said Governor in Council may at any time cancel any such rule.

Copy and translation of Act, &c., to be shown at stations and on vessels.

6. A copy of this Act and the rules made hereunder, and of the Time-table and Tariff of Charges which may from time to time be observed for the Company's vessels navigating the canal, shall be exhibited, both in English and in Telugu, in some conspicuous place at each station of the canal, and

in each vessel employed by the Company in conveying passengers, animals or goods over the canal.

Penalty for failure to exhibit copy and translation as required by section 6.

7. Any servant of the Company in charge of any such station or vessel at or in which the provisions of section six are not complied with shall be punished with fine which may extend to ten rupees; and the Company shall forfeit to Government the sum of fifty rupees for every day during which such provisions are not complied with at or in any such station or vessel.

Place of trial.

8. Any person committing any offence against this Act or the rules made under it shall be triable for such offence at any place at which he may be, or which the Governor of Fort St. George in Council may, from time to time, by notification in the official Gazette, direct, as well as in any other place in which he might be tried under any law for the time being in force.

Saving of prosecutions under other laws.

9. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

THE SCHEDULE.

(See section 2.)

Fares and Rates.

PASSENGERS.

	Pies.
First class, per passenger, per mile or fraction of a mile ...	14·4
Second class, per ditto ditto ...	5·6
Third class, per ditto ditto { Mail (fast)	3·2
Third class, per ditto ditto { Ordinary	2·0

ANIMALS.

	Pies.
A horse or mule taken singly, per mile or fraction of a mile ...	14·4
	Annas.
Cattle, horses and mules, per 10 or fraction of 10, per ditto ..	6·0
Calves needing only half the space of a cow, to be reckoned as half.	
Sheep, goats and pigs, per 60 or fraction of 60, per ditto	6·0
Asses, half the rates for horses.	

N.B.—Dogs if conveyed at all will not be charged for, no accommodation being provided for them.

Elephants and camels will not be conveyed at all.

GOODS.

Heavy Goods, i.e., Goods weighing above 180 lbs.

	Pies.
First class (which includes all articles for the time being comprised in the special and first classes, Madras Railway) per ton, per mile or fraction of a mile	7·2
Second class (which includes all articles for the time being comprised in the second and third classes, Madras Railway) per ditto, ditto ...	12·8
Third class (which includes all articles for the time being comprised in the fourth and fifth classes, Madras Railway) per ditto, ditto ...	24·0

Fractions of a ton will be charged for proportionately, fractions of 20 lbs. being reckoned as 20 lbs.

N.B.—Carriages or vehicles will not be conveyed.

Parcels.

DISTANCE.	EXCLUSIVE OF COLLECTION AND DELIVERY.									
	10 lbs. and under.	Above 10 and not above 20 lbs.	Above 20 and not above 40 lbs.	Above 40 and not above 60 lbs.	Above 60 and not above 80 lbs.	Above 80 and not above 100 lbs.	Above 100 and not above 120 lbs.	Above 120 and not above 140 lbs.	Above 140 and not above 160 lbs.	Above 160 and not above 180 lbs.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
50 miles and under ...	0 2 6	0 3 9	0 5 0	0 6 3	0 7 6	0 8 9	0 10 0	0 11 3	0 12 6	0 13 9
Above 50 and not above 100 miles	0 5 0	0 7 6	0 10 0	0 12 6	0 15 0	1 1 6	1 4 0	1 6 6	1 9 0	1 11 6
„ 100 „ 150 „	0 7 6	0 11 3	0 15 0	1 2 9	1 6 6	1 10 3	1 14 0	2 1 9	2 5 6	2 9 3
„ 150 „ 200 „	0 10 0	0 15 0	1 4 0	1 9 0	1 14 0	2 3 0	2 8 0	2 13 0	3 2 0	3 7 0

The rates for bread, meat, fish, poultry (dead or alive), ice, fruit, plants, vegetables and flowers will be half parcel-rates as shown above.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st January, 1881, and is hereby promulgated for general information:—

ACT No. I OF 1881.

An Act for the determination of claims to Táj Mahal's pension.

Preamble.

WHEREAS, by a treaty dated the 24th Shabán 1244, Hijri, corresponding with the first day of March, 1829, and made between His Majesty the King of Oudh and the Government of the Hon'ble the East India Company, it was (amongst other things) agreed that a certain pension therein specified should be paid by the English Government to one Nawáb Táj Mahal therein named, and that if she should die leaving an heir or heirs the English Government might at its election continue as before such pension to her heirs, or make over to them the principal sum proportionate to such pension according to the rate thereinbefore mentioned;

and whereas the said Táj Mahal is now dead and doubts exist as to who are her heirs, and it is therefore expedient to provide for the appointment of a person to represent her estate for the purpose of receiving such pension;

and whereas the Secretary of State for India in Council is desirous of making over to the persons entitled to receive the said pension the principal sum proportionate thereto as provided in the said treaty, and it is expedient to empower the said Secretary of State in Council to capitalize the said pension pending the appointment of a person as aforesaid; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "Táj Mahal's Pension Act, 1881"; and it shall come into force at once.

Certificate to be obtained by application to the District Court.

2. Any person considering himself entitled to the said pension or any portion thereof may apply in writing to the Court of the District Judge of Lucknow (hereinafter called the District Court) for a certificate authorizing him to receive the same.

Form of application.

The application shall be in such form and shall contain such particulars as the Governor General in Council may from time to time, by rules to be published in the *Gazette of India*, direct.

Publication of application and notice to persons desiring to oppose it.

3. The District Court shall fix a day for hearing the application, and shall cause to be stuck up in the court-house, and otherwise published or made known at the expense of the applicant in such manner as it thinks fit, a copy of the application, with a notice stating the time and place at which it will be heard, and calling upon all persons claiming to have a better right than the applicant to the grant of the certificate to come in and oppose the application.

Procedure at hearing when no opposition.

4. On the day so fixed, or any subsequent day to which the Court may adjourn the hearing, the Court shall, if no person claiming to have a better right than the applicant to the grant of the certificate is present, hear the application; and if, after recording the evidence produced by the applicant in support of his claim, and making such further enquiry (if any) as it thinks necessary, the Court is of opinion that the applicant has established his claim, it shall make an order for granting him a certificate.

In the event of the applicant not having, in the opinion of the Court, established his claim, it shall make an order dismissing his application.

Procedure in case of opposition.

5. In any case in which any person claiming to have a better right than the applicant to the grant of the certificate is present, the Court shall, after hearing the application and recording the evidence produced by the applicant in support of his claim, hear such person and record the evidence produced by him in support of his claim, and shall then, after making such further enquiry (if any) as it thinks necessary, determine which of the parties (if either) has established his claim to the certificate, and shall make an order for granting the same accordingly.

In the event of neither party having, in the opinion of the Court, established his claim, the Court shall make an order dismissing both the application and the counter-claim.

Appeal to the High Court.

6. When any order dismissing an application under section four, or any order under section five, is made, an appeal by any party to the proceedings, who deems himself aggrieved by such order, shall lie to the High Court, which may make an order dismissing such appeal or granting a certificate, or otherwise reversing or varying the order of the District Court, as it thinks fit.

7. The period of limitation for an appeal under section six shall be sixty days from the date of the order appealed against.

Period of limitation for appeal.

In computing such period, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

8. A certificate granted under this Act shall specify the payments which the person to whom it is granted is entitled to receive, and shall contain such other particulars as the Governor General in Council may from time to time prescribe in this behalf.

Form of certificate.

9. Every certificate granted under section four, or section six,

Effect of certificate.

and every certificate granted under section five, when the period of limitation fixed by section seven has expired without an appeal having been preferred against the order granting such certificate, shall, while it remains in force, be conclusive evidence against the said Secretary of State in Council of the right of the person to whom it has been granted to receive the payments specified therein, and shall, unless or until it is rescinded and the authority rescinding it has given to the said Secretary of State in Council notice of such rescission, empower such person to give to the said Secretary of State in Council a full discharge for any such payment.

10. The said Secretary of State in Council shall not be bound to pay the said pension or any portion thereof to any person claiming the same, except on the production by such person of a certificate, granted in the manner herein provided, authorizing him to receive the same.

No obligation to pay except on production of certificate.

11. Nothing herein contained shall be deemed to affect the right of any person to recover by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate.

Right of third parties against holder of certificate saved.

12. The Court ordering any certificate to be granted under this Act may, if it thinks fit, direct that before such certificate is granted, such security (if any) as it thinks necessary shall be taken from the person to whom such certificate is to be granted, for his rendering an account of the payments to be received by him in virtue of such certificate to any person who may be entitled to recover from him in manner referred to in section eleven the whole or any part of such payments.

Court may take security from grantee of certificate.

13. The District Court may, on the application of any person who has recovered by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate, grant a certificate to such person in supersession, wholly or in part, as the case may be, of the former certificate:

Court may grant fresh certificate to person who has recovered by suit amount paid to holder of old certificate.

No appeal shall lie from any order under this section.

On the grant of a fresh certificate under this section the former certificate shall be deemed to be rescinded wholly or in part, as the case may be.

Effect of fresh certificate.

14. In all proceedings under this Act the District Court and the High Court shall, as far as may be and except as herein otherwise provided, exercise the powers and follow the procedure conferred on, and prescribed for, a Court of first instance and a Court of appeal respectively by the Code of Civil Procedure: Provided that nothing contained in Chapter XLV of the said Code shall apply to any order made in any such proceeding.

Proceedings to be regulated by Code of Civil Procedure.

15. The provisions of section thirteen of the said Code shall apply to all cases under section five of this Act in which the question of heirship to the said Táj Mahal, having been directly and substantially in issue in a suit in a Court of competent jurisdiction between the claimants, or between parties under whom they or any of them claim, litigating under the same title, has been heard and finally determined by such Court.

Matters decided in civil suits to be treated as *res judicata*.

16. All payments heretofore made by or on behalf of the said Secretary of State in Council under the said treaty shall be deemed to have been made in accordance with law: Provided that nothing in this section shall affect the right of any person to recover by suit the amount of any such payment from the person to whom the same has been made.

Indemnity as to payments already made.

17. The said Secretary of State in Council may, pending the grant of a certificate as hereinbefore provided, invest in securities of the Government of India the principal sum proportionate to the pension of the said Táj Mahal according to the rate mentioned in the said treaty, and may invest the income from time to time resulting from such securities in like securities.

Government empowered to capitalize the amount of the pension.

And, thereupon, all further claim to such pension and income shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall be entitled, in lieu of such pension and income, to the securities aforesaid, together with the uninvested income (if any) which from the date of making such investment has resulted from such securities.

On capitalization, all claim to pension barred.

18. The said Secretary of State in Council shall, without unnecessary delay, invest, in securities of the Government of India, all arrears of such pension due at the time of the passing of this Act, and all such arrears falling due thereafter, and before the investment of the principal sum aforesaid. When any such arrears have been so invested, all further claim in respect thereof shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall, in lieu of such arrears, be entitled to the securities in which they have been invested and the income resulting therefrom.

Arrears of pension accruing before capitalization to be invested.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st January, 1881, and is hereby promulgated for general information:—

ACT No. II OF 1881.

An Act to regulate the Navigation of the Pegu and Sittang Canal, and to provide for the protection of the said Canal and the execution of works necessary for its maintenance.

Preamble.

WHEREAS the Government has constructed a canal connecting the waters of the Pegu and Sittang rivers, partly by digging artificial channels and partly by using the water-bed of the Ka-ya-zoo creek; and whereas it is necessary to provide for the navigation, protection and maintenance of the said canal; It is hereby enacted as follows:

Preliminary.

Short title.

1. This Act may be called "The Pegu and Sittang Canal Act, 1881";

Commencement.

and it shall come into force at once.

Interpretation-clause.

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

"The canal."

(1) "The canal" means the Pegu and Sittang Canal, and includes—

(*a*) all channels and reservoirs now or hereafter constructed, maintained or controlled by the Government for the supply or storage of water in connection with the said canal, or supplemental thereto, between the Sittang lock, situated at Myit-kyo, on the Sittang river, and the Pegu lock, situated near the village of Sin-o-bo, on the Pegu river;

(*b*) all works, embankments, structures and supply and escape-channels connected with the canal or with the said channels and reservoirs;

(*c*) all lands occupied by the Government for the purposes of the said canal, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by, or belonging to, the Government, upon such lands:

"Vessel."

(2) "Vessel" includes boats, rafts, timber and other floating bodies:

"Canal Officer."

(3) "Canal Officer" means an officer appointed under this Act by the Chief Commissioner to exercise control over the canal or any part thereof:

"Superintending Canal Officer."

(4) "Superintending Canal Officer" means an officer exercising general control over the canal.

Power to appoint officers.

3. The Chief Commissioner may from time to time declare, by notification in the *British Burma Gazette*, the officers by whom and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Navigation of the Canal.

Tolls to be levied from vessels using the canal.

4. Such tolls as the Chief Commissioner may from time to time, by notification in the *British Burma Gazette*, direct, shall be levied from all vessels entering or navigating the canal.

Power to detain vessels violating rules.

5. Any vessel entering or navigating the canal contrary to the rules made in that behalf under this Act by the Chief Commissioner, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained, or both removed and detained, by a Canal Officer, or by any other person duly authorized under section three in that behalf.

The owner of any vessel causing damage to the canal, or removed or detained under this section, shall be liable to pay to the Government such charge as the Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the cost of repairing such damage, or of such removal or detention, as the case may be.

Power to detain vessel on failure to pay tolls or charges.

6. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Canal Officer may seize and detain such vessel and the furniture thereof, until such toll or charge, together with all expenses arising from such seizure and detention, is paid in full.

Power to seize cargo or goods if charges due thereon are not paid.

7. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is not paid on demand to the person authorized to collect the same, the Canal Officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full.

Power to sell property seized under sections 6 and 7.

8. Within a reasonable time after any seizure under section six or section seven, the Canal Officer shall give notice to

the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than twenty-one days from the date of the notice, be sold in satisfaction of the claim on account of which such property is detained, unless the claim is discharged before the day so named;

and if such claim is not so discharged, the Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Procedure in respect of vessels abandoned and goods unclaimed.

9. If any vessel is found abandoned in the canal, or any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is or are left unclaimed for a period of two months, the Canal Officer may take possession of the same.

Power to sell.

The officer so taking possession shall publish a notice, in such manner as the Chief Commissioner may from time to time by rule direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and if such vessel, contents, cargo or goods is or are not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges due in respect of the vessel, cargo or goods and all expenses incurred by the Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Canal Officer.

If the Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold and the proceeds to be paid into the district-treasury, there to be held until the right thereto is decided by a Court of competent jurisdiction.

Maintenance of the Canal.

Power of Canal Officer to enter on land and remove obstructions, &c.

10. A Canal Officer, empowered by the Commissioner of the Division generally or specially in this behalf, or any other person acting under the general or special order of such officer, may enter on any land in the neighbourhood of the canal and remove any obstructions, and may close any channels and do any other thing necessary or convenient for the maintenance of the canal.

Power to enter and survey, &c.

11. Any such officer or other person may, for the purposes of any enquiry relating to any part of the canal under the charge of such officer, enter upon any such lands, and undertake surveys or levels thereon, and dig and bore into the sub-soil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for such purposes;

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle.

Power to clear land.

Power to enter, to repair and to prevent accidents.

12. In case of any accident happening or being reasonably apprehended to the canal, any such officer or other person may enter upon any such lands, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Compensation for damage caused by entry.

13. In every case of entry under section ten, eleven or twelve, the Canal Officer shall tender, as soon as may be reasonably practicable, to the owner or occupiers of the land compensation for any damage which may be occasioned by such entry and by any proceeding under such section.

In case of dispute as to the sufficiency of the amount so tendered, the Canal Officer shall forthwith refer the same for decision by the Deputy Commissioner, whose decision thereon shall be final.

Obtaining Labour and Materials for Work on the Canal.

Procedure for obtaining labour and materials for works urgently required.

14. Whenever it appears to a Canal Officer that, unless some work is immediately executed, such serious damage will happen to the canal as will cause sudden and extensive public injury,

and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such damage,

such officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(*a*) every able-bodied person whose name appears in the list hereinafter mentioned shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or other person directs, and

(*b*) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of the Canal, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found in or upon such property, and use the same for the purposes of such work.

Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Deputy Commissioner to prepare list of persons liable to serve.

15. Subject to such rules as the Chief Commissioner may from time to time, with the previous sanction of the Governor General in

Council, prescribe in this behalf, the Deputy Commissioners of Rangoon and Shwaygin shall prepare lists of persons residing in the neighbourhood of the canal in the said districts respectively and liable to be required under section fourteen to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Payment for labour impressed and materials taken.

16. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section fourteen, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the Canal Officer for their labour and detention, or for such materials (as the case may be), at a rate not being less than twenty-five per cent. above the highest market-rates for similar labour or materials for the time being prevailing in the neighbourhood.

Any dispute arising between the Canal Officer and any person as to the amount to be paid to such person under this section may be referred by either party to the Deputy Commissioner, whose decision thereon shall be final.

Compensation for damage done in taking materials.

17. Whenever, from the removal, under section fourteen, of any trees, bamboos or other materials, any damage over and above the price payable for such materials results directly to any person, the Canal Officer shall pay to such person such sum as may be agreed upon as compensation for such damage. In case of dispute as to the amount so to be paid, either party may refer such dispute to the Deputy Commissioner, whose decision thereon shall be final.

Offences and Penalties.

Offences under Act.

18. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:—

(*a*) damages, alters or obstructs the canal;

(*b*) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under the canal;

(*c*) interferes with or alters the flow of water in any river or stream, so as to endanger or damage the canal or render it less useful;

(*d*) corrupts or fouls the water of the canal, so as to render it less fit for the purposes for which it is ordinarily used;

(*e*) causes any vessel to enter or navigate, or to remain at any place in, the canal contrary to the rules for the time being prescribed by the Chief Commissioner for entering, navigating or remaining in the canal;

(*f*) while navigating the canal, neglects to take proper precautions to prevent injury to the canal and to vessels therein;

(*g*) being a person liable to labour under section fourteen, refuses or neglects without reasonable cause so to labour;

(*h*) destroys or moves any land-mark, level-mark or water-gauge fixed by the authority of a Canal Officer;

(*i*) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of the canal contrary to rules made under this Act, after he has been desired by a Canal Officer to desist therefrom; or

(*j*) pastures any animals on the banks of the canal or knowingly suffers any animals belonging to him or under his charge to graze on such banks;

shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty.

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Saving of prosecution under other laws.

Recovery of fines for offences in navigating canal.

19. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel.

Power to arrest without warrant.

20. Any person duly authorized in this behalf under section three may remove from the lands or buildings belonging to the canal, or may arrest without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who, within his view, commits any of the offences mentioned in clauses (*a*), (*b*) and (*c*) of section eighteen.

Power to make Rules.

Power to make rules.

21. The Chief Commissioner may, subject to the control of the Governor General in Council, from time to time make rules consistent with this Act to regulate the following matters:—

(*a*) the navigation of the canal;

(*b*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*c*) the amount of any tolls leviable under this Act; and

(*d*) generally, to carry out the provisions of this Act.

The Chief Commissioner may, in making any such rule, attach to the breach of it the penalty specified in section eighteen.

Publication of rules.

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

Validation of past proceedings.

Validation of past proceedings.

22. Anything heretofore done which might legally have been done if this Act had been in force shall be deemed to have been done in accordance with law.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 22, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st January, 1881, and is hereby promulgated for general information :—

ACT No. I OF 1881.

An Act for the determination of claims to Táj Mahal's pension.

Preamble.

WHEREAS, by a treaty dated the 24th Shabán 1244, Hijri, corresponding with the first day of March, 1829, and made between His Majesty the King of Oudh and the Government of the Hon'ble the East India Company, it was (amongst other things) agreed that a certain pension therein specified should be paid by the English Government to one Nawáb Táj Mahal therein named, and that if she should die leaving an heir or heirs the English Government might at its election continue as before such pension to her heirs, or make over to them the principal sum proportionate to such pension according to the rate thereinbefore mentioned;

and whereas the said Táj Mahal is now dead and doubts exist as to who are her heirs, and it is therefore expedient to provide for the appointment of a person to represent her estate for the purpose of receiving such pension;

and whereas the Secretary of State for India in Council is desirous of making over to the persons entitled to receive the said pension the principal sum proportionate thereto as provided in the said treaty, and it is expedient to empower the said Secretary of State in Council to capitalize the said pension pending the appointment of a person as aforesaid; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "Táj Mahal's Pension Act, 1881"; and it shall come into force at once.

Certificate to be obtained by application to the District Court.

2. Any person considering himself entitled to the said pension or any portion thereof may apply in writing to the Court of the District Judge of Lucknow (hereinafter called the District Court) for a certificate authorizing him to receive the same.

Form of application.

The application shall be in such form and shall contain such particulars as the Governor General in Council may from time to time, by rules to be published in the *Gazette of India*, direct.

Publication of application and notice to persons desiring to oppose it.

3. The District Court shall fix a day for hearing the application, and shall cause to be stuck up in the court-house, and otherwise published or made known at the expense of the applicant in such manner as it thinks fit, a copy of the application, with a notice stating the time and place at which it will be heard, and calling upon all persons claiming to have a better right than the applicant to the grant of the certificate to come in and oppose the application.

Procedure at hearing when no opposition.

4. On the day so fixed, or any subsequent day to which the Court may adjourn the hearing, the Court shall, if no person claiming to have a better right than the applicant to the grant of the certificate is present, hear the application; and if, after recording the evidence produced by the applicant in support of his claim, and making such further enquiry (if any) as it thinks necessary, the Court is of opinion that the applicant has established his claim, it shall make an order for granting him a certificate.

In the event of the applicant not having, in the opinion of the Court, established his claim, it shall make an order dismissing his application.

Procedure in case of opposition.

5. In any case in which any person claiming to have a better right than the applicant to the grant of the certificate is present, the Court shall, after hearing the application and recording the evidence produced by the applicant in support of his claim, hear such person and record the evidence produced by him in support of his claim, and shall then, after making such further enquiry (if any) as it thinks necessary, determine which of the parties (if either) has established his claim to the certificate, and shall make an order for granting the same accordingly.

In the event of neither party having, in the opinion of the Court, established his claim, the Court shall make an order dismissing both the application and the counter-claim.

6. When any order dismissing an application under section four, or any order under section five, is made, an appeal by any party to the proceedings, who deems himself aggrieved by such order, shall lie to the High Court, which may make an order dismissing such appeal or granting a certificate, or otherwise reversing or varying the order of the District Court, as it thinks fit.

Appeal to the High Court.

7. The period of limitation for an appeal under section six shall be sixty days from the date of the order appealed against.

Period of limitation for appeal.

In computing such period, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

8. A certificate granted under this Act shall specify the payments which the person to whom it is granted is entitled to receive, and shall contain such other particulars as the Governor General in Council may from time to time prescribe in this behalf.

Form of certificate.

9. Every certificate granted under section four, or section six,

Effect of certificate.

and every certificate granted under section five, when the period of limitation fixed by section seven has expired without an appeal having been preferred against the order granting such certificate, shall, while it remains in force, be conclusive evidence against the said Secretary of State in Council of the right of the person to whom it has been granted to receive the payments specified therein, and shall, unless or until it is rescinded and the authority rescinding it has given to the said Secretary of State in Council notice of such rescission, empower such person to give to the said Secretary of State in Council a full discharge for any such payment.

10. The said Secretary of State in Council shall not be bound to pay the said pension or any portion thereof to any person claiming the same, except on the production by such person of a certificate, granted in the manner herein provided, authorizing him to receive the same.

No obligation to pay except on production of certificate.

11. Nothing herein contained shall be deemed to affect the right of any person to recover by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate.

Right of third parties against holder of certificate saved.

12. The Court ordering any certificate to be granted under this Act may, if it thinks fit, direct that before such certificate is granted, such security (if any) as it thinks necessary shall be taken from the person to whom such certificate is to be granted, for his rendering an account of the payments to be received by him in virtue of such certificate to any person who may be entitled to recover from him in manner referred to in section eleven the whole or any part of such payments.

Court may take security from grantee of certificate.

13. The District Court may, on the application of any person who has recovered by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate, grant a certificate to such person in supersession, wholly or in part, as the case may be, of the former certificate.

Court may grant fresh certificate to person who has recovered by suit amount paid to holder of old certificate.

No appeal shall lie from any order under this section.

On the grant of a fresh certificate under this section the former certificate shall be deemed to be rescinded wholly or in part, as the case may be.

Effect of fresh certificate.

14. In all proceedings under this Act the District Court and the High Court shall, as far as may be and except as herein otherwise provided, exercise the powers and follow the procedure conferred on, and prescribed for, a Court of first instance and a Court of appeal respectively by the Code of Civil Procedure: Provided that nothing contained in Chapter XLV of the said Code shall apply to any order made in any such proceeding.

Proceedings to be regulated by Code of Civil Procedure.

15. The provisions of section thirteen of the said Code shall apply to all cases under section five of this Act in which the question of heirship to the said Táj Mahal, having been directly and substantially in issue in a suit in a Court of competent jurisdiction between the claimants, or between parties under whom they or any of them claim, litigating under the same title, has been heard and finally determined by such Court.

Matters decided in civil suits to be treated as *res judicata*.

16. All payments heretofore made by or on behalf of the said Secretary of State in Council under the said treaty shall be deemed to have been made in accordance with law: Provided that nothing in this section shall affect the right of any person to recover by suit the amount of any such payment from the person to whom the same has been made.

Indemnity as to payments already made.

17. The said Secretary of State in Council may, pending the grant of a certificate as hereinbefore provided, invest in securities of the Government of India the principal sum proportionate to the pension of the said Táj Mahal according to the rate mentioned in the said treaty, and may invest the income from time to time resulting from such securities in like securities.

Government empowered to capitalize the amount of the pension.

And, thereupon, all further claim to such pension and income shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall be entitled, in lieu of such pension and income, to the securities aforesaid, together with the uninvested income (if any) which from the date of making such investment has resulted from such securities.

On capitalization, all claim to pension barred.

18. The said Secretary of State in Council shall, without unnecessary delay, invest, in securities of the Government of India, all arrears of such pension due at the time of the passing of this Act, and all such arrears falling due thereafter, and before the investment of the principal sum aforesaid. When any such arrears have been so invested, all further claim in respect thereof shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall, in lieu of such arrears, be entitled to the securities in which they have been invested and the income resulting therefrom.

Arrears of pension accruing before capitalization to be invested.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st January, 1881, and is hereby promulgated for general information:—

ACT No. II OF 1881.

An Act to regulate the Navigation of the Pegu and Sittang Canal, and to provide for the protection of the said Canal and the execution of works necessary for its maintenance.

Preamble.

WHEREAS the Government has constructed a canal connecting the waters of the Pegu and Sittang rivers, partly by digging artificial channels and partly by using the water-bed of the Ka-ya-zoo creek; and whereas it is necessary to provide for the navigation, protection and maintenance of the said canal; It is hereby enacted as follows:

Preliminary.

Short title.

1. This Act may be called "The Pegu and Sittang Canal Act, 1881";

Commencement.

and it shall come into force at once.

Interpretation-clause.

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

"The canal."

(1) "The canal" means the Pegu and Sittang Canal, and includes—

(*a*) all channels and reservoirs now or hereafter constructed, maintained or controlled by the Government for the supply or storage of water in connection with the said canal, or supplemental thereto, between the Sittang lock, situated at Myit-kyo, on the Sittang river, and the Pegu lock, situated near the village of Sin-o-bo, on the Pegu river;

(*b*) all works, embankments, structures and supply and escape-channels connected with the canal or with the said channels and reservoirs;

(*c*) all lands occupied by the Government for the purposes of the said canal, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by, or belonging to, the Government, upon such lands:

"Vessel."

(2) "Vessel" includes boats, rafts, timber and other floating bodies:

"Canal Officer."

(3) "Canal Officer" means an officer appointed under this Act by the Chief Commissioner to exercise control over the canal or any part thereof:

"Superintending Canal Officer."

(4) "Superintending Canal Officer" means an officer exercising general control over the canal.

Power to appoint officers.

3. The Chief Commissioner may from time to time declare, by notification in the *British Burma Gazette*, the officers by whom and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Navigation of the Canal.

Tolls to be levied from vessels using the canal.

4. Such tolls as the Chief Commissioner may from time to time, by notification in the *British Burma Gazette*, direct, shall be levied from all vessels entering or navigating the canal.

Power to detain vessels violating rules.

5. Any vessel entering or navigating the canal contrary to the rules made in that behalf under this Act by the Chief Commissioner, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained, or both removed and detained, by a Canal Officer, or by any other person duly authorized under section three in that behalf.

The owner of any vessel causing damage to the canal, or removed or detained under this section, shall be liable to pay to the Government such charge as the Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the cost of repairing such damage, or of such removal or detention, as the case may be.

Power to detain vessel on failure to pay tolls or charges.

6. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Canal Officer may seize and detain such vessel and the furniture thereof, until such toll or charge, together with all expenses arising from such seizure and detention, is paid in full.

Power to seize cargo or goods if charges due thereon are not paid.

7. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is not paid on demand to the person authorized to collect the same, the Canal Officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full.

Power to sell property seized under sections 6 and 7.

8. Within a reasonable time after any seizure under section six or section seven, the Canal Officer shall give notice to

the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than twenty-one days from the date of the notice, be sold in satisfaction of the claim on account of which such property is detained, unless the claim is discharged before the day so named;

and if such claim is not so discharged, the Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Procedure in respect of vessels abandoned and goods unclaimed.

9. If any vessel is found abandoned in the canal, or any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is or are left unclaimed for a period of two months, the Canal Officer may take possession of the same.

Power to sell.

The officer so taking possession shall publish a notice, in such manner as the Chief Commissioner may from time to time by rule direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and if such vessel, contents, cargo or goods is or are not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges due in respect of the vessel, cargo or goods and all expenses incurred by the Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Canal Officer.

If the Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold and the proceeds to be paid into the district-treasury, there to be held until the right thereto is decided by a Court of competent jurisdiction.

Maintenance of the Canal.

Power of Canal Officer to enter on land and remove obstructions, &c.

10. A Canal Officer, empowered by the Commissioner of the Division generally or specially in this behalf, or any other person acting under the general or special order of such officer, may enter on any land in the neighbourhood of the canal and remove any obstructions, and may close any channels and do any other thing necessary or convenient for the maintenance of the canal.

Power to enter and survey, &c.

11. Any such officer or other person may, for the purposes of any enquiry relating to any part of the canal under the charge of such officer, enter upon any such lands, and undertake surveys or levels thereon, and dig and bore into the sub-soil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for such purposes;

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle.

Power to clear land.

Power to enter, to repair and to prevent accidents.

12. In case of any accident happening or being reasonably apprehended to the canal, any such officer or other person may enter upon any such lands, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Compensation for damage caused by entry.

13. In every case of entry under section ten, eleven or twelve, the Canal Officer shall tender, as soon as may be reasonably practicable, to the owner or occupiers of the land compensation for any damage which may be occasioned by such entry and by any proceeding under such section.

In case of dispute as to the sufficiency of the amount so tendered, the Canal Officer shall forthwith refer the same for decision by the Deputy Commissioner, whose decision thereon shall be final.

Obtaining Labour and Materials for Work on the Canal.

Procedure for obtaining labour and materials for works urgently required.

14. Whenever it appears to a Canal Officer that, unless some work is immediately executed, such serious damage will happen to the canal as will cause sudden and extensive public injury,

and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such damage,

such officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(*a*) every able-bodied person whose name appears in the list hereinafter mentioned shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or other person directs, and

(*b*) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of the Canal, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found in or upon such property, and use the same for the purposes of such work.

Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Deputy Commissioner to prepare list of persons liable to serve.

15. Subject to such rules as the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioners of Rangoon and Shwaygin shall prepare lists of persons residing in the neighbourhood of the canal in the said districts respectively and liable to be required under section fourteen to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Payment for labour impressed and materials taken.

16. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section fourteen, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the Canal Officer for their labour and detention, or for such materials (as the case may be), at a rate not being less than twenty-five per cent. above the highest market-rates for similar labour or materials for the time being prevailing in the neighbourhood.

Any dispute arising between the Canal Officer and any person as to the amount to be paid to such person under this section may be referred by either party to the Deputy Commissioner, whose decision thereon shall be final.

Compensation for damage done in taking materials.

17. Whenever, from the removal, under section fourteen, of any trees, bamboos or other materials, any damage over and above the price payable for such materials results directly to any person, the Canal Officer shall pay to such person such sum as may be agreed upon as compensation for such damage. In case of dispute as to the amount so to be paid, either party may refer such dispute to the Deputy Commissioner, whose decision thereon shall be final.

Offences and Penalties.

Offences under Act.

18. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:—

(*a*) damages, alters or obstructs the canal;

(*b*) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under the canal;

(*c*) interferes with or alters the flow of water in any river or stream, so as to endanger or damage the canal or render it less useful;

(*d*) corrupts or fouls the water of the canal, so as to render it less fit for the purposes for which it is ordinarily used;

(*e*) causes any vessel to enter or navigate, or to remain at any place in, the canal contrary to the rules for the time being prescribed by the Chief Commissioner for entering, navigating or remaining in the canal;

(*f*) while navigating the canal, neglects to take proper precautions to prevent injury to the canal and to vessels therein;

(*g*) being a person liable to labour under section fourteen, refuses or neglects without reasonable cause so to labour;

(*h*) destroys or moves any land-mark, level-mark or water-gauge fixed by the authority of a Canal Officer;

(*i*) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of the canal contrary to rules made under this Act, after he has been desired by a Canal Officer to desist therefrom; or

(*j*) pastures any animals on the banks of the canal or knowingly suffers any animals belonging to him or under his charge to graze on such banks;

shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty.

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Saving of prosecution under other laws.

19. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel.

Recovery of fines for offences in navigating canal.

Power to arrest without warrant.

20. Any person duly authorized in this behalf under section three may remove from the lands or buildings belonging to the canal, or may arrest without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who, within his view, commits any of the offences mentioned in clauses (*a*), (*b*) and (*c*) of section eighteen.

Power to make Rules.

Power to make rules.

21. The Chief Commissioner may, subject to the control of the Governor General in Council, from time to time make rules consistent with this Act to regulate the following matters:—

(*a*) the navigation of the canal;

(*b*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*c*) the amount of any tolls leviable under this Act; and

(*d*) generally, to carry out the provisions of this Act.

The Chief Commissioner may, in making any such rule, attach to the breach of it the penalty specified in section eighteen.

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

Publication of rules.

Validation of past proceedings.

Validation of past proceedings.

22. Anything heretofore done which might legally have been done if this Act had been in force shall be deemed to have been done in accordance with law.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th January, 1881, and is hereby promulgated for general information:—

ACT No. III OF 1881.

An Act to provide for certain matters relating to Securities of the Government of India.

Preamble.

WHEREAS the Governor General in Council has determined to issue, in respect of the four and a half per cent. loan of 1880, certificates declaring the bearers thereof entitled to the principal sums specified therein, and coupons for the interest payable on such principal sums;

and whereas the Governor General in Council may from time to time desire to issue like certificates, with or without like coupons, in respect of other loans;

and whereas it is expedient to declare the mode in which the title to such certificates and coupons shall be transferable;

and whereas it is also expedient to provide for certain other matters relating to all securities of the Government of India; It is hereby enacted as follows:—

Short title.

Commencement.

1. This Act may be called "The Indian Securities Act, 1881"; and shall come into force at once.

"Government securities."

2. In this Act, "Government securities" includes promissory notes, debentures, loan-certificates, coupons and all other securities issued by the Government of India, whether before or after the passing of this Act.

Certificates and coupons may be transferred and discharged like promissory notes payable to bearer.

3. Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of such loan, the title to such certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer;

and, on payment, by or on behalf of the Government, to the bearer of such certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if such certificate or coupon were a promissory note payable to bearer.

No notice of trust.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Indorser of Government security not liable for amount thereof.

5. No person shall, merely by reason of his having endorsed any Government security, be liable to pay any money due, whether on account of principal or interest, thereunder.

Signature to Government securities may be printed, &c.

6. The signature of the officer of the Government of India authorized to sign any Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on such securities.

Any such signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if the same had been subscribed in the proper handwriting of such officer.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th January, 1881 and is hereby promulgated for general information :—

ACT No. IV OF 1881.

An Act to enhance the rate of Port-dues leviable at Madras.

Preamble.

WHEREAS it has been determined to construct an artificial harbour for the port of Madras and to defray a portion of the interest on the principal sum expended on the construction of such harbour and of the annual expenses of maintaining the same out of the dues leviable on sea-going vessels of fifteen tons and upwards entering the said port :

And whereas the maximum rate of such dues is fixed by the Indian Ports Act, 1875, section forty-five, and the third part of the first schedule thereto annexed, and the amount of such rate is insufficient to defray such portion of the said interest and expenses in addition to the other charges to meet which the said dues are applicable :

And whereas it is therefore necessary to enhance, to the extent hereinafter mentioned, the maximum rate of dues so leviable ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called The Madras Port-dues Act, 1881, and

Commencement.

It shall come into force as soon as the said harbour is, in the opinion of the Local Government, open for the use of sea-going vessels of fifteen tons and upwards, and the said Government has published, in the *Fort St. George Gazette*, a notification to that effect.

Amendment of Part III of the third schedule of Act XII of 1875.

2. In the Indian Ports Act, 1875, first schedule, Part III, the following amendments shall be made, that is to say :—

(*a*) in the first column, the numeral and word "9, Madras" shall be omitted ;

(*b*) in the first column, above the heading "*Eastern Group,*" the word "Madras" shall be inserted ; and

(*c*) opposite the word "Madras" so inserted there shall be inserted—

(1) in the second column, the words "sea-going vessels of fifteen tons and upwards" ; and

(2) in the third column, the words "not exceeding eight annas per ton : Provided that, in the case of vessels employed in the coasting trade not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels."

Certain provisions of that Part to apply to Madras.

3. The provisions contained in the fourth column of the said Part shall, so far as they are applicable, apply to the Port of Madras.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. V OF 1881.

THE PROBATE AND ADMINISTRATION ACT, 1881.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.
1. Short title.
Local extent.
Commencement.
2. Personal application.
3. Interpretation-clause.

CHAPTER II.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

4. Character and property of executor or administrator as such.
5. Administration with copy annexed of authenticated copy of will proved abroad.
6. Probate only to appointed executor.
7. Appointment express or implied.
8. Persons to whom probate cannot be granted.
9. Grant of probate to several executors simultaneously or at different times.
10. Separate probate of codicil discovered after grant of probate.
Procedure when different executors appointed by codicil.
11. Accrual of representation to surviving executor.
12. Effect of probate.
13. To whom administration may not be granted.
14. Effect of letters of administration.
15. Acts not validated by administration.
16. Grant of administration where executor has not renounced.
Exception.
17. Form and effect of renunciation of executorship.
18. Procedure where executor renounces or fails to accept within time limited.
19. Grant of administration to universal or residuary legatee.
SECTIONS.
20. Right to administration of representative of deceased residuary legatee.
21. Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.
22. Citation before grant of administration to legatee other than universal or residuary.
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OF LIMITED GRANTS.

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24. Probate of copy or draft of lost will.
25. Probate of contents of lost or destroyed will.
26. Probate of copy where original exists.
27. Administration until will produced.

(*b*).—*Grants for the Use and Benefit of others having Right.*
28. Administration, with will annexed, to attorney of absent executor.
29. Administration, with will annexed, to attorney of absent person, who, if present, would be entitled to administer.
30. Administration to attorney of absent person entitled to administer in case of intestacy.
31. Administration during minority of sole executor or residuary legatee.
32. Administration during minority of several executors or residuary legatees.
33. Administration for use and benefit of lunatic.
34. Administration *pendente lite*.

(*c*).—*For Special Purposes.*
35. Probate limited to purpose specified in will.
36. Administration with will annexed limited to particular purpose.
37. Administration limited to trust-property.
38. Administration limited to suit.
39. Administration limited to purpose of becoming party to suit to be brought against administrator.
40. Administration limited to collection and preservation of deceased's property.
41. Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

(*d*).—*Grants with Exception.*
42. Probate or administration with will annexed subject to exception.
43. Administration with exception.

(*e*).—*Grants of the Rest.*
44. Probate or administration of rest.

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45. Grant of effects unadministered.
46. Rules as to grants of effects unadministered.
47. Administration when limited grant expired, and still some part of estate unadministered.

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ALTERATION AND REVOCATION OF GRANTS.

48. What errors may be rectified by Court.
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"Just cause."

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

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56. When probate or administration may be granted by District Judge.
57. Disposal of application made to Judge of district in which deceased had no fixed abode.
58. Probate and letters of administration may be granted by Delegate.
59. Conclusiveness of probate or letters of administration.
Effect of unlimited probates, &c., granted by certain Courts.
60. Transmission of certificate by Court granting unlimited probate, &c., to other Courts.
61. Conclusiveness of application for probate or administration, if properly made and verified.
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63. In what cases translation of will to be annexed to petition.
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69. District Judge may examine petitioner in person,
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72. After entry of caveat, no proceeding taken on petition until after notice to caveator.
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74. Power to transmit statement to District Judge in doubtful cases where no contention.
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76. Grant of probate to be under seal of Court.
Form of such grant.
77. Grant of letters of administration to be under seal of Court.
Form of such grant.
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79. Assignment of administration-bond.
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85. Power to refuse letters of administration.
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98. Inventory and account.
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107. Abatement of general legacies.
Executor not to pay one legatee in preference to another.
108. Non-abatement of specific legacy when assets sufficient to pay debts.
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121. Investment of sum bequeathed where legacy, not specific, given for life.
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Intermediate interest.
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135. Refund of legacy paid under Judge's orders.
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140. Creditor may call upon legatee to refund.
141. When legatee, not satisfied or compelled to refund under section 140, cannot oblige one paid in full to refund.
142. When unsatisfied legatee must first proceed against executor, if solvent.
143. Limit to refunding of one legatee to another.
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150. Probate and administration in case of persons exempted from Succession Act, to be granted only under this Act.
151. Repeal of portions of Act XXVII of 1860.
152. Grant of probate or administration to supersede certificate under Act XXVII of 1860, or Bombay Regulation VIII of 1827.
153. Amendment of Court-fees Act.
154. Amendment of Hindú Wills Act.
155. Validation of grants of probate and administration made in British Burma.
156. Amendment of Act XV of 1877.

An Act to provide for the grant of Probates of Wills and Letters of Administration to the estates of certain deceased persons.

Preamble.

WHEREAS it is expedient to provide for the grant of probate of wills and letters of administration to the estates of deceased persons in cases to which the

Indian Succession Act, 1865, does not apply; It is hereby enacted as follows:—

CHAPTER I.
PRELIMINARY.

Short title. Local extent. Commencement.

1. This Act may be called "The Probate and Administration Act, 1881":

It applies to the whole of British India;

and it shall come into force on the first day of April, 1881.

Personal application.

2. Chapters II to XIII, both inclusive, of this Act shall apply in the case of every Hindú, Muhammadan, Buddhist and person exempted under section 332 of the Indian Succession Act, 1865, dying before, on or after the said first day of April, 1881:

Provided that nothing herein contained shall be deemed to render invalid any transfer of property duly made before that day:

Provided also that, except in cases to which the Hindú Wills Act, 1870, applies, no Court in any local area beyond the limits of the towns of Calcutta, Madras and Bombay and the territories for the time being administered by the Chief Commissioner of British Burma, and no High Court in exercise of the concurrent jurisdiction over such local area hereby conferred, shall receive applications for probate or letters of administration until the Local Government has, with the previous sanction of the Governor General in Council, by a notification in the official Gazette, authorized it so to do.

Interpretation-clause. "Province:" "minor:" "minority:" "will:" "codicil:" "specific legacy:" "demonstrative legacy:" "probate:" "executor:" "administrator:" "District Judge."

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

"Province" includes any division of British India having a Court of the last resort:

"minor" means any person subject to the Indian Majority Act, 1875, who has not attained his majority within the meaning of that Act, and any other person who has not completed his age of eighteen years; and "minority" means the status of any such person:

"will" means the legal declaration of the intentions of the testator with respect to his property, which he desires to be carried into effect after his death:

"codicil" means an instrument made in relation to a will, and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will:

"specific legacy" means a legacy of specified property:

"demonstrative legacy" means a legacy directed to be paid out of specified property:

"probate" means the copy of a will certified under the seal of a Court of competent jurisdiction, with a grant of administration to the estate of the testator:

"executor" means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided:

"administrator" means a person appointed by competent authority to administer the estate of a deceased person when there is no executor: and

"District Judge" means the judge of a principal civil court of original jurisdiction.

CHAPTER II.
OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

Character and property of executor or administrator as such.

4. The executor or administrator, as the case may be, of a deceased person, is his legal representative for all purposes, and all the property of the deceased person vests in him as such.

But nothing herein contained shall vest in an executor or administrator any property of a deceased person which would otherwise have passed by survivorship to some other person.

Administration with copy annexed of authenticated copy of will proved abroad.

5. When a will has been proved and deposited in a Court of competent jurisdiction, situated beyond the limits of the Province, whether in the British dominions, or in a foreign country, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

Probate only to appointed executor.

6. Probate can be granted only to an executor appointed by the will.

Appointment express or implied.

7. The appointment may be express or by necessary implication.

Illustrations.

(*a*.) A wills that C be his executor if B will not. B is appointed executor by implication.

(*b*.) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law, C, and adds, "but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix." C is appointed executrix by implication.

(*c*.) A appoints several persons executors of his will and codicils, and his nephew residuary legatee, and in another codicil are these words:—"I appoint my nephew my residuary legatee to discharge all lawful demands against my will and codicils, signed of different dates." The nephew is appointed an executor by implication.

Persons to whom probate cannot be granted.

8. Probate cannot be granted to any person who is a minor or is of unsound mind.

Grant of probate to several executors simultaneously or at different times.

9. When several executors are appointed, probate may be granted to them all simultaneously or at different times.

Illustration.

A is an executor of B's will by express appointment, and C an executor of it by implication. Probate may be granted to A and C at the same time, or to A first and then to C, or to C first then to A.

Separate probate of codicil discovered after grant of probate.

10. If a codicil be discovered after the grant of probate, a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will.

Procedure when different executors appointed by codicil.

If different executors are appointed by the codicil, the probate of the will must be revoked, and a new probate granted of the will and the codicil together.

Accrual of representation to surviving executor.

11. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

Effect of probate.

12. Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor as such.

To whom administration may not be granted.

13. Letters of administration cannot be granted to any person who is a minor or is of unsound mind.

Effect of letters of administration.

14. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death.

Acts not validated by administration.

15. Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

Grant of administration where executor has not renounced.

16. When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued calling upon the executor to accept or renounce his executorship;

Exception.

except that, when one or more of several executors has or have proved a will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

Form and effect of renunciation of executorship.

17. The renunciation may be made orally in the presence of the Judge, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the will appointing him executor.

Procedure where executor renounces or fails to accept within time limited.

18. If the executor renounce, or fail to accept, the executorship within the time limited for the acceptance or refusal thereof, the will may be proved and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

Grant of administration to universal or residuary legatee.

19. When the deceased has made a will, but has not appointed an executor, or

when he has appointed an executor who is legally incapable or refuses to act, or has died before the testator, or before he has proved the will, or

when the executor dies after having proved the will but before he has administered all the estate of the deceased,

an universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

Right to administration of representative of deceased residuary legatee.

20. When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such residuary legatee.

Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.

21. When there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will, and letters of administration may be granted to him or them accordingly.

Citation before grant of administration to legatee other than universal or residuary.

22. Letters of administration with the will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a citation has been issued and published in the manner hereinafter mentioned, calling on the next-of-kin to accept or refuse letters of administration.

To whom administration may be granted.

23. When the deceased has died intestate, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate of an intestate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate.

When several such persons apply for administration, it shall be in the discretion of the Court to grant it to any one or more of them.

When no such person applies, it may be granted to a creditor of the deceased.

CHAPTER III.
OF LIMITED GRANTS.

(*a*).—*Grants limited in Duration.*

Probate of copy or draft of lost will.

24. When the will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced.

Probate of contents of lost or destroyed will.

25. When the will has been lost or destroyed and no copy has been made nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

Probate of copy where original exists.

26. When the will is in the possession of a person, residing out of the Province in which application for probate is made, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original,

probate may be granted of the copy so transmitted, limited until the will or an authenticated copy of it be produced.

Administration until will produced.

27. Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will or an authenticated copy of it be produced.

(b).—Grants for the Use and Benefit of others having Right.

Administration with will annexed to attorney of absent executor.

28. When any executor is absent from the Province in which application is made, and there is no executor within the Province willing to act, letters of administration with the will annexed may be granted to the agent of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself.

Administration with will annexed to attorney of absent person, who, if present, would be entitled to administer.

29. When any person to whom, if present, letters of administration with the will annexed might be granted, is absent from the Province, letters of administration with the will annexed may be granted to his agent, limited as above-mentioned.

Administration to attorney of absent person entitled to administer in case of intestacy.

30. When a person entitled to administration in case of intestacy is absent from the Province, and no person equally entitled is willing to act, letters of administration may be granted to the agent of the absent person, limited as before mentioned.

Administration during minority of sole executor or residuary legatee.

31. When a minor is sole executor or sole residuary legatee, letters of administration with the will annexed may be granted to the legal guardian of such minor, or to such other person as the Court shall think fit, until the minor has attained his majority, at which period, and not before, probate of the will shall be granted to him.

Administration during minority of several executors or residuary legatees.

32. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them has attained his majority.

Administration for use and benefit of lunatic.

33. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates, applicable in the case of the deceased, be a minor or lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his estate has been committed by competent authority, or, if there be no such person, to such other person as the Court thinks fit to appoint, for the use and benefit of the minor or lunatic, until he attains majority or becomes of sound mind, as the case may be.

Administration *pendente lite.*

34. Pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate; and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.

(c).—For Special Purposes.

Probate limited to purpose specified in will.

35. If an executor be appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and if he should appoint an agent to take administration on his behalf, the letters of administration with the will annexed shall accordingly be limited.

Administration with will annexed limited to particular purpose.

36. If an executor appointed generally give an authority to an attorney to prove a will on his behalf, and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.

Administration limited to trust-property.

37. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the beneficiary, or to some other person on his behalf.

Administration limited to suit.

38. When it is necessary that the representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said suit, and until a final decree shall be made therein and carried into complete execution.

Administration limited to purpose of becoming party to suit to be brought against administrator.

39. If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has or have been granted is absent from the Province within which the Court that has granted the probate or letters of administration is situate, such Court may grant, to any person whom it thinks fit, letters of administration limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect.

Administration limited to collection and preservation of deceased's property.

40. In any case in which it appears necessary for preserving the property of a deceased person, the Court within whose district any of the property is situate may grant, to any

person whom such Court thinks fit, letters of administration limited to the collection and preservation of the property of the deceased, and giving discharges for debts due to his estate, subject to the directions of the Court.

Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

41. When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor is, at the time of the death of such person, resident out of the Province, and it appears to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof other than the person who under ordinary circumstances would be entitled to a grant of administration, the Judge may, in his discretion, having regard to consanguinity, amount of interest, the safety of the estate and probability that it will be properly administered, appoint such person as he thinks fit to be administrator;

and in every such case letters of administration may be limited or not as the Judge thinks fit.

(d).—Grants with Exception.

Probate or administration with will annexed subject to exception.

42. Whenever the nature of the case requires that an exception be made, probate of a will, or letters of administration with the will annexed, shall be granted subject to such exception.

Administration with exception.

43. Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to such exception.

(e).—Grants of the Rest.

Probate or administration of rest.

44. Whenever a grant, with exception, of probate or letters of administration, with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

(f).—Grants of Effects unadministered.

Grant of effects unadministered.

45. If the executor to whom probate has been granted has died leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate.

Rules as to grants of effects unadministered.

46. In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

Administration when limited grant expired, and still some part of estate unadministered.

47. When a limited grant has expired by efflux of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

CHAPTER IV.

ALTERATION AND REVOCATION OF GRANTS.

What errors may be rectified by Court.

48. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly.

Procedure where codicil discovered after grant of administration with will annexed.

49. If, after the grant of letters of administration with the will annexed, a codicil be discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly.

Revocation or annulment for just cause.

50. The grant of probate or letters of administration may be revoked or annulled for just cause.

"Just cause."

Explanation.—Just cause is—

1*st*, that the proceedings to obtain the grant were defective in substance;

2*nd*, that the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case;

3*rd*, that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;

4*th*, that the grant has become useless and inoperative through circumstances.

Illustrations.

(*a*). The Court by which the grant was made had no jurisdiction.

(*b*). The grant was made without citing parties who ought to have been cited.

(*c*). The will of which probate was obtained was forged or revoked.

(*d*). A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.

(*e*). A has taken administration to the estate of B as if he had died intestate, but a will has since been discovered.

(*f*). Since probate was granted, a later will has been discovered.

(*g*). Since probate was granted, a codicil has been discovered, which revokes or adds to the appointment of executors under the will.

(*h*). The person to whom probate was, or letters of administration were, granted has subsequently become of unsound mind.

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

Jurisdiction of District Judge in granting and revoking probates, &c.

51. The District Judge shall have jurisdiction in granting and revoking probates and letters of administration in all cases within his district.

Power to appoint Delegate of District Judge to deal with non-contentious cases.

52. The High Court may, from time to time, appoint such judicial officers within any district as it thinks fit to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe:

Provided that, in the case of High Courts not established by Royal Charter, such appointment be

made with the previous sanction of the Local Government.

Persons so appointed shall be called "District Delegates."

53. The District Judge shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding depending in his Court.

District Judge's powers as to grant of probate and administration.

54. The District Judge may order any person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person;

District Judge may order person to produce testamentary papers.

and if it be not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing, the Court may direct him to attend for the purpose of being examined respecting the same,

and he shall be bound to answer such questions as may be put to him by the Court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, in case of default in not attending or in not answering such questions or not bringing in such paper or writing as he would have been subject to in case he had been a party to a suit, and had made such default,

and the costs of the proceeding shall be in the discretion of the Judge.

55. The proceedings of the Court of the District Judge, in relation to the granting of probate and letters of administration, shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Code of Civil Procedure.

Proceedings of District Judge's Court in relation to probate and administration.

56. Probate of the will or letters of administration to the estate of a deceased person may be granted by the District Judge under the seal of his Court, if it appears by a petition, verified as hereinafter mentioned, of the person applying for the same that the testator or intestate, as the case may be, had at the time of his decease a fixed place of abode, or any property, moveable or immoveable, within the jurisdiction of the Judge.

When probate or administration may be granted by District Judge.

57. When the application is made to the Judge of a District in which the deceased had no fixed abode at the time of his death, the Judge may in his discretion refuse the application, if in his judgment it could be disposed of more justly or conveniently in another district, or, where the application is for letters of administration, grant them absolutely, or limited to the property within his own jurisdiction.

Disposal of application made to Judge of District in which deceased had no fixed abode.

58. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death had his fixed place of abode within the jurisdiction of such Delegate.

Probate and letters of administration may be granted by Delegate.

59. Probate or letters of administration shall have effect over all the property, moveable or immoveable, of the deceased throughout the Province in which the same is granted, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted:

Conclusiveness of probate or letters of administration.

Provided that probates and letters of administration granted by a High Court established by Royal Charter, or by the Chief Court of the Panjáb, or by the Court of the Recorder of Rangoon, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India.

Effect of unlimited probates, &c., granted by certain Courts.

60. Whenever a grant of probate or letters of administration is made by a Court with such effect as last aforesaid, the Registrar, or such other officer as the Court making the grant appoints in this behalf, shall send to each of the other Courts empowered to make such grants, a certificate to the following effect:—

Transmission of certificate by Court granting unlimited probate, &c., to other Courts.

I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 188 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the Court receiving the same.

61. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorizing the grant of probate or administration, and no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property within the district at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Conclusiveness of application for probate or administration, if properly made and verified.

62. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or in the language in ordinary use in proceedings before the Court in which the application is made, with the will, or, in the cases mentioned in sections twenty-four, twenty-five and twenty-six, a copy, draft or statement of the contents thereof annexed, and stating

Petition for probate.

the time of the testator's death,

that the writing annexed is his last will and testament, or as the case may be,

that it was duly executed,

the amount of assets which are likely to come to the petitioner's hands;

and, where the application is for probate, that the petitioner is the executor named in the will.

In addition to these particulars, the petition shall further state,

when the application is to the District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and,

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

63. In cases wherein the will, copy or draft is written in any language other than English, or than that in ordinary use in proceedings before the Court, there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or, if the will, copy or draft be in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner:—

In what cases translation of will to be annexed to petition.

Verification of translation by person other than Court translator.

"I (*A. B.*) do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

64. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating

Petition for letters of administration.

the time and place of the deceased's death,

the family or other relatives of the deceased, and their respective residences,

the right in which the petitioner claims,

the amount of assets which are likely to come to the petitioner's hands.

In addition to these particulars the petition shall further state,

when the application is to a District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

65. Every person applying to any of the Courts mentioned in the proviso to section fifty-nine for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by sections sixty-two and sixty-four, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

Additional statements in petition for probate, &c.

or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the Court to which any application is made under the proviso to section fifty-nine may, if it think fit, reject the same.

66. The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and his pleader, if any, and shall be verified by the petitioner in the following manner or to the like effect:—

Petition for probate or administration to be signed and verified.

"I (*A. B.*), the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

67. Where the application is for probate, or for letters of administration with the will annexed, the petition shall also be verified by at least one of the witnesses to the will (when procurable), in the manner or to the effect following:—

Verification of petition for probate by one witness to will.

"I (*C. D.*), one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (*or* mark) thereto (*as the case may be*) (*or* that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my presence)."

68. If any petition or declaration which is hereby required to be verified contains any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

Punishment for false averment in petition or declaration.

69. In all cases it shall be lawful for the District Judge or District Delegate, if he thinks fit,

District Judge may examine petitioner in person,

to examine the petitioner in person upon oath, and also

to require further evidence of the due execution of the will, or the right of the petitioner to the letters of administration, as the case may be, and

require further evidence,

to issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

and issue citations to inspect proceedings.

The citation shall be fixed up in some conspicuous part of the Court-house, and also in the office of the Collector of the District, and otherwise published or made known in such manner as the Judge or Delegate issuing the same may direct.

Publication of citation.

70. Caveats against the grant of probate or letters of administration may be lodged with the District Judge or a District Delegate; and immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased had his fixed place of abode at the time of his death, and to any other Judge or District Dele-

Caveats against grant of probate or administration.

gate to whom it may appear to the District Judge expedient to transmit the same.

Form of caveat.

71. The caveat shall be to the following effect:—

"Let nothing be done in the matter of the estate of *A. B.*, late of , deceased, who died on the day of at without notice to *C. D.* of ."

After entry of caveat, no proceeding taken on petition until after notice to caveator.

72. No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant thereof has been entered with the Judge or District Delegate to whom the application has been made, or notice thereof has been given of its entry with some other Delegate, until after such notice to the person by whom the same has been entered as the Court shall think reasonable.

District Delegate when not to grant probate or administration.

73. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

Explanation.—By "contention" is understood the appearance of any one in person, or by his recognized agent or by a pleader duly appointed to act on his behalf, to oppose the proceeding.

Power to transmit statement to District Judge in doubtful cases where no contention.

74. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

75. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge.

Grant of probate to be under seal of Court.

76. Whenever it appears to the Judge or District Delegate that probate of a will should be granted, he shall grant the same under the seal of his Court in manner following:—

Form of such grant.

"I, Judge of the District of , [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the day of in the year the last will of , late of , a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will, was granted to , the executor in the said will named, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same at or before the expiration of six months from the date of this grant, and also to render a true account of the said property and credits within one year from the same date.

The day of 18 ."

Grant of letters of administration to be under seal of Court.

77. Whenever it appears to the District Judge or District Delegate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he shall grant the same under the seal of his Court in manner following:—

Form of such grant.

"I, , Judge of the District of , [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the day of letters of administration (with *or* without the will annexed, *as the case may be*) of the property and credits of late of , deceased, were granted to , the father (*or as the case may be*) of the deceased, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same in this Court at or before the expiration of six months from the date of this grant, and also to render a true account of the said property and credits within one year from the same date.

The day of 18 ."

Administration-bond.

78. Every person to whom any grant of letters of administration is committed, and, if the Judge so direct, any person to whom probate is granted, shall give a bond to the Judge of the District Court to enure for the benefit of the Judge for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Judge from time to time by any general or special order directs.

Assignment of administration-bond.

79. The Court may, on application made by petition and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court may think fit, assign the same to some proper person, who shall thereupon be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

Time before which probate or administration shall not be granted.

80. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days, from the day of the testator or intestate's death.

Filing of original wills of which probate or administration with will annexed granted.

81. Until a public registry for wills is established, every District Judge and District Delegate shall file and preserve among the records of his Court all original wills of which probate or letters of administration with the will annexed may be granted by him: and the Local Government shall make regulations for the preservation and inspection of the wills so filed as aforesaid.

Grantee of probate or administration alone to sue, &c., until same revoked.

82. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, throughout the Province in which the same may have been granted, until such probate or letters of administration shall have been recalled or revoked.

Procedure in contentious cases.

83. In any case before the District Judge in which there is contention, the proceeding shall take, as nearly as may be, the form of a suit, according to the provisions of the Code of Civil Procedure, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Payment to executor or administrator before probate or administration revoked.

84. Where any probate is, or letters of administration are, revoked, all payments *bonâ fide* made to any executor or administrator under such probate or administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same;

Right of such executor or administrator to recoup himself.

and the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself out of the assets of the deceased in respect of any payments made by him which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

Power to refuse letters of administration.

85. Notwithstanding anything hereinbefore contained, it shall, except in cases to which the Hindú Wills Act, 1870, applies, be in the discretion of the Court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under this Act.

Appeals from orders of District Judge.

86. Every order made by a District Judge or District Delegate by virtue of the powers hereby conferred upon him shall be subject to appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals.

Concurrent jurisdiction of High Court.

87. The High Court shall have concurrent jurisdiction with the District Judge in the exercise of all the powers hereby conferred upon the District Judge.

CHAPTER VI.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

In respect of causes of action surviving deceased, and debts due at death.

88. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and may exercise the same powers for the recovery of debts due to him at the time of his death, as the deceased had when living.

Demands and rights of suit of or against deceased survive to and against executor or administrator.

89. All demands whatsoever, and all rights to prosecute or defend any suit or other proceeding, existing in favour of or against a person at the time of his decease survive to and against his executors or administrators, except causes of action for defamation, assault as defined in the Indian Penal Code, or other personal injuries not causing the death of the party, and except also cases where, after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory.

Illustration.

(*a*). A collision takes place on a railway in consequence of some neglect or default of the officials, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having instituted any suit. The cause of action does not survive.

Power of executor or administrator to dispose of property.

90. An executor or administrator has power, with the consent of the Court by which the probate or letters of administration was or were granted, to dispose of the property of the deceased, either wholly or in part, in such manner as he thinks fit:

Provided that the Court may, when granting probate or letters of administration, exempt the executor or administrator from the necessity of obtaining such consent as to the whole or any specified part of the assets of the deceased.

Illustrations.

(*a*). The deceased has made a specific bequest of part of his property. The executor, not having assented to the bequest, sells the subject of it with the consent of the Court. The sale is valid.

(*b*). The executor, in the exercise of his discretion, mortgages a part of the immoveable estate of the deceased with the consent of the Court. The mortgage is valid.

Purchase by executor or administrator of deceased's property.

91. If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

Powers of several executors or administrators exerciseable by one.

92. When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary in the will or grant of letters of administration, be exercised by any one of them who has proved the will or taken out administration.

Illustrations.

(*a*). One of several executors has power to release a debt due to the deceased.

(*b*). One has power to surrender a lease.

(*c*). One has power to sell the property of the deceased, moveable or immoveable.

(*d*). One has power to assent to a legacy.

(*e*). One has power to endorse a promissory note payable to the deceased.

(*f*). The will appoints A, B, C, and D to be executors, and directs that two of them shall be a quorum. No act can be done by a single executor,

93. Upon the death of one or more of several executors or administrators, all the powers of the office become, in the absence of any direction to the contrary in the will or grant of letters of administration, vested in the survivors or survivor.

Survival of powers on death of one of several executors or administrators.

94. The administrator of effects unadministered has, with respect to such effects, the same powers as the original executor or administrator.

Powers of administrator of effects unadministered.

95. An administrator during minority has all the powers of an ordinary administrator.

Powers of administrator during minority.

96. When probate or letters of administration shall have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

Powers of married executrix or administratrix.

CHAPTER VII.

OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

97. It is the duty of an executor to provide funds for the performance of the necessary funeral ceremonies of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

As to deceased's funeral ceremonies.

98. An executor or administrator shall, within six months from the grant of probate or letters of administration, exhibit in the Court by which the same has or have been granted an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person or persons to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the date aforesaid, exhibit an account of the estate, showing the assets that have come to his hands, and the manner in which they have been applied or disposed of.

Inventory and account.

99. In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration shall include in the inventory of the effects of the deceased all his moveable or immoveable property situate in British India:

And the value of such property situate in each Province shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India.

Inventory to include property in any part of British India.

100. The executor or administrator shall collect, with reasonable diligence, the property of the deceased and the debts that were due to him at the time of his death.

As to property of, and debts owing to, deceased.

101. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all debts.

Expenses to be paid before all debts.

102. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and death-bed charges.

Expenses to be paid next after such expenses.

103. Wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant are next to be paid, and then the other debts of the deceased according to their respective priorities (if any).

Wages for certain services to be next paid, and then other debts

104. Save as aforesaid, no creditor is to have a right of priority over another.

But the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assets of the deceased will extend.

Save as aforesaid, all debts to be paid equally and rateably.

105. Debts of every description must be paid before any legacy.

Debts to be paid before legacies.

106. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

Executor or administrator not bound to pay legacies without indemnity.

107. If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions;

and, in the absence of any direction to the contrary in the will, the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

Abatement of general legacies.

Executor not to pay one legatee in preference to another.

108. Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

Non-abatement of specific legacy when assets sufficient to pay debts.

109. Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if, after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder.

Right under demonstrative legacy when assets sufficient to pay debts and necessary expenses.

110. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

Rateable abatement of specific legacies.

Illustration.

A has bequeathed to B a diamond-ring, valued at 500 rupees, and to C a horse, valued at 1,000 rupees. It is found necessary to sell all the effects of the testator, and his assets, after payment of debts, are only 1,000 rupees. Of this sum rupees 333-5-4 are to be paid to B, and rupees 666-10-8 to C.

111. For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

Legacies treated as general for purpose of abatement.

CHAPTER VIII.

OF THE EXECUTOR'S ASSENT TO A LEGACY.

112. The assent of the executor is necessary to complete a legatee's title to his legacy.

Assent necessary to complete legatee's title.

Illustrations.

(*a*). A by his will bequeaths to B his Government paper, which is in deposit with the Bank of Bengal. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(*b*). A by his will has bequeathed to C his house in Calcutta in the tenancy of B. C is not entitled to receive the rents without the assent of the executor.

113. The assent of the executor to a specific bequest shall be sufficient to divest his interest as executor therein, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

Effect of executor's assent to specific legacy.

This assent may be verbal, and it may be either express or implied from the conduct of the executor.

Nature of assent.

Illustrations.

(*a*). A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party proposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy is implied.

(*b*). The interest of a fund is directed by the will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(*c*). A bequest is made of a fund to A, and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(*d*). Executors die after paying all the debts of the testator, but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(*e*). A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

114. The assent of an executor to a legacy may be conditional, and if the condition be one which he has a right to enforce, and it is not performed, there is no assent.

Conditional assent.

Illustrations.

(*a*). A bequeathes to B his lands of Sultánpur, which at the date of the will, and at the death of A, were subject to a mortgage for 10,000 rupees. The executor assents to the bequest on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(*b*). The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

115. When the executor is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person and his assent may in like manner be express or implied.

Assent of executor to his own legacy.

Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor.

Implied assent.

Illustration.

An executor takes the rent of a house or the interest of Government-securities bequeathed to him, and applies it to his own use. This is assent.

116. The assent of the executor to a legacy gives effect to it from the death of the testator.

Effect of executor's assent.

Illustrations.

(*a*). A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser, and completes his title to the legacy.

(*b*). A bequeaths 1,000 rupees to B with interest from his death. The executor does not assent to this legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

117. An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

Executor when to deliver legacies.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

CHAPTER IX.

OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

118. Where an annuity is given by the will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event.

Commencement of annuity when no time fixed by will.

119. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death, and shall, if the executor think fit, be paid when due; but the executor shall not be bound to pay it till the end of the year.

When annuity, to be paid quarterly or monthly, first falls due.

120. Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorizes the first payment to be made;

Date of successive payments when first payment directed to be made within given time, or on day certain.

and if the annuitant dies in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative.

Apportionment where annuitant dies between times of payment.

CHAPTER X.

OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

Investment of sum bequeathed where legacy, not specific, given for life.

121. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Investment of general legacy, to be paid at future time.

122. Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in securities of the kind mentioned in the last preceding section.

Intermediate interest.

The intermediate interest shall form part of the residue of the testator's estate.

Procedure when no fund charged with, or appropriated to, annuity.

123. Where an annuity is given and no fund is charged with its payment or appropriated by the will to answer it, a Government-annuity of the specified amount shall be purchased, or,

if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct.

Transfer to residuary legatee or contingent bequest.

124. Where a bequest is contingent, the executor is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee (if any) on his giving sufficient security for the payment of the legacy if it shall become due.

Investment of residue bequeathed for life, with direction to invest in specified securities.

125. Where the testator has bequeathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Time and manner of conversion and investment.

126. Such conversion and investment as are contemplated by the last preceding section shall be made at such times and in such manner as the executor in his discretion thinks fit;

and, until such conversion and investment shall be completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of six per cent. per annum upon the market-value (to be computed as of the date of the testator's death) of such part of the fund as shall not yet have been so invested.

Interest payable until investment.

Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

127. Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the will to pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court of the District Judge by whom, or by whose District Delegate, the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, unless the legatee be a ward of the Court of Wards; and, if the legatee be a ward of the Court of Wards, the legacy shall be paid into that Court to his account;

and such payment into the Court of the District Judge, or into the Court of Wards, as the case may be, shall be a sufficient discharge for the money so paid;

and such money, when paid in, shall be invested in the purchase of Government securities, which, with the interest thereon, shall be transferred or paid to the person entitled thereto, or otherwise applied for his benefit, as the Judge or the Court of Wards, as the case may be, may direct.

CHAPTER XI.

OF THE PRODUCE AND INTEREST OF LEGACIES.

Legatee's title to produce of specific legacy.

128. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy.

The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(*a*). A bequeathes his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn, or some of the ewes produce lambs. The wool and lambs are the property of B.

(*b*). A bequeathes his Government-securities to B, but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B, and must, unless he is a minor, be paid to him as it is received.

(*c*). The testator bequeathes all his four per cent. Government promissory notes to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the notes, but the interest which accrues in respect of them, between the testator's death and A's completing 18 forms part of the residue.

Residuary legatee's title to produce of residuary fund.

129. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy.

Such income goes as undisposed of.

Illustrations.

(*a*). The testator bequeathes the residue of his property to A, a minor, to be paid to him when he shall complete the age of 18. The income from the testator's death belongs to A.

(*b*). The testator bequeathes the residue of his property to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

Interest when no time fixed for payment of general legacy.

130. Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Exceptions.—(1). Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2). Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

(3). Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

Interest when time fixed.

131. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed.

The interest up to such time forms part of the residue of the testator's estate.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the will for maintenance, or unless the will contains a direction to the contrary.

Rate of interest.

132. The rate of interest shall be six per cent. per annum.

No interest on arrears of annuity within first year after testator's death.

133. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

Interest on sum to be invested to produce annuity.

134. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

CHAPTER XII

OF THE REFUNDING OF LEGACIES.

Refund of legacy paid under Judge's orders.

135. An executor who has paid a legacy under the order of a Judge, is entitled to call upon the legatee to refund in the event of the assets proving insufficient to pay all the legacies.

No refund if paid voluntarily.

136. When an executor has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

Refund when legacy becomes due on performance of condition within further time allowed.

137. When the time prescribed by the will for the performance of a condition has elapsed, without the condition having been performed, and the executor has thereupon, without fraud, distributed the assets; in such case, if further time has, under the second clause of this section, been allowed for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he has paid it are liable to refund the amount.

Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as is requisite to make up for the delay caused by such fraud.

When each legatee compellable to refund in proportion.

138. When the executor has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

Distribution of assets.

139. Where an executor or administrator has given such notices as the High Court may, by any general rule to be made from time to time, prescribe, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he has not had notice at the time of such distribution;

Creditor may follow assets.

but nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may call upon legatee to refund.

140. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies, and whether the payment of the legacy by the executor was voluntary or not.

When legatee, not satisfied or compelled to refund under section 140, cannot oblige one paid in full to refund.

141. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under the last preceding section, cannot oblige one who has received payment in full to refund, whether the legacy were paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

When unsatisfied legatee must first proceed against executor, if solvent.

142. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the executor if he is solvent; but, if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

Limit to refunding of one legatee to another.

143. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Illustration.

A has bequeathed 240 rupees to B, 480 rupees to C, and 720 rupees to D. The assets are only 1,200 rupees, and if properly administered would give 200 rupees to B, 400 rupees to C, and 600 rupees to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund 80 rupees, and D to refund 120 rupees.

Refunding to be without interest.

144. The refunding shall in all cases be without interest.

145. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

Residue after usual payments to be paid to residuary legatee.

CHAPTER XIII.

OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

146. When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Liability of executor or administrator for devastation.

Illustrations.

(*a*). The executor pays out of the estate an unfounded claim. He is liable to make good the loss caused by the payment.

(*b*). The deceased had a valuable lease renewable by notice, which the executor neglects to give at the proper time. The executor is liable to make good the loss caused by the neglect.

(*c*). The deceased had a lease of less value than the rent payable for it, but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

147. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

For neglect to get in any part of property.

Illustrations.

(*a*). The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount so lost.

(*b*). The executor neglects to sue for a debt till the debtor is able to plead the Act for the limitation of suits, and the debt is thereby lost to the estate. The executor is liable to make good the amount of the debt.

CHAPTER XIV.

MISCELLANEOUS.

148. In Chapters VIII, IX, X and XII of this Act the provisions as to an executor shall apply also to an administrator with the will annexed.

Provisions applied to administrator with will annexed.

149. Nothing herein contained shall—

Saving-clause.

(*a*) validate any testamentary disposition which would otherwise have been invalid;

(*b*) invalidate any such disposition which would otherwise have been valid;

(*c*) deprive any person of any right of maintenance to which he would otherwise have been entitled; or

(*d*) affect the rights, duties and privileges of the Administrator General of Bengal, Madras or Bombay.

150. No proceedings to obtain probate of a will, or letters of administration to the estate, of any Hindú, Muhammadan, Buddhist or person exempted under section 332 of the Indian Succession Act, 1865, shall be instituted in any Court in British India except under this Act.

Probate and administration in case of persons exempted from Succession Act, to be granted only under this Act.

151. In Act No. XXVII of 1860 (*An Act for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), sections 15 and 16 and the proviso to section 13 shall be repealed.

Repeal of portions of Act XXVII of 1860.

152. The grant of probate or letters of administration under this Act in respect of any property shall be deemed to supersede any certificate previously granted in respect of the same property under the said Act No. XXVII of 1860, or Bombay Regulation No. VIII of 1827; and when, at the time of the grant of such probate or letters, any suit or other proceeding instituted by the holder of such certificate regarding such property is pending, the person to whom such grant is made shall, on applying to the Court in which such suit or proceeding is pending, be entitled to take the place of such holder in such suit or proceeding:

Grant of probate or administration to supersede certificate under Act XXVII of 1860, or Bombay Regulation VIII of 1827.

Provided that, when any certificate is superseded under this section, all payments made to the holder of such certificate in ignorance of such supersession shall be held good against claims under the probate or letters of administration.

153. In the Court-fees Act, 1870, schedule I, Nos. 11 and 12, in the third column, after the words "amount or value," the following shall be inserted, namely:—

Amendment of Court-fees Act.

"Provided that, when after a certificate has been granted as aforesaid in respect of any estate, probate or letters of administration is or are granted in respect of the same estate, the fee payable in respect of such latter grant shall be reduced by the amount of the fee paid in respect of the former grant."

154. The following amendments shall be made in the Hindú Wills Act, 1870 (namely):—

Amendment of Hindú Wills Act.

(*a*). For the portion of section two commencing with the words "sections one hundred and seventy-nine" and ending with the words "administrator with the will annexed," the words "and section one hundred and eighty-seven" shall be substituted.

(*b*). The third clause of section three and the last clause of section six shall be repealed.

(*c*). In section six, for the words "one hundred and three and one hundred and eighty-two" the words "and one hundred and three" shall be substituted.

155. All grants of probate of the will or letters of administration to the estate of any deceased Hindú, Muhammadan or Buddhist, or any person exempted under section 332 of the Indian Succession Act, 1865, which, before this Act comes into force have been made in British Burma, shall, whenever such grant would have been lawful if this Act had been in force, be deemed to have been made in accordance with law.

Validation of grants of probate and administration made in British Burma.

156. In the second schedule to the Indian Limitation Act, 1877, No. 43, after the figures "321," the following shall be inserted, namely—"or under the Probate and Administration Act, 1881, section 139 or 140."

Amendment of Act XV of 1877.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. VI OF 1881.

An Act to make further provision for the grant of Probate and Letters of Administration in non-contentious cases.

WHEREAS it is expedient to make further provision for the grant of probate and letters of administration in non-contentious cases; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The District Delegates Act, 1881":

Short title.

It extends to the whole of British India;

Extent.

and it shall come into force on the first day of April, 1881.

Commencement.

2. After section 235 of the Indian Succession Act, 1865, the following section shall be added:—

Addition of section after section 235 of Succession Act.

"235A. The High Court may, from time to time, appoint such judicial officers within any district as it thinks fit, to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe:

Power to appoint Delegate of District Judge to deal with non-contentious cases.

"Provided that, in the case of High Courts not established by Royal Charter, such appointment be made with the previous sanction of the Local Government.

"Persons so appointed shall be called 'District Delegates'."

3. After section 241 of the said Act, the following section shall be added:—

Addition of section after section 241 of same Act.

"241A. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death resided within the jurisdiction of such Delegate."

Probate and letters of administration may be granted by Delegate.

4. To sections 244 and 246 of the said Act, respectively, the following words shall be added:—

Addition to sections 244 and 246 of same Act.

"and when the application is to a District Delegate, the petition shall further state that the deceased at the time of his death resided within the jurisdiction of such Delegate."

5. For section 251 of the said Act, the following section shall be substituted:—

Substitution of section for section 251 of same Act.

"251. Caveats against the grant of probate or administration may be lodged with the District Judge or a District Delegate; and immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased resided at the time of his death, and to any other Judge or District Delegate to whom it may appear to the District Judge expedient to transmit the same."

Caveats against grant of probate or administration.

6. In section 253 of the said Act, after the word "Judge" the words "or officer," and after the word "made" the words "or notice thereof has been given of its entry with some other Delegate," shall be inserted.

Amendment of section 253 of same Act.

7. After section 253 of the said Act, the following sections shall be added:—

Addition of sections after section 253 of same Act.

"253A. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

District Delegate when not to grant probate or administration.

"*Explanation.*—By 'contention' is understood the appearance of any one in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf to oppose the proceeding.

"253B. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in

Power to transmit statement to District Judge in doubtful cases where no contention.

relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

"253C. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge."

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

8. In the said Act, sections 254 and 255, respectively, after the words "I, Judge of the District of ," the words "(*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*))"; and in section 308, after the words "District Judge by whom" the words "or by whose District Delegate" shall be inserted.

Amendment of sections 254, 255 and 308 of same Act.

9. In the said Act, sections 246, 250, 255 and 259, after the words "District Judge," and in section 250 and section 254 (when it first occurs) after the word "Judge," the words "or District Delegate" shall be inserted respectively.

Introduction of the words "or District Delegate" in certain sections of same Act.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. VII OF 1881.

An Act to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880); It is hereby enacted as follows:—

Preamble.

1. In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force:—

Amendment of Bengal Act No. IX of 1880.

"64A. All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation:

Holders of estates, &c., how to recover from holders of rent-free lands.

"Provided that, if any such objection as is mentioned in section 53, has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector.

"64B. In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer."

Owner, holder or occupier of rent-free lands may be sued.
Decree against occupier tantamount to decree against owner.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 29, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th January, 1881, and is hereby promulgated for general information :—

ACT No. III OF 1881.

An Act to provide for certain matters relating to Securities of the Government of India.

Preamble.

WHEREAS the Governor General in Council has determined to issue, in respect of the four and a half per cent. loan of 1880, certificates declaring the bearers thereof entitled to the principal sums specified therein, and coupons for the interest payable on such principal sums;

and whereas the Governor General in Council may from time to time desire to issue like certificates, with or without like coupons, in respect of other loans;

and whereas it is expedient to declare the mode in which the title to such certificates and coupons shall be transferable;

and whereas it is also expedient to provide for certain other matters relating to all securities of the Government of India; It is hereby enacted as follows :—

Short title.

Commencement.

1. This Act may be called "The Indian Securities Act, 1881"; and shall come into force at once.

"Government securities."

2. In this Act, "Government securities" includes promissory notes, debentures, loan-certificates, coupons and all other securities issued by the Government of India, whether before or after the passing of this Act.

Certificates and coupons may be transferred and discharged like promissory notes payable to bearer.

3. Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of such loan, the title to such certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer;

and, on payment, by or on behalf of the Government, to the bearer of such certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if such certificate or coupon were a promissory note payable to bearer.

No notice of trust.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Indorser of Government security not liable for amount thereof.

5. No person shall, merely by reason of his having endorsed any Government security, be liable to pay any money due, whether on account of principal or interest, thereunder.

Signature to Government securities may be printed, &c.

6. The signature of the officer of the Government of India authorized to sign any Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on such securities.

Any such signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if the same had been subscribed in the proper handwriting of such officer.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th January, 1881, and is hereby promulgated for general information :—

ACT No. IV OF 1881.

An Act to enhance the rate of Port-dues leviable at Madras.

Preamble.

WHEREAS it has been determined to construct an artificial harbour for the port of Madras and to defray a portion of the interest on the principal sum expended on the construction of such harbour and of the annual expenses of maintaining the same out of the dues leviable on sea-going vessels of fifteen tons and upwards entering the said port :

And whereas the maximum rate of such dues is fixed by the Indian Ports Act, 1875, section forty-five, and the third part of the first schedule thereto annexed, and the amount of such rate is insufficient to defray such portion of the said interest and expenses in addition to the other charges to meet which the said dues are applicable :

And whereas it is therefore necessary to enhance, to the extent hereinafter mentioned, the maximum rate of dues so leviable ;

It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Madras Port-dues Act, 1881"; and

It shall come into force as soon as the said harbour is, in the opinion of the Local Government, open for the use of sea-going vessels of fifteen tons and upwards, and the said Government has published, in the *Fort St. George Gazette*, a notification to that effect.

Amendment of Part III of the third schedule of Act XII of 1875.

2. In the Indian Ports Act, 1875, first schedule, Part III, the following amendments shall be made, that is to say :—

(*a*) in the first column, the numeral and word "9, Madras" shall be omitted ;

(*b*) in the first column, above the heading "*Eastern Group,*" the word "Madras" shall be inserted ; and

(*c*) opposite the word "Madras" so inserted there shall be inserted—

(1) in the second column, the words "sea-going vessels of fifteen tons and upwards"; and

(2) in the third column, the words "not exceeding eight annas per ton : Provided that, in the case of vessels employed in the coasting trade not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels."

Certain provisions of that Part to apply to Madras.

3. The provisions contained in the fourth column of the said Part shall, so far as they are applicable, apply to the Port of Madras.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. V OF 1881.

THE PROBATE AND ADMINISTRATION ACT, 1881.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.
1. Short title.
Local extent.
Commencement.
2. Personal application.
3. Interpretation-clause.

CHAPTER II.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

4. Character and property of executor or administrator as such.
5. Administration with copy annexed of authenticated copy of will proved abroad.
6. Probate only to appointed executor.
7. Appointment express or implied.
8. Persons to whom probate cannot be granted.
9. Grant of probate to several executors simultaneously or at different times.
10. Separate probate of codicil discovered after grant of probate.
Procedure when different executors appointed by codicil.
11. Accrual of representation to surviving executor.
12. Effect of probate.
13. To whom administration may not be granted.
14. Effect of letters of administration.
15. Acts not validated by administration.
16. Grant of administration where executor has not renounced.
Exception.
17. Form and effect of renunciation of executorship.
18. Procedure where executor renounces or fails to accept within time limited.
19. Grant of administration to universal or residuary legatee.

SECTIONS.
20. Right to administration of representative of deceased residuary legatee.
21. Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.
22. Citation before grant of administration to legatee other than universal or residuary.
23. To whom administration may be granted.

CHAPTER III.

OF LIMITED GRANTS.

(*a*).—*Grants limited in Duration.*

24. Probate of copy or draft of lost will.
25. Probate of contents of lost or destroyed will.
26. Probate of copy where original exists.
27. Administration until will produced.

(*b*).—*Grants for the Use and Benefit of others having Right.*

28. Administration, with will annexed, to attorney of absent executor.
29. Administration, with will annexed, to attorney of absent person, who, if present, would be entitled to administer.
30. Administration to attorney of absent person entitled to administer in case of intestacy.
31. Administration during minority of sole executor or residuary legatee.
32. Administration during minority of several executors or residuary legatees.
33. Administration for use and benefit of lunatic.
34. Administration *pendente lite*.

(*c*).—*For Special Purposes.*

35. Probate limited to purpose specified in will.
36. Administration with will annexed limited to particular purpose.
37. Administration limited to trust-property.
38. Administration limited to suit.
39. Administration limited to purpose of becoming party to suit to be brought against administrator.
40. Administration limited to collection and preservation of deceased's property.
41. Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

(*d*).—*Grants with Exception.*

42. Probate or administration with will annexed subject to exception.
43. Administration with exception.

(*e*).—*Grants of the Rest.*

44. Probate or administration of rest.

(*f*).—*Grants of Effects unadministered.*

SECTIONS.

45. Grant of effects unadministered.
46. Rules as to grants of effects unadministered.
47. Administration when limited grant expired, and still some part of estate unadministered.

CHAPTER IV.

ALTERATION AND REVOCATION OF GRANTS.

48. What errors may be rectified by Court.
49. Procedure where codicil discovered after grant of administration with will annexed.
50. Revocation or annulment for just cause.
"Just cause."

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

51. Jurisdiction of District Judge in granting and revoking probates, &c.
52. Power to appoint Delegate of District Judge to deal with non-contentious cases.
53. District Judge's powers as to grant of probate and administration.
54. District Judge may order person to produce testamentary papers.
55. Proceedings of District Judge's Court in relation to probate and administration.
56. When probate or administration may be granted by District Judge.
57. Disposal of application made to Judge of district in which deceased had no fixed abode.
58. Probate and letters of administration may be granted by Delegate.
59. Conclusiveness of probate or letters of administration.
Effect of unlimited probates, &c., granted by certain Courts.
60. Transmission of certificate by Court granting unlimited probate, &c., to other Courts.
61. Conclusiveness of application for probate or administration, if properly made and verified.
62. Petition for probate.
63. In what cases translation of will to be annexed to petition.
Verification of translation by person other than Court translator.
64. Petition for letters of administration.
65. Additional statements in petition for probate, &c.
66. Petition for probate or administration to be signed and verified.
67. Verification of petition for probate by one witness to will.
68. Punishment for false averment in petition or declaration.
69. District Judge may examine petitioner in person,
require further evidence,
and issue citations to inspect proceedings.
Publication of citation.
70. Caveats against grant of probate or administration.
71. Form of caveat.
72. After entry of caveat, no proceeding taken on petition until after notice to caveator.
73. District Delegate when not to grant probate or administration.
74. Power to transmit statement to District Judge in doubtful cases where no contention.
75. Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court
76. Grant of probate to be under seal of Court.
Form of such grant.
77. Grant of letters of administration to be under seal of Court.
Form of such grant.
78. Administration-bond.
79. Assignment of administration-bond.
80. Time before which probate or administration shall not be granted.
81. Filing of original wills of which probate or administration with will annexed granted.
82. Grantee of probate or administration alone to sue, &c., until same revoked.
83. Procedure in contentious cases.
84. Payment to executor or administrator before probate or administration revoked.
Right of such executor or administrator to recoup himself.
85. Power to refuse letters of administration.
86. Appeals from orders of District Judge.
87. Concurrent jurisdiction of High Court.

CHAPTER VI.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

88. In respect of causes of action surviving deceased, and debts due at death.
89. Demands and rights of suit of or against deceased survive to and against executor or administrator.
90. Power of executor or administrator to dispose of property.
91. Purchase by executor or administrator of deceased's property.
92. Powers of several executors or administrators exerciseable by one.
93. Survival of powers on death of one of several executors or administrators.
94. Powers of administrator of effects unadministered.
95. Powers of administrator during minority.
96. Powers of married executrix or administratrix.

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OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

97. As to deceased's funeral ceremonies.
98. Inventory and account.
99. Inventory to include property in any part of British India.
100. As to property of, and debts owing to, deceased.
101. Expenses to be paid before all debts.
102. Expenses to be paid next after such expenses.
103. Wages for certain services to be next paid, and then other debts.

SECTIONS.

104. Save as aforesaid, all debts to be paid equally and rateably.
105 Debts to be paid before legacies.
106. Executor or administrator not bound to pay legacies without indemnity.
107. Abatement of general legacies.
Executor not to pay one legatee in preference to another.
108. Non-abatement of specific legacy when assets sufficient to pay debts.
109. Right under demonstrative legacy, when assets sufficient to pay debts and necessary expenses.
110. Rateable abatement of specific legacies.
111. Legacies treated as general for purpose of abatement.

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112. Assent necessary to complete legatee's title.
113. Effect of executor's assent to specific legacy.
Nature of assent.
114. Conditional assent.
115. Assent of executor to his own legacy.
Implied assent.
116. Effect of executor's assent.
117. Executor when to deliver legacies.

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OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

118. Commencement of annuity when no time fixed by will.
119. When annuity, to be paid quarterly or monthly, first falls due.
120. Date of successive payments when first payment directed to be made within given time, or on day certain.
Apportionment where annuitant dies between times of payment.

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OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

121. Investment of sum bequeathed where legacy, not specific, given for life.
122. Investment of general legacy, to be paid at future time.
Intermediate interest.
123. Procedure when no fund charged with, or appropriated to, annuity.
124. Transfer to residuary legatee of contingent bequest.
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126. Time and manner of conversion and investment.
Interest payable until investment.
127. Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

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128. Legatee's title to produce of specific legacy.
129. Residuary legatee's title to produce of residuary fund.
130. Interest when no time fixed for payment of general legacy.
131. Interest when time fixed.
132. Rate of interest.
133. No interest on arrears of annuity within first year after testator's death.
134. Interest on sum to be invested to produce annuity.

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OF THE REFUNDING OF LEGACIES.

135. Refund of legacy paid under Judge's orders.
136. No refund if paid voluntarily.
137. Refund when legacy becomes due on performance of condition within further time allowed.
138. When each legatee compellable to refund in proportion.
139. Distribution of assets.
Creditor may follow assets.
140. Creditor may call upon legatee to refund.
141. When legatee, not satisfied or compelled to refund under section 140, cannot oblige one paid in full to refund.
142. When unsatisfied legatee must first proceed against executor, if solvent.
143. Limit to refunding of one legatee to another.
144. Refunding to be without interest.
145. Residue after usual payments to be paid to residuary legatee.

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146. Liability of executor or administrator for devastation.
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148. Provisions applied to administrator with will annexed.
149. Saving-clause.
150. Probate and administration in case of persons exempted from Succession Act, to be granted only under this Act.
151. Repeal of portions of Act XXVII of 1860.
152. Grant of probate or administration to supersede certificate under Act XXVII of 1860, or Bombay Regulation VIII of 1827.
153. Amendment of Court-fees Act.
154. Amendment of Hindú Wills Act.
155. Validation of grants of probate and administration made in British Burma.
156. Amendment of Act XV of 1877.

An Act to provide for the grant of Probates of Wills and Letters of Administration to the estates of certain deceased persons.

Preamble.

WHEREAS it is expedient to provide for the grant of probate of wills and letters of administration to the estates of deceased persons in cases to which the

Indian Succession Act, 1865, does not apply; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement.

1. This Act may be called "The Probate and Administration Act, 1881":

It applies to the whole of British India;

and it shall come into force on the first day of April, 1881.

Personal application.

2. Chapters II to XIII, both inclusive, of this Act shall apply in the case of every Hindú, Muhammadan, Buddhist and person exempted under section 332 of the Indian Succession Act, 1865, dying before, on or after the said first day of April, 1881:

Provided that nothing herein contained shall be deemed to render invalid any transfer of property duly made before that day:

Provided also that, except in cases to which the Hindú Wills Act, 1870, applies, no Court in any local area beyond the limits of the towns of Calcutta, Madras and Bombay and the territories for the time being administered by the Chief Commissioner of British Burma, and no High Court in exercise of the concurrent jurisdiction over such local area hereby conferred, shall receive applications for probate or letters of administration until the Local Government has, with the previous sanction of the Governor General in Council, by a notification in the official Gazette, authorized it so to do.

Interpretation-clause. "Province." "minor." "minority." "will." "codicil." "specific legacy." "demonstrative legacy." "probate." "executor." "administrator." "District Judge."

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

"Province" includes any division of British India having a Court of the last resort:

"minor" means any person subject to the Indian Majority Act, 1875, who has not attained his majority within the meaning of that Act, and any other person who has not completed his age of eighteen years; and "minority" means the status of any such person:

"will" means the legal declaration of the intentions of the testator with respect to his property, which he desires to be carried into effect after his death:

"codicil" means an instrument made in relation to a will, and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will:

"specific legacy" means a legacy of specified property:

"demonstrative legacy" means a legacy directed to be paid out of specified property:

"probate" means the copy of a will certified under the seal of a Court of competent jurisdiction, with a grant of administration to the estate of the testator:

"executor" means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided:

"administrator" means a person appointed by competent authority to administer the estate of a deceased person when there is no executor: and

"District Judge" means the judge of a principal civil court of original jurisdiction.

CHAPTER II.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

Character and property of executor or administrator as such.

4. The executor or administrator, as the case may be, of a deceased person, is his legal representative for all purposes, and all the property of the deceased person vests in him as such.

But nothing herein contained shall vest in an executor or administrator any property of a deceased person which would otherwise have passed by survivorship to some other person.

Administration with copy annexed of authenticated copy of will proved abroad.

5. When a will has been proved and deposited in a Court of competent jurisdiction, situated beyond the limits of the Province, whether in the British dominions, or in a foreign country, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

Probate only to appointed executor.

6. Probate can be granted only to an executor appointed by the will.

Appointment express or implied.

7. The appointment may be express or by necessary implication.

Illustrations.

(*a.*) A wills that C be his executor if B will not. B is appointed executor by implication.

(*b.*) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law, C, and adds, "but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix." C is appointed executrix by implication.

(*c.*) A appoints several persons executors of his will and codicils, and his nephew residuary legatee, and in another codicil are these words:—"I appoint my nephew my residuary legatee to discharge all lawful demands against my will and codicils, signed of different dates." The nephew is appointed an executor by implication.

Persons to whom probate cannot be granted.

8. Probate cannot be granted to any person who is a minor or is of unsound mind.

Grant of probate to several executors simultaneously or at different times.

9. When several executors are appointed, probate may be granted to them all simultaneously or at different times.

Illustration.

A is an executor of B's will by express appointment, and C an executor of it by implication. Probate may be granted to A and C at the same time, or to A first and then to C, or to C first then to A.

Separate probate of codicil discovered after grant of probate.

10. If a codicil be discovered after the grant of probate, a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will.

Procedure when different executors appointed by codicil.

If different executors are appointed by the codicil, the probate of the will must be revoked, and a new probate granted of the will and the codicil together.

Accrual of representation to surviving executor.

11. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

Effect of probate.

12. Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor as such.

To whom administration may not be granted.

13. Letters of administration cannot be granted to any person who is a minor or is of unsound mind.

Effect of letters of administration.

14. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death.

Acts not validated by administration.

15. Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

Grant of administration where executor has not renounced.

16. When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued calling upon the executor to accept or renounce his executorship;

except that, when one or more of several executors has or have proved a will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved. Exception.

Form and effect of renunciation of executorship.

17. The renunciation may be made orally in the presence of the Judge, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the will appointing him executor.

Procedure where executor renounces or fails to accept within time limited.

18. If the executor renounce, or fail to accept, the executorship within the time limited for the acceptance or refusal thereof, the will may be proved and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

Grant of administration to universal or residuary legatee.

19. When the deceased has made a will, but has not appointed an executor, or

when he has appointed an executor who is legally incapable or refuses to act, or has died before the testator, or before he has proved the will, or

when the executor dies after having proved the will but before he has administered all the estate of the deceased,

an universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

Right to administration of representative of deceased residuary legatee.

20. When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such residuary legatee.

Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.

21. When there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will, and letters of administration may be granted to him or them accordingly.

Citation before grant of administration to legatee other than universal or residuary.

22. Letters of administration with the will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a citation has been issued and published in the manner hereinafter mentioned, calling on the next-of-kin to accept or refuse letters of administration.

To whom administration may be granted.

23. When the deceased has died intestate, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate of an intestate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate.

When several such persons apply for administration, it shall be in the discretion of the Court to grant it to any one or more of them.

When no such person applies, it may be granted to a creditor of the deceased.

CHAPTER III.

OF LIMITED GRANTS.

(*a*).—*Grants limited in Duration.*

Probate of copy or draft of lost will.

24. When the will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced.

Probate of contents of lost or destroyed will.

25. When the will has been lost or destroyed and no copy has been made nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

Probate of copy where original exists.

26. When the will is in the possession of a person, residing out of the Province in which application for probate is made, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original,

probate may be granted of the copy so transmitted, limited until the will or an authenticated copy of it be produced.

Administration until will produced.

27. Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will or an authenticated copy of it be produced.

(b).—Grants for the Use and Benefit of others having Right.

Administration with will annexed to attorney of absent executor.

28. When any executor is absent from the Province in which application is made, and there is no executor within the Province willing to act, letters of administration with the will annexed may be granted to the agent of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself.

Administration with will annexed to attorney of absent person, who, if present, would be entitled to administer.

29. When any person to whom, if present, letters of administration with the will annexed might be granted, is absent from the Province, letters of administration with the will annexed may be granted to his agent, limited as above-mentioned.

Administration to attorney of absent person entitled to administer in case of intestacy.

30. When a person entitled to administration in case of intestacy is absent from the Province, and no person equally entitled is willing to act, letters of administration may be granted to the agent of the absent person, limited as before mentioned.

Administration during minority of sole executor or residuary legatee.

31. When a minor is sole executor or sole residuary legatee, letters of administration with the will annexed may be granted to the legal guardian of such minor, or to such other person as the Court shall think fit, until the minor has attained his majority, at which period, and not before, probate of the will shall be granted to him.

Administration during minority of several executors or residuary legatees.

32. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them has attained his majority.

Administration for use and benefit of lunatic.

33. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates, applicable in the case of the deceased, be a minor or lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of the estate has been committed by competent authority, or, if there be no such person, to such other person as the Court thinks fit to appoint, for the use and benefit of the minor or lunatic, until he attains majority or becomes of sound mind, as the case may be.

Administration *pendente lite.*

34. Pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate; and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.

(c).—For Special Purposes.

Probate limited to purpose specified in will.

35. If an executor be appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and if he should appoint an agent to take administration on his behalf, the letters of administration with the will annexed shall accordingly be limited.

Administration with will annexed limited to particular purpose.

36. If an executor appointed generally give an authority to an attorney to prove a will on his behalf, and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.

Administration limited to trust-property.

37. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the beneficiary, or to some other person on his behalf.

Administration limited to suit.

38. When it is necessary that the representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said suit, and until a final decree shall be made therein and carried into complete execution.

Administration limited to purpose of becoming party to suit to be brought against administrator.

39. If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has or have been granted is absent from the Province within which the Court that has granted the probate or letters of administration is situate, such Court may grant, to any person whom it thinks fit, letters of administration limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect.

Administration limited to collection and preservation of deceased's property.

40. In any case in which it appears necessary for preserving the property of a deceased person, the Court within whose district any of the property is situate may grant, to any person whom such Court thinks fit, letters of administration limited to the collection and preservation of the property of the deceased, and giving discharges for debts due to his estate, subject to the directions of the Court.

Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

41. When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor is, at the time of the death of such person, resident out of the Province, and it appears to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof other than the person who under ordinary circumstances would be entitled to a grant of administration, the Judge may, in his discretion, having regard to consanguinity, amount of interest, the safety of the estate and probability that it will be properly administered, appoint such person as he thinks fit to be administrator;

and in every such case letters of administration may be limited or not as the Judge thinks fit.

(d).—Grants with Exception.

Probate or administration with will annexed subject to exception.

42. Whenever the nature of the case requires that an exception be made, probate of a will, or letters of administration with the will annexed, shall be granted subject to such exception.

Administration with exception.

43. Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to such exception.

(e).—Grants of the Rest.

Probate or administration of rest.

44. Whenever a grant, with exception, of probate or letters of administration, with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

(f).—Grants of Effects unadministered.

Grant of effects unadministered.

45. If the executor to whom probate has been granted has died leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate.

Rules as to grants of effects unadministered.

46. In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

Administration when limited grant expired, and still some part of estate unadministered.

47. When a limited grant has expired by efflux-ion of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

CHAPTER IV.

ALTERATION AND REVOCATION OF GRANTS.

What errors may be rectified by Court.

48. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly.

Procedure where codicil discovered after grant of administration with will annexed.

49. If, after the grant of letters of administration with the will annexed, a codicil be discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly.

Revocation or annulment for just cause.

50. The grant of probate or letters of administration may be revoked or annulled for just cause.

"Just cause."

Explanation.—Just cause is—

1*st*, that the proceedings to obtain the grant were defective in substance;

2*nd*, that the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case;

3*rd*, that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;

4*th*, that the grant has become useless and inoperative through circumstances.

Illustrations.

(*a*). The Court by which the grant was made had no jurisdiction.

(*b*). The grant was made without citing parties who ought to have been cited.

(*c*). The will of which probate was obtained was forged or revoked.

(*d*). A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.

(*e*). A has taken administration to the estate of B as if he had died intestate, but a will has since been discovered.

(*f*). Since probate was granted, a later will has been discovered.

(*g*). Since probate was granted, a codicil has been discovered, which revokes or adds to the appointment of executors under the will.

(*h*). The person to whom probate was, or letters of administration were, granted has subsequently become of unsound mind.

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

Jurisdiction of District Judge in granting and revoking probates, &c.

51. The District Judge shall have jurisdiction in granting and revoking probates and letters of administration in all cases within his district.

Power to appoint Delegate of District Judge to deal with non-contentious cases.

52. The High Court may, from time to time, appoint such judicial officers within any district as it thinks fit to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe:

Provided that, in the case of High Courts not established by Royal Charter, such appointment be

made with the previous sanction of the Local Government.

Persons so appointed shall be called "District Delegates."

District Judge's powers as to grant of probate and administration.

53. The District Judge shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding depending in his Court.

District Judge may order person to produce testamentary papers.

54. The District Judge may order any person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person;

and if it be not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing, the Court may direct him to attend for the purpose of being examined respecting the same,

and he shall be bound to answer such questions as may be put to him by the Court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, in case of default in not attending or in not answering such questions or not bringing in such paper or writing as he would have been subject to in case he had been a party to a suit, and had made such default,

and the costs of the proceeding shall be in the discretion of the Judge.

Proceedings of District Judge's Court in relation to probate and administration.

55. The proceedings of the Court of the District Judge, in relation to the granting of probate and letters of administration, shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Code of Civil Procedure.

When probate or administration may be granted by District Judge.

56. Probate of the will or letters of administration to the estate of a deceased person may be granted by the District Judge under the seal of his Court, if it appears by a petition, verified as hereinafter mentioned, of the person applying for the same that the testator or intestate, as the case may be, had at the time of his decease a fixed place of abode, or any property, moveable or immoveable, within the jurisdiction of the Judge.

Disposal of application made to Judge of District in which deceased had no fixed abode.

57. When the application is made to the Judge of a District in which the deceased had no fixed abode at the time of his death, the Judge may in his discretion refuse the application, if in his judgment it could be disposed of more justly or conveniently in another district, or, where the application is for letters of administration, grant them absolutely, or limited to the property within his own jurisdiction.

Probate and letters of administration may be granted by Delegate.

58. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death had his fixed place of abode within the jurisdiction of such Delegate.

Conclusiveness of probate or letters of administration.

59. Probate or letters of administration shall have effect over all the property, moveable or immoveable, of the deceased throughout the Province in which the same is granted, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted:

Effect of unlimited probates, &c., granted by certain Courts.

Provided that probates and letters of administration granted by a High Court established by Royal Charter, or by the Chief Court of the Panjáb, or by the Court of the Recorder of Rangoon, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India.

Transmission of certificate by Court granting unlimited probate, &c., to other Courts.

60. Whenever a grant of probate or letters of administration is made by a Court with such effect as last aforesaid, the Registrar, or such other officer as the Court making the grant appoints in this behalf, shall send to each of the other Courts empowered to make such grants, a certificate to the following effect:—

I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 188 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the Court receiving the same.

Conclusiveness of application for probate or administration, if properly made and verified.

61. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorizing the grant of probate or administration, and no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property within the district at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Petition for probate.

62. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or in the language in ordinary use in proceedings before the Court in which the application is made, with the will, or, in the cases mentioned in sections twenty-four, twenty-five and twenty-six, a copy, draft or statement of the contents thereof annexed, and stating

the time of the testator's death,

that the writing annexed is his last will and testament, or as the case may be,

that it was duly executed,

the amount of assets which are likely to come to the petitioner's hands;

and, where the application is for probate, that the petitioner is the executor named in the will.

In addition to these particulars, the petition shall further state,

when the application is to the District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and,

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

In what cases translation of will to be annexed to petition.

Verification of translation by person other than Court translator.

63. In cases wherein the will, copy or draft is written in any language other than English, or than that in ordinary use in proceedings before the Court, there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or, if the will, copy or draft be in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner:—

"I (*A. B.*) do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

Petition for letters of administration.

64. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating

the time and place of the deceased's death,

the family or other relatives of the deceased, and their respective residences,

the right in which the petitioner claims,

the amount of assets which are likely to come to the petitioner's hands.

In addition to these particulars the petition shall further state,

when the application is to a District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

Additional statements in petition for probate, &c.

65. Every person applying to any of the Courts mentioned in the proviso to section fifty-nine for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by sections sixty-two and sixty-four, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the Court to which any application is made under the proviso to section fifty-nine may, if it think fit, reject the same.

Petition for probate or administration to be signed and verified.

66. The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and his pleader, if any, and shall be verified by the petitioner in the following manner or to the like effect:—

"I (*A. B.*), the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

Verification of petition for probate by one witness to will.

67. Where the application is for probate, or for letters of administration with the will annexed, the petition shall also be verified by at least one of the witnesses to the will (when procurable), in the manner or to the effect following:—

"I (*C. D.*), one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (*or* mark) thereto (*as the case may be*) (*or* that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my presence)."

Punishment for false averment in petition or declaration.

68. If any petition or declaration which is hereby required to be verified contains any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

District Judge may examine petitioner in person,

require further evidence,

and issue citations to inspect proceedings.

69. In all cases it shall be lawful for the District Judge or District Delegate, if he thinks fit,

to examine the petitioner in person upon oath, and also

to require further evidence of the due execution of the will, or the right of the petitioner to the letters of administration, as the case may be, and

to issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

Publication of citation.

The citation shall be fixed up in some conspicuous part of the Court-house, and also in the office of the Collector of the District, and otherwise published or made known in such manner as the Judge or Delegate issuing the same may direct.

Caveats against grant of probate or administration.

70. Caveats against the grant of probate or letters of administration may be lodged with the District Judge or a District Delegate; and immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased had his fixed place of abode at the time of his death, and to any other Judge or District Dele-

gate to whom it may appear to the District Judge expedient to transmit the same.

Form of caveat.

71. The caveat shall be to the following effect:—

"Let nothing be done in the matter of the estate of *A. B.*, late of , deceased, who died on the day of at without notice to *C. D.* of ."

After entry of caveat, no proceeding taken on petition until after notice to caveator.

72. No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant thereof has been entered with the Judge or District Delegate to whom the application has been made, or notice thereof has been given of its entry with some other Delegate, until after such notice to the person by whom the same has been entered as the Court shall think reasonable.

District Delegate when not to grant probate or administration.

73. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

Explanation.—By "contention" is understood the appearance of any one in person, or by his recognized agent or by a pleader duly appointed to act on his behalf, to oppose the proceeding.

Power to transmit statement to District Judge in doubtful cases where no contention.

74. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

75. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge.

Grant of probate to be under seal of Court.

76. Whenever it appears to the Judge or District Delegate that probate of a will should be granted, he shall grant the same under the seal of his Court in manner following:—

Form of such grant.

"I, Judge of the District of , [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the day of in the year the last will of , late of , a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will, was granted to , the executor in the said will named, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same at or before the expiration of six months from the date of this grant, and also to render a true account of the said property and credits within one year from the same date.

The day of 18 ."

Grant of letters of administration to be under seal of Court.

77. Whenever it appears to the District Judge or District Delegate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he shall grant the same under the seal of his Court in manner following:—

Form of such grant.

"I, , Judge of the District of , [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the day of letters of administration (with *or* without the will annexed, *as the case may be*) of the property and credits of late of , deceased, were granted to , the father (*or as the case may be*) of the deceased, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same in this Court at or before the expiration of six months from the date of this grant, and also to render a true account of the said property and credits within one year from the same date.

The day of 18 ."

Administration-bond.

78. Every person to whom any grant of letters of administration is committed, and, if the Judge so direct, any person to whom probate is granted, shall give a bond to the Judge of the District Court to enure for the benefit of the Judge for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Judge from time to time by any general or special order directs.

Assignment of administration-bond.

79. The Court may, on application made by petition and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court may think fit, assign the same to some proper person, who shall thereupon be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

Time before which probate or administration shall not be granted.

80. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days, from the day of the testator or intestate's death.

Filing of original wills of which probate or administration with will annexed granted.

81. Until a public registry for wills is established, every District Judge and District Delegate shall file and preserve among the records of his Court all original wills of which probate or letters of administration with the will annexed may be granted by him: and the Local Government shall make regulations for the preservation and inspection of the wills so filed as aforesaid.

Grantee of probate or administration alone to sue, &c., until same revoked.

82. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, throughout the Province in which the same may have been granted, until such probate or letters of administration shall have been recalled or revoked.

Procedure in contentious cases.

83. In any case before the District Judge in which there is contention, the proceeding shall take, as nearly as may be, the form of a suit, according to the provisions of the Code of Civil Procedure, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Payment to executor or administrator before probate or administration revoked.

84. Where any probate is, or letters of administration are, revoked, all payments *bonâ fide* made to any executor or administrator under such probate or administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same;

Right of such executor or administrator to recoup himself.

and the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself out of the assets of the deceased in respect of any payments made by him which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

Power to refuse letters of administration.

85. Notwithstanding anything hereinbefore contained, it shall, except in cases to which the Hindú Wills Act, 1870, applies, be in the discretion of the Court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under this Act.

Appeals from orders of District Judge.

86. Every order made by a District Judge or District Delegate by virtue of the powers hereby conferred upon him shall be subject to appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals.

Concurrent jurisdiction of High Court.

87. The High Court shall have concurrent jurisdiction with the District Judge in the exercise of all the powers hereby conferred upon the District Judge.

CHAPTER VI.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

In respect of causes of action surviving deceased, and debts due at death.

88. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and may exercise the same powers for the recovery of debts due to him at the time of his death, as the deceased had when living.

Demands and rights of suit of or against deceased survive to and against executor or administrator.

89. All demands whatsoever, and all rights to prosecute or defend any suit or other proceeding, existing in favour of or against a person at the time of his decease survive to and against his executors or administrators, except causes of action for defamation, assault as defined in the Indian Penal Code, or other personal injuries not causing the death of the party, and except also cases where, after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory.

Illustration.

(*a*). A collision takes place on a railway in consequence of some neglect or default of the officials, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having instituted any suit. The cause of action does not survive.

Power of executor or administrator to dispose of property.

90. An executor or administrator has power, with the consent of the Court by which the probate or letters of administration was or were granted, to dispose of the property of the deceased, either wholly or in part, in such manner as he thinks fit:

Provided that the Court may, when granting probate or letters of administration, exempt the executor or administrator from the necessity of obtaining such consent as to the whole or any specified part of the assets of the deceased.

Illustrations.

(*a*). The deceased has made a specific bequest of part of his property. The executor, not having assented to the bequest, sells the subject of it with the consent of the Court. The sale is valid.

(*b*). The executor, in the exercise of his discretion, mortgages a part of the immoveable estate of the deceased with the consent of the Court. The mortgage is valid.

Purchase by executor or administrator of deceased's property.

91. If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

Powers of several executors or administrators exerciseable by one.

92. When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary in the will or grant of letters of administration, be exercised by any one of them who has proved the will or taken out administration.

Illustrations.

(*a*). One of several executors has power to release a debt due to the deceased.

(*b*). One has power to surrender a lease.

(*c*). One has power to sell the property of the deceased, moveable or immoveable.

(*d*). One has power to assent to a legacy.

(*e*). One has power to endorse a promissory note payable to the deceased.

(*f*). The will appoints A, B, C, and D to be executors, and directs that two of them shall be a quorum. No act can be done by a single executor,

93. Upon the death of one or more of several executors or administrators, all the powers of the office become, in the absence of any direction to the contrary in the will or grant of letters of administration, vested in the survivors or survivor.

Survival of powers on death of one of several executors or administrators.

94. The administrator of effects unadministered has, with respect to such effects, the same powers as the original executor or administrator.

Powers of administrator of effects unadministered.

95. An administrator during minority has all the powers of an ordinary administrator.

Powers of administrator during minority.

96. When probate or letters of administration shall have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

Powers of married executrix or administratrix.

CHAPTER VII.

OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

97. It is the duty of an executor to provide funds for the performance of the necessary funeral ceremonies of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

As to deceased's funeral ceremonies.

98. An executor or administrator shall, within six months from the grant of probate or letters of administration, exhibit in the Court by which the same has or have been granted an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person or persons to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the date aforesaid, exhibit an account of the estate, showing the assets that have come to his hands, and the manner in which they have been applied or disposed of.

Inventory and account.

99. In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration shall include in the inventory of the effects of the deceased all his moveable or immoveable property situate in British India:

And the value of such property situate in each Province shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India.

Inventory to include property in any part of British India.

100. The executor or administrator shall collect, with reasonable diligence, the property of the deceased and the debts that were due to him at the time of his death.

As to property of, and debts owing to, deceased.

101. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all debts.

Expenses to be paid before all debts.

102. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and death-bed charges.

Expenses to be paid next after such expenses.

103. Wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant are next to be paid, and then the other debts of the deceased according to their respective priorities (if any).

Wages for certain services to be next paid, and then other debts.

104. Save as aforesaid, no creditor is to have a right of priority over another.

Save as aforesaid, all debts to be paid equally and rateably.

But the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assets of the deceased will extend.

105. Debts of every description must be paid before any legacy.

Debts to be paid before legacies.

106. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

Executor or administrator not bound to pay legacies without indemnity.

107. If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions;

Abatement of general legacies.

and, in the absence of any direction to the contrary in the will, the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

Executor not to pay one legatee in preference to another.

108. Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

Non-abatement of specific legacy when assets sufficient to pay debts.

109. Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if, after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder.

Right under demonstrative legacy when assets sufficient to pay debts and necessary expenses.

110. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

Rateable abatement of specific legacies.

Illustration.

A has bequeathed to B a diamond-ring, valued at 500 rupees, and to C a horse, valued at 1,000 rupees. It is found necessary to sell all the effects of the testator, and his assets, after payment of debts, are only 1,000 rupees. Of this sum rupees 333-5-4 are to be paid to B, and rupees 666-10-8 to C.

111. For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

Legacies treated as general for purpose of abatement.

CHAPTER VIII.

OF THE EXECUTOR'S ASSENT TO A LEGACY.

112. The assent of the executor is necessary to complete a legatee's title to his legacy.

Assent necessary to complete legatee's title.

Illustrations.

(*a*). A by his will bequeaths to B his Government paper, which is in deposit with the Bank of Bengal. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(*b*). A by his will has bequeathed to C his house in Calcutta in the tenancy of B. C is not entitled to receive the rents without the assent of the executor.

113. The assent of the executor to a specific bequest shall be sufficient to divest his interest as executor therein, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

Effect of executor's assent to specific legacy.

This assent may be verbal, and it may be either express or implied from the conduct of the executor.

Nature of assent.

Illustrations.

(*a*). A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party proposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy is implied.

(*b*). The interest of a fund is directed by the will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(*c*). A bequest is made of a fund to A, and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(*d*). Executors die after paying all the debts of the testator, but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(*e*). A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

114. The assent of an executor to a legacy may be conditional, and if the condition be one which he has a right to enforce, and it is not performed, there is no assent.

Conditional assent.

Illustrations.

(*a*). A bequeathes to B his lands of Sultánpur, which at the date of the will, and at the death of A, were subject to a mortgage for 10,000 rupees. The executor assents to the bequest on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(*b*). The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

115. When the executor is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person and his assent may in like manner be express or implied.

Assent of executor to his own legacy.

Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor.

Implied assent.

Illustration.

An executor takes the rent of a house or the interest of Government-securities bequeathed to him, and applies it to his own use. This is assent.

116. The assent of the executor to a legacy gives effect to it from the death of the testator.

Effect of executor's assent.

Illustrations.

(*a*). A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser, and completes his title to the legacy.

(*b*). A bequeaths 1,000 rupees to B with interest from his death. The executor does not assent to this legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

117. An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

Executor when to deliver legacies.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

CHAPTER IX.

OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

118. Where an annuity is given by the will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event.

Commencement of annuity when no time fixed by will.

119. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death, and shall, if the executor think fit, be paid when due; but the executor shall not be bound to pay it till the end of the year.

When annuity, to be paid quarterly or monthly, first falls due.

120. Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorizes the first payment to be made;

Date of successive payments when first payment directed to be made within given time, or on day certain.

and if the annuitant dies in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative.

Apportionment where annuitant dies between times of payment.

CHAPTER X.

OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

121. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Investment of sum bequeathed where legacy, not specific, given for life.

122. Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in securities of the kind mentioned in the last preceding section.

Investment of general legacy, to be paid at future time.

The intermediate interest shall form part of the residue of the testator's estate.

Intermediate interest.

123. Where an annuity is given and no fund is charged with its payment or appropriated by the will to answer it, a Government-annuity of the specified amount shall be purchased, or,

Procedure when no fund charged with, or appropriated to, annuity.

if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct.

124. Where a bequest is contingent, the executor is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee (if any) on his giving sufficient security for the payment of the legacy if it shall become due.

Transfer to residuary legatee or contingent bequest.

125. Where the testator has bequeathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Investment of residue bequeathed for life, with direction to invest in specified securities.

126. Such conversion and investment as are contemplated by the last preceding section shall be made at such times and in such manner as the executor in his discretion thinks fit:

Time and manner of conversion and investment.

and, until such conversion and investment shall be completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of six per cent. per annum upon the market-value (to be computed as of the date of the testator's death) of such part of the fund as shall not yet have been so invested.

Interest payable until investment.

127. Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the will to pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court of the District Judge by whom, or by whose District Delegate, the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, unless the legatee be a ward of the Court of Wards; and, if the legatee be a ward of the Court of Wards, the legacy shall be paid into that Court to his account;

Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

and such payment into the Court of the District Judge, or into the Court of Wards, as the case may be, shall be a sufficient discharge for the money so paid;

and such money, when paid in, shall be invested in the purchase of Government securities, which, with the interest thereon, shall be transferred or paid to the person entitled thereto, or otherwise applied for his benefit, as the Judge or the Court of Wards, as the case may be, may direct.

CHAPTER XI.

OF THE PRODUCE AND INTEREST OF LEGACIES.

128. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death.

Legatee's title to produce of specific legacy.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy.

The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(*a*). A bequeathes his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn, or some of the ewes produce lambs. The wool and lambs are the property of B.

(*b*). A bequeathes his Government-securities to B, but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B, and must, unless he is a minor, be paid to him as it is received.

(*c*). The testator bequeathes all his four per cent. Government promissory notes to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the notes, but the interest which accrues in respect of them, between the testator's death and A's completing 18 forms part of the residue.

129. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Residuary legatee's title to produce of residuary fund.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy.

Such income goes as undisposed of.

Illustrations.

(*a*). The testator bequeathes the residue of his property to A, a minor, to be paid to him when he shall complete the age of 18. The income from the testator's death belongs to A.

(*b*). The testator bequeathes the residue of his property to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

130. Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Interest when no time fixed for payment of general legacy.

Exceptions.—(1). Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2). Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

(3). Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

131. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed.

Interest when time fixed.

The interest up to such time forms part of the residue of the testator's estate.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the will for maintenance, or unless the will contains a direction to the contrary.

132. The rate of interest shall be six per cent. per annum.

Rate of interest.

133. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

No interest on arrears of annuity within first year after testator's death.

134. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

Interest on sum to be invested to produce annuity.

CHAPTER XII.

OF THE REFUNDING OF LEGACIES.

135. An executor who has paid a legacy under the order of a Judge, is entitled to call upon the legatee to refund in the event of the assets proving insufficient to pay all the legacies.

Refund of legacy paid under Judge's orders.

136. When an executor has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

No refund if paid voluntarily.

137. When the time prescribed by the will for the performance of a condition has elapsed, without the condition having been performed, and the executor has thereupon, without fraud, distributed the assets; in such case, if further time has, under the second clause of this section, been allowed for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he has paid it are liable to refund the amount.

Refund when legacy becomes due on performance of condition within further time allowed.

Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as is requisite to make up for the delay caused by such fraud.

138. When the executor has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

When each legatee compellable to refund in proportion.

139. Where an executor or administrator has given such notices as the High Court may, by any general rule to be made from time to time, prescribe, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he has not had notice at the time of such distribution;

Distribution of assets.

but nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may follow assets.

140. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies, and whether the payment of the legacy by the executor was voluntary or not.

Creditor may call upon legatee to refund.

141. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under the last preceding section, cannot oblige one who has received payment in full to refund, whether the legacy were paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

When legatee, not satisfied or compelled to refund under section 140, cannot oblige one paid in full to refund.

142. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the executor if he is solvent; but, if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

When unsatisfied legatee must first proceed against executor, if solvent.

143. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Limit to refunding of one legatee to another.

Illustration.

A has bequeathed 240 rupees to B, 480 rupees to C, and 720 rupees to D. The assets are only 1,200 rupees, and if properly administered would give 200 rupees to B, 400 rupees to C, and 600 rupees to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund 80 rupees, and D to refund 120 rupees.

144. The refunding shall in all cases be without interest.

Refunding to be without interest.

145. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

Residue after usual payments to be paid to residuary legatee.

CHAPTER XIII.

OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

146. When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Liability of executor or administrator for devastation.

Illustrations.

(*a*). The executor pays out of the estate an unfounded claim. He is liable to make good the loss caused by the payment.

(*b*). The deceased had a valuable lease renewable by notice, which the executor neglects to give at the proper time. The executor is liable to make good the loss caused by the neglect.

(*c*). The deceased had a lease of less value than the rent payable for it, but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

147. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

For neglect to get in any part of property.

Illustrations.

(*a*). The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount so lost.

(*b*). The executor neglects to sue for a debt till the debtor is able to plead the Act for the limitation of suits, and the debt is thereby lost to the estate. The executor is liable to make good the amount of the debt.

CHAPTER XIV.

MISCELLANEOUS.

148. In Chapters VIII, IX, X and XII of this Act the provisions as to an executor shall apply also to an administrator with the will annexed.

Provisions applied to administrator with will annexed.

149. Nothing herein contained shall—

Saving-clause.

(*a*) validate any testamentary disposition which would otherwise have been invalid;

(*b*) invalidate any such disposition which would otherwise have been valid;

(*c*) deprive any person of any right of maintenance to which he would otherwise have been entitled; or

(*d*) affect the rights, duties and privileges of the Administrator General of Bengal, Madras or Bombay.

150. No proceedings to obtain probate of a will, or letters of administration to the estate, of any Hindú, Muhammadan, Buddhist or person exempted under section 332 of the Indian Succession Act, 1865, shall be instituted in any Court in British India except under this Act.

Probate and administration in case of persons exempted from Succession Act, to be granted only under this Act.

151. In Act No. XXVII of 1860 (*An Act for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), sections 15 and 16 and the proviso to section 13 shall be repealed.

Repeal of portions of Act XXVII of 1860.

152. The grant of probate or letters of administration under this Act in respect of any property shall be deemed to supersede any certificate previously granted in respect of the same property under the said Act No. XXVII of 1860, or Bombay Regulation No. VIII of 1827; and when, at the time of the grant of such probate or letters, any suit or other proceeding instituted by the holder of such certificate regarding such property is pending, the person to whom such grant is made shall, on applying to the Court in which such suit or proceeding is pending, be entitled to take the place of such holder in such suit or proceeding:

Grant of probate or administration to supersede certificate under Act XXVII of 1860, or Bombay Regulation VIII of 1827.

Provided that, when any certificate is superseded under this section, all payments made to the holder of such certificate in ignorance of such supersession shall be held good against claims under the probate or letters of administration.

153. In the Court-fees Act, 1870, schedule I, Nos. 11 and 12, in the third column, after the words "amount or value," the following shall be inserted, namely:—

Amendment of Court-fees Act.

"Provided that, when after a certificate has been granted as aforesaid in respect of any estate, probate or letters of administration is or are granted in respect of the same estate, the fee payable in respect of such latter grant shall be reduced by the amount of the fee paid in respect of the former grant."

154. The following amendments shall be made in the Hindú Wills Act, 1870 (namely):—

Amendment of Hindú Wills Act.

(*a*). For the portion of section two commencing with the words "sections one hundred and seventy-nine" and ending with the words "administrator with the will annexed," the words "and section one hundred and eighty-seven" shall be substituted.

(*b*). The third clause of section three and the last clause of section six shall be repealed.

(*c*). In section six, for the words "one hundred and three and one hundred and eighty-two" the words "and one hundred and three" shall be substituted.

155. All grants of probate of the will or letters of administration to the estate of any deceased Hindú, Muhammadan or Buddhist, or any person exempted under section 332 of the Indian Succession Act, 1865, which, before this Act comes into force have been made in British Burma, shall, whenever such grant would have been lawful if this Act had been in force, be deemed to have been made in accordance with law.

Validation of grants of probate and administration made in British Burma.

156. In the second schedule to the Indian Limitation Act, 1877, No. 43, after the figures "321," the following shall be inserted, namely—"or under the Probate and Administration Act, 1881, section 139 or 140."

Amendment of Act XV of 1877.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. VI OF 1881.

An Act to make further provision for the grant of Probate and Letters of Administration in non-contentious cases.

WHEREAS it is expedient to make further provision for the grant of probate and letters of administration in non-contentious cases; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The District Delegates Act, 1881":

Short title.

It extends to the whole of British India;

Extent.

and it shall come into force on the first day of April, 1881.

Commencement.

2. After section 235 of the Indian Succession Act, 1865, the following section shall be added:—

Addition of section after section 235 of Succession Act.

"235A. The High Court may, from time to time, appoint such judicial officers within any district as it thinks fit, to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe:

Power to appoint Delegate of District Judge to deal with non-contentious cases.

"Provided that, in the case of High Courts not established by Royal Charter, such appointment be made with the previous sanction of the Local Government.

"Persons so appointed shall be called 'District Delegates'."

3. After section 241 of the said Act, the following section shall be added:—

Addition of section after section 241 of same Act.

"241A. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death resided within the jurisdiction of such Delegate."

Probate and letters of administration may be granted by Delegate.

4. To sections 244 and 246 of the said Act, respectively, the following words shall be added:—

Addition to sections 244 and 246 of same Act.

"and when the application is to a District Delegate, the petition shall further state that the deceased at the time of his death resided within the jurisdiction of such Delegate."

5. For section 251 of the said Act, the following section shall be substituted:—

Substitution of section for section 251 of same Act.

"251. Caveats against the grant of probate or administration may be lodged with the District Judge or a District Delegate; and immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased resided at the time of his death, and to any other Judge or District Delegate to whom it may appear to the District Judge expedient to transmit the same."

Caveats against grant of probate or administration.

6. In section 253 of the said Act, after the word "Judge" the words "or officer," and after the word "made" the words "or notice has been given of its entry with some other Delegate," shall be inserted.

Amendment of section 253 of same Act.

7. After section 253 of the said Act, the following sections shall be added:—

Addition of sections after section 253 of same Act.

"253A. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

District Delegate when not to grant probate or administration.

"*Explanation.*—By 'contention' is understood the appearance of any one in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf to oppose the proceeding.

"253B. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in

Power to transmit statement to District Judge in doubtful cases where no contention.

relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

"253C. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge."

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

8. In the said Act, sections 254 and 255, respectively, after the words "I, Judge of the District of ," the words "(*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*))"; and in section 308, after the words "District Judge by whom" the words "or by whose District Delegate" shall be inserted.

Amendment of sections 254, 255 and 308 of same Act.

9. In the said Act, sections 246, 250, 255 and 259, after the words "District Judge," and in section 250 and section 254 (when it first occurs) after the word "Judge," the words "or District Delegate" shall be inserted respectively.

Introduction of the words "or District Delegate" in certain sections of same Act.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. VII OF 1881.

An Act to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880); It is hereby enacted as follows:—

Preamble.

1. In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force:—

Amendment of Bengal Act No. IX of 1880.

"64A. All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation:

"Provided that, if any such objection as is mentioned in section 53, has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector.

Holders of estates, &c., how to recover from holders of rent-free lands.

"64B. In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer."

Owner, holder or occupier of rent-free lands may be sued.
Decree against occupier tantamount to decree against owner.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 5, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th January, 1881, and is hereby promulgated for general information :—

ACT No. III OF 1881.

An Act to provide for certain matters relating to Securities of the Government of India.

WHEREAS the Governor General in Council has determined to issue, in respect of the four and a half per cent. loan of 1880, certificates declaring the bearers thereof entitled to the principal sums specified therein, and coupons for the interest payable on such principal sums; Preamble.

and whereas the Governor General in Council may from time to time desire to issue like certificates, with or without like coupons, in respect of other loans;

and whereas it is expedient to declare the mode in which the title to such certificates and coupons shall be transferable;

and whereas it is also expedient to provide for certain other matters relating to all securities of the Government of India; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Indian Securities Act, 1881"; and shall come into force at once.

"Government securities."

2. In this Act, "Government securities" includes promissory notes, debentures, loan-certificates, coupons and all other securities issued by the Government of India, whether before or after the passing of this Act.

Certificates and coupons may be transferred and discharged like promissory notes payable to bearer.

3. Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of such loan, the title to such certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer;

and, on payment, by or on behalf of the Government, to the bearer of such certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if such certificate or coupon were a promissory note payable to bearer.

No notice of trust.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Indorser of Government security not liable for amount thereof.

5. No person shall, merely by reason of his having endorsed any Government security, be liable to pay any money due, whether on account of principal or interest, thereunder.

Signature to Government securities may be printed, &c.

6. The signature of the officer of the Government of India authorized to sign any Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on such securities.

Any such signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if the same had been subscribed in the proper handwriting of such officer.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th January, 1881, and is hereby promulgated for general information :—

ACT No. IV OF 1881.

An Act to enhance the rate of Port-dues leviable at Madras.

Preamble.

WHEREAS it has been determined to construct an artificial harbour for the port of Madras and to defray a portion of the interest on the principal sum expended on the construction of such harbour and of the annual expenses of maintaining the same out of the dues leviable on sea-going vessels of fifteen tons and upwards entering the said port :

And whereas the maximum rate of such dues is fixed by the Indian Ports Act, 1875, section forty-five, and the third part of the first schedule thereto annexed, and the amount of such rate is insufficient to defray such portion of the said interest and expenses in addition to the other charges to meet which the said dues are applicable :

And whereas it is therefore necessary to enhance, to the extent hereinafter mentioned, the maximum rate of dues so leviable ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Port-dues Act, 1881"; and

Commencement.

It shall come into force as soon as the said harbour is, in the opinion of the Local Government, open for the use of sea-going vessels of fifteen tons and upwards, and the said Government has published, in the *Fort St. George Gazette*, a notification to that effect.

Amendment of Part III of the third schedule of Act XII of 1875.

2. In the Indian Ports Act, 1875, first schedule, Part III, the following amendments shall be made, that is to say :—

(*a*) in the first column, the numeral and word "9, Madras" shall be omitted ;

(*b*) in the first column, above the heading "*Eastern Group*," the word "Madras" shall be inserted ; and

(*c*) opposite the word "Madras" so inserted there shall be inserted—

(1) in the second column, the words "sea-going vessels of fifteen tons and upwards" ; and

(2) in the third column, the words "not exceeding eight annas per ton : Provided that, in the case of vessels employed in the coasting trade not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels."

Certain provisions of that Part to apply to Madras.

3. The provisions contained in the fourth column of the said Part shall, so far as they are applicable, apply to the Port of Madras.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. V OF 1881.

THE PROBATE AND ADMINISTRATION ACT, 1881.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.
1. Short title.
Local extent.
Commencement.
2. Personal application.
3. Interpretation-clause.

CHAPTER II.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

4. Character and property of executor or administrator as such.
5. Administration with copy annexed of authenticated copy of will proved abroad.
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7. Appointment express or implied.
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9. Grant of probate to several executors simultaneously or at different times.
10. Separate probate of codicil discovered after grant of probate.
Procedure when different executors appointed by codicil.
11. Accrual of representation to surviving executor.
12. Effect of probate.
13. To whom administration may not be granted.
14. Effect of letters of administration.
15. Acts not validated by administration.
16. Grant of administration where executor has not renounced.
Exception.
17. Form and effect of renunciation of executorship.
18. Procedure where executor renounces or fails to accept within time limited.
19. Grant of administration to universal or residuary legatee.
SECTIONS.
20. Right to administration of representative of deceased residuary legatee.
21. Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.
22. Citation before grant of administration to legatee other than universal or residuary.
23. To whom administration may be granted.

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24. Probate of copy or draft of lost will.
25. Probate of contents of lost or destroyed will.
26. Probate of copy where original exists.
27. Administration until will produced.

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28. Administration, with will annexed, to attorney of absent executor.
29. Administration, with will annexed, to attorney of absent person, who, if present, would be entitled to administer.
30. Administration to attorney of absent person entitled to administer in case of intestacy.
31. Administration during minority of sole executor or residuary legatee.
32. Administration during minority of several executors or residuary legatees.
33. Administration for use and benefit of lunatic.
34. Administration *pendente lite*.

(*c*).—*For Special Purposes.*
35. Probate limited to purpose specified in will.
36. Administration with will annexed limited to particular purpose.
37. Administration limited to trust-property.
38. Administration limited to suit.
39. Administration limited to purpose of becoming party to suit to be brought against administrator.
40. Administration limited to collection and preservation of deceased's property.
41. Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

(*d*).—*Grants with Exception.*
42. Probate or administration with will annexed subject to exception.
43. Administration with exception.

(*e*).—*Grants of the Rest.*
44. Probate or administration of rest.

(*f*).—*Grants of Effects unadministered.*

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46. Rules as to grants of effects unadministered.
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48. What errors may be rectified by Court.
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50. Revocation or annulment for just cause.
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OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

51. Jurisdiction of District Judge in granting and revoking probates, &c.
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54. District Judge may order person to produce testamentary papers.
55. Proceedings of District Judge's Court in relation to probate and administration.
56. When probate or administration may be granted by District Judge.
57. Disposal of application made to Judge of district in which deceased had no fixed abode.
58. Probate and letters of administration may be granted by Delegate.
59. Conclusiveness of probate or letters of administration.
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60. Transmission of certificate by Court granting unlimited probate, &c., to other Courts.
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62. Petition for probate.
63. In what cases translation of will to be annexed to petition.
Verification of translation by person other than Court translator.
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65. Additional statements in petition for probate, &c.
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69. District Judge may examine petitioner in person,
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71. Form of caveat.

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72. After entry of caveat, no proceeding taken on petition until after notice to caveator.
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74. Power to transmit statement to District Judge in doubtful cases where no contention.
75. Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.
76. Grant of probate to be under seal of Court.
Form of such grant.
77. Grant of letters of administration to be under seal of Court.
Form of such grant.
78. Administration-bond.
79. Assignment of administration-bond.
80. Time before which probate or administration shall not be granted.
81. Filing of original wills of which probate or administration with will annexed granted.
82. Grantee of probate or administration alone to sue, &c., until same revoked.
83. Procedure in contentious cases.
84. Payment to executor or administrator before probate or administration revoked.
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85. Power to refuse letters of administration.
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95. Powers of administrator during minority.
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102. Expenses to be paid next after such expenses.
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153. Amendment of Court-fees Act.
154. Amendment of Hindú Wills Act.
155. Validation of grants of probate and administration made in British Burma.
156. Amendment of Act XV of 1877.

An Act to provide for the grant of Probates of Wills and Letters of Administration to the estates of certain deceased persons.

Preamble.

WHEREAS it is expedient to provide for the grant of probate of wills and letters of administration to the estates of deceased persons in cases to which the

Indian Succession Act, 1865, does not apply; It is hereby enacted as follows:—

CHAPTER I.
PRELIMINARY.

Short title. Local extent. Commencement.

1. This Act may be called "The Probate and Administration Act, 1881":

It applies to the whole of British India;

and it shall come into force on the first day of April, 1881.

Personal application.

2. Chapters II to XIII, both inclusive, of this Act shall apply in the case of every Hindú, Muhammadan, Buddhist and person exempted under section 332 of the Indian Succession Act, 1865, dying before, on or after the said first day of April, 1881:

Provided that nothing herein contained shall be deemed to render invalid any transfer of property duly made before that day:

Provided also that, except in cases to which the Hindú Wills Act, 1870, applies, no Court in any local area beyond the limits of the towns of Calcutta, Madras and Bombay and the territories for the time being administered by the Chief Commissioner of British Burma, and no High Court in exercise of the concurrent jurisdiction over such local area hereby conferred, shall receive applications for probate or letters of administration until the Local Government has, with the previous sanction of the Governor General in Council, by a notification in the official Gazette, authorized it so to do.

Interpretation-clause.

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

"Province" includes any division of British India having a Court of the last resort:

"minor" means any person subject to the Indian Majority Act, 1875, who has not attained his majority within the meaning of that Act, and any other person who has not completed his age of eighteen years; and "minority" means the status of any such person:

"will" means the legal declaration of the intentions of the testator with respect to his property, which he desires to be carried into effect after his death:

"codicil" means an instrument made in relation to a will, and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will:

"specific legacy" means a legacy of specified property:

"demonstrative legacy" means a legacy directed to be paid out of specified property:

"probate" means the copy of a will certified under the seal of a Court of competent jurisdiction, with a [illegible] administration to the estate of the testa[illegible]

"executor" means a person to whom the execution of the last will of a deceased person is, by the [illegible] appointed;

"administrator" means a person appointed by competent authority to administer the estate of a deceased person when there is no executor: and

"District Judge" means the judge of a principal civil court of original jurisdiction.

CHAPTER II.
OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

Character and property of executor or administrator as such.

4. The executor or administrator, as the case may be, of a deceased person, is his legal representative for all purposes, and all the property of the deceased person vests in him as such.

But nothing herein contained shall vest in an executor or administrator any property of a deceased person which would otherwise have passed by survivorship to some other person.

Administration with copy annexed of authenticated copy of will proved abroad.

5. When a will has been proved and deposited in a Court of competent jurisdiction, situated beyond the limits of the Province, whether in the British dominions, or in a foreign country, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

Probate only to appointed executor.

6. Probate can be granted only to an executor appointed by the will.

Appointment express or implied.

7. The appointment may be express or by necessary implication.

Illustrations.

(*a*.) A wills that C be his executor if B will not. B is appointed executor by implication.

(*b*.) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law, C, and adds, "but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix." C is appointed executrix by implication.

(*c*.) A appoints several persons executors of his will and codicils, and his nephew residuary legatee, and in another codicil are these words:—"I appoint my nephew my residuary legatee to discharge all lawful demands against my will and codicils, signed of different dates." The nephew is appointed an executor by implication.

Persons to whom probate cannot be granted.

8. Probate cannot be granted to any person who is a minor or is of unsound mind.

Grant of probate to several executors simultaneously or at different times.

9. When several executors are appointed, probate may be granted to them all simultaneously or at different times.

Illustration.

A is an executor of B's will by express appointment, and C an executor of it by implication. Probate may be granted to A and C at the same time, or to A first and then to C, or to C first then to A.

Separate probate of codicil discovered after grant of probate.

10. If a codicil be discovered after the grant of probate, a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will.

Procedure when different executors appointed by codicil.

If different executors are appointed by the codicil, the probate of the will must be revoked, and a new probate granted of the will and the codicil together.

Accrual of representation to surviving executor.

11. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

Effect of probate.

12. Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor as such.

To whom administration may not be granted.

13. Letters of administration cannot be granted to any person who is a minor or is of unsound mind.

Effect of letters of administration.

14. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death.

Acts not validated by administration.

15. Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

Grant of administration where executor has not renounced.

16. When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued calling upon the executor to accept or renounce his executorship;

Exception.

except that, when one or more of several executors has or have proved a will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

Form and effect of renunciation of executorship.

17. The renunciation may be made orally in the presence of the Judge, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the will appointing him executor.

Procedure where executor renounces or fails to accept within time limited.

18. If the executor renounce, or fail to accept, the executorship within the time limited for the acceptance or refusal thereof, the will may be proved and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

Grant of administration to universal or residuary legatee.

19. When the deceased has made a will, but has not appointed an executor, or

when he has appointed an executor who is legally incapable or refuses to act, or has died before the testator, or before he has proved the will, or

when the executor dies after having proved the will but before he has administered all the estate of the deceased,

an universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

Right to administration of representative of deceased residuary legatee.

20. When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such residuary legatee.

Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.

21. When there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will, and letters of administration may be granted to him or them accordingly.

Citation before grant of administration to legatee other than universal or residuary.

22. Letters of administration with the will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a citation has been issued and published in the manner hereinafter mentioned, calling on the next-of-kin to accept or refuse letters of administration.

To whom administration may be granted.

23. When the deceased has died intestate, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate of an intestate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate.

When several such persons apply for administration, it shall be in the discretion of the Court to grant it to any one or more of them.

When no such person applies, it may be granted to a creditor of the deceased.

CHAPTER III.
OF LIMITED GRANTS.

(*a*).—*Grants limited in Duration.*

Probate of copy or draft of lost will.

24. When the will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced.

Probate of contents of lost or destroyed will.

25. When the will has been lost or destroyed and no copy has been made nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

Probate of copy where original exists.

26. When the will is in the possession of a person, residing out of the Province in which application for probate is made, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original,

probate may be granted of the copy so transmitted, limited until the will or an authenticated copy of it be produced.

27. Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will or an authenticated copy of it be produced.

Administration until will produced.

(b).—Grants for the Use and Benefit of others having Right.

28. When any executor is absent from the Province in which application is made, and there is no executor within the Province willing to act, letters of administration with the will annexed may be granted to the agent of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself.

Administration with will annexed to attorney of absent executor.

29. When any person to whom, if present, letters of administration with the will annexed might be granted, is absent from the Province, letters of administration with the will annexed may be granted to his agent, limited as above-mentioned.

Administration with will annexed to attorney of absent person, who, if present, would be entitled to administer.

30. When a person entitled to administration in case of intestacy is absent from the Province, and no person equally entitled is willing to act, letters of administration may be granted to the agent of the absent person, limited as before mentioned.

Administration to attorney of absent person entitled to administer in case of intestacy.

31. When a minor is sole executor or sole residuary legatee, letters of administration with the will annexed may be granted to the legal guardian of such minor, or to such other person as the Court shall think fit, until the minor has attained his majority, at which period, and not before, probate of the will shall be granted to him.

Administration during minority of sole executor or residuary legatee.

32. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them has attained his majority.

Administration during minority of several executors or residuary legatees.

33. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates, applicable in the case of the deceased, be a minor or lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of the person or property of such minor has been committed by competent authority, or if there be no such person, to such other person as the Court thinks fit to appoint, for the use and benefit of the minor or lunatic, until he shall attain the age of twenty-one years or become of sound mind, as the

Administration for use and benefit of lunatic.

34. Pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate; and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.

Administration *pendente lite*.

(c).—For Special Purposes.

35. If an executor be appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and if he should appoint an agent to take administration on his behalf, the letters of administration with the will annexed shall accordingly be limited.

Probate limited to purpose specified in will.

36. If an executor appointed generally give an authority to an attorney to prove a will on his behalf, and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.

Administration with will annexed limited to particular purpose.

37. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no general representative, or none who is willing to act as such, [illegible] property, may be granted to some other person [illegible]

Administration limited to trust-property.

38. When it is necessary that the representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said suit, and until a final decree shall be made therein and carried into complete execution.

Administration limited to suit.

39. If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has or have been granted is absent from the Province within which the Court that has granted the probate or letters of administration is situate, such Court may grant to any person whom it thinks fit, letters of administration limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect.

Administration limited to purpose of becoming party to suit to be brought against administrator.

40. In any case in which it appears necessary for preserving the property of a deceased person, the Court within whose district any of the property is situate may grant, to any

Administration limited to collection and preservation of deceased's property.

person whom such Court thinks fit, letters of administration limited to the collection and preservation of the property of the deceased, and giving discharges for debts due to his estate, subject to the directions of the Court.

41. When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor is, at the time of the death of such person, resident out of the Province, and it appears to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof other than the person who under ordinary circumstances would be entitled to a grant of administration, the Judge may, in his discretion, having regard to consanguinity, amount of interest, the safety of the estate and probability that it will be properly administered, appoint such person as he thinks fit to be administrator;

Appointment, as administrator, of person other than one who under ordinary circumstances would be entitled to administration.

and in every such case letters of administration may be limited or not as the Judge thinks fit.

(d).—Grants with Exception.

42. Whenever the nature of the case requires that an exception be made, probate of a will, or letters of administration with the will annexed, shall be granted subject to such exception.

Probate or administration with will annexed subject to exception.

43. Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to such exception.

Administration with exception.

(e).—Grants of the Rest.

44. Whenever a grant, with exception of probate or letters of administration, with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

Probate or administration of rest.

(f).—Grants of Effects unadministered.

45. If the executor to whom probate has been granted has died leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate.

Grant of effects unadministered.

46. In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

Rules as to grants of effects unadministered.

47. When a limited grant has expired by efflux of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

Administration when limited grant expired, and still some part of estate unadministered.

CHAPTER IV.

ALTERATION AND REVOCATION OF GRANTS.

48. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly.

What errors may be rectified by Court.

49. If, after the grant of letters of administration with the will annexed, a codicil be discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly.

Procedure where codicil discovered after grant of administration with will annexed.

50. The grant of probate or letters of administration may be revoked or annulled for just cause.

Revocation or annulment for just cause.

Explanation.—Just cause is—

"Just cause."

1*st*, that the proceedings to obtain the grant were defective in substance;

2*nd*, that the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case;

3*rd*, that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;

4*th*, that the grant has become useless and inoperative through circumstances.

Illustrations.

(*a*). The Court by which the grant was made had no jurisdiction.

(*b*). The grant was made without citing parties who ought to have been cited.

(*c*). The will of which probate was obtained was forged or revoked.

(*d*). A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.

(*e*). A has taken administration to the estate of B as if he had died intestate, but a will has since been discovered.

(*f*). Since probate was granted, a later will has been discovered.

(*g*). Since probate was granted, a codicil has been discovered, which revokes or adds to the appointment of executors under the will.

(*h*). The person to whom probate was, or letters of administration were, granted has subsequently become of unsound mind.

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

51. The District Judge shall have jurisdiction in granting and revoking probates and letters of administration in all cases within his district.

Jurisdiction of District Judge in granting and revoking probates, &c.

52. The High Court may, from time to time, appoint such judicial officers within any district as it thinks fit to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe:

Power to appoint Delegate of District Judge to deal with non-contentious cases.

Provided that, in the case of High Courts not established by Royal Charter, such appointment be

made with the previous sanction of the Local Government.

Persons so appointed shall be called "District Delegates."

District Judge's powers as to grant of probate and administration.

53. The District Judge shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding depending in his Court.

District Judge may order person to produce testamentary papers.

54. The District Judge may order any person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person;

and if it be not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing, the Court may direct him to attend for the purpose of being examined respecting the same,

and he shall be bound to answer such questions as may be put to him by the Court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, in case of default in not attending or in not answering such questions or not bringing in such paper or writing as he would have been subject to in case he had been a party to a suit, and had made such default,

and the costs of the proceeding shall be in the discretion of the Judge.

Proceedings of District Judge's Court in relation to probate and administration.

55. The proceedings of the Court of the District Judge, in relation to the granting of probate and letters of administration, shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Code of Civil Procedure.

When probate or administration may be granted by District Judge.

56. Probate of the will or letters of administration to the estate of a deceased person may be granted by the District Judge under the seal of his Court, if it appears by a petition, verified as hereinafter mentioned, of the person applying for the same that the testator or intestate, as the case may be, had at the time of his decease a fixed place of abode, or any property, moveable or immoveable, within the jurisdiction of the Judge.

Disposal of application made to Judge of District in which deceased had no fixed abode.

57. When the application is made to the Judge of a District in which the deceased had no fixed abode at the time of his death, the Judge may in his discretion refuse the application, if in his judgment it could be disposed of more justly or conveniently in another district, or, where the application is for letters of administration, grant them absolutely, or limited to the property within [illegible] jurisdiction.

[illegible] and letters of administration may, [illegible] upon application for that purpose to any District Delegate [illegible] be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death had his fixed place of abode within the jurisdiction of such Delegate.

Conclusiveness of probate or letters of administration.

59. Probate or letters of administration shall have effect over all the property, moveable or immoveable, of the deceased throughout the Province in which the same is granted, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted:

Effect of unlimited probates, &c., granted by certain Courts.

Provided that probates and letters of administration granted by a High Court established by Royal Charter, or by the Chief Court of the Panjáb, or by the Court of the Recorder of Rangoon, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India.

Transmission of certificate by Court granting unlimited probate, &c., to other Courts.

60. Whenever a grant of probate or letters of administration is made by a Court with such effect as last aforesaid, the Registrar, or such other officer as the Court making the grant appoints in this behalf, shall send to each of the other Courts empowered to make such grants, a certificate to the following effect:—

I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 188 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the Court receiving the same.

Conclusiveness of application for probate or administration, if properly made and verified.

61. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorizing the grant of probate or administration, and no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property within the district at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Petition for probate.

62. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or in the language in ordinary use in proceedings before the Court in which the application is made, with the will, or, in the cases mentioned in sections twenty-four, twenty-five and twenty-six, a copy, draft or statement of the contents thereof annexed, and stating

the time of the testator's death,

that the writing annexed is his last will and testament, or as the case may be,

that it was duly executed,

the amount of assets which are likely to come to the petitioner's hands;

and, where the application is for probate, that the petitioner is the executor named in the will.

In addition to these particulars, the petition shall further state,

when the application is to the District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and,

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

In what cases translation of will to be annexed to petition.

63. In cases wherein the will, copy or draft is written in any language other than English, or than that in ordinary use in proceedings before the Court, there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or, if the will, copy or draft be in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner:—

Verification of translation by person other than Court translator.

"I (*A. B.*) do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

Petition for letters of administration.

64. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating

the time and place of the deceased's death,

the family or other relatives of the deceased, and their respective residences,

the right in which the petitioner claims,

the amount of assets which are likely to come to the petitioner's hands.

In addition to these particulars the petition shall further state,

when the application is to a District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and,

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

Additional statements in petition for probate, &c.

65. Every person applying to any of the Courts mentioned in the proviso to section fifty-nine for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by sections sixty-two and sixty-four, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the Court to which any application is made under the proviso to section fifty-nine may, if it think fit, reject the same.

Petition for probate or administration to be signed and verified.

66. The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and his pleader, if any, and shall be verified by the petitioner in the following manner or to the like effect:—

"I (*A. B.*), the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

Verification of petition for probate by one witness to will.

67. Where the application is for probate, or for letters of administration with the will annexed, the petition shall also be verified by at least one of the witnesses to the will (when procurable), in the manner or to the effect following:—

"I (*C. D.*), one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (*or* mark) thereto (*as the case may be*) (*or* that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my presence)."

Punishment for false averment in petition or declaration.

68. If any petition or declaration which is hereby required to be verified contains any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

District Judge may examine petitioner in person.

69. In all cases it shall be lawful for the District Judge or District Delegate, if he thinks fit,

to examine the petitioner in person upon oath, and also

require further evidence,

to require further evidence of the due execution of the will, or the right of the petitioner to the letters of administration, as the case may be, and

and issue citations to inspect proceedings.

to issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

Publication of citation.

The citation shall be fixed up in some conspicuous part of the Court-house, and also in the office of the Collector of the District, and otherwise published or made known in such manner as the Judge or Delegate issuing the same may direct.

Caveats against grant of probate or administration.

70. Caveats against the grant of probate or letters of administration may be lodged with the District Judge or a District Delegate; and immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased had his fixed place of abode at the time of his death, and to any other Judge or District Dele-

gate to whom it may appear to the District Judge expedient to transmit the same.

Form of caveat.

71. The caveat shall be to the following effect:—

"Let nothing be done in the matter of the estate of *A. B.*, late of , deceased, who died on the day of at without notice to *C. D.* of ."

After entry of caveat, no proceeding taken on petition until after notice to caveator.

72. No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant thereof has been entered with the Judge or District Delegate to whom the application has been made, or notice thereof has been given of its entry with some other Delegate, until after such notice to the person by whom the same has been entered as the Court shall think reasonable.

District Delegate when not to grant probate or administration.

73. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

Explanation.—By "contention" is understood the appearance of any one in person, or by his recognized agent or by a pleader duly appointed to act on his behalf, to oppose the proceeding.

Power to transmit statement to District Judge in doubtful cases where no contention.

74. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

75. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge.

Grant of probate to be under seal of Court.

76. Whenever it appears to the Judge or District Delegate that probate of a will should be granted, he shall grant the same under the seal of his Court in manner following:—

"I, Judge of the District of , [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the day of in the year the last will of , late of , a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will, was granted to , the executor in the said will named, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same at or before the expiration of six months from the date of this grant, and also to render a true account of the said property and credits within one year from the same date.

The day of 18 ."

Grant of letters of administration to be under seal of Court.

77. Whenever it appears to the District Judge or District Delegate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he shall grant the same under the seal of his Court in manner following:—

"I, , Judge of the District of [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the day of letters of administration (with *or* without the will annexed, as the *case may be*) of the property and credits of late of , deceased, were granted to the father (*or as the case may be*) of the deceased, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same in this Court at or before the expiration of six months from the date of this grant, and also to render a true account of the said property and credits within one year from the same date.

The day of 18 ."

Form of such grant.

Administration-bond.

78. Every person to whom any grant of letters of administration is committed, and, if the Judge so direct, any person to whom probate is granted, shall give a bond to the Judge of the District Court to enure for the benefit of the Judge for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Judge from time to time by any general or special order directs.

Assignment of administration-bond.

79. The Court may, on application made by petition and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court may think fit, assign the same to some proper person, who shall thereupon be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

Time before which probate or administration shall not be granted.

80. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted

until after the expiration of fourteen clear days, from the day of the testator or intestate's death.

Filing of original wills of which probate or administration with will annexed granted.

81. Until a public registry for wills is established, every District Judge and District Delegate shall file and preserve among the records of his Court all original wills of which probate or letters of administration with the will annexed may be granted by him: and the Local Government shall make regulations for the preservation and inspection of the wills so filed as aforesaid.

Grantee of probate or administration alone to sue, &c., until same revoked.

82. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, throughout the Province in which the same may have been granted, until such probate or letters of administration shall have been recalled or revoked.

Procedure in contentious cases.

83. In any case before the District Judge in which there is contention, the proceeding shall take, as nearly as may be, the form of a suit, according to the provisions of the Code of Civil Procedure, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Payment to executor or administrator before probate or administration revoked.

84. Where any probate is, or letters of administration are, revoked, all payments *bonâ fide* made to any executor or administrator under such probate or administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same;

Right of such executor or administrator to recoup himself.

and the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself out of the assets of the deceased in respect of any payments made by him which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

Power to refuse letters of administration.

85. Notwithstanding anything hereinbefore contained, it shall, except in cases to which the Hindú Wills Act, 1870, applies, be in the discretion of the Court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under this Act.

Appeals from orders of District Judge.

86. Every order made by a District Judge or District Delegate by virtue of the powers hereby conferred upon him shall be subject to appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals.

Concurrent jurisdiction of High Court.

87. The High Court shall have concurrent jurisdiction with the District Judge in the exercise of all the powers hereby conferred upon the District Judge.

CHAPTER VI.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

In respect of causes of action surviving deceased, and debts due at death.

88. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and may exercise the same powers for the recovery of debts due to him at the time of his death, as the deceased had when living.

Demands and rights of suit of or against deceased survive to and against executor or administrator.

89. All demands whatsoever, and all rights to prosecute or defend any suit or other proceeding, existing in favour of or against a person at the time of his decease survive to and against his executors or administrators, except causes of action for defamation, assault as defined in the Indian Penal Code, or other personal injuries not causing the death of the party, and except also cases where, after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory.

Illustration.

(*a*). A collision takes place on a railway in consequence of some neglect or default of the officials, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having instituted any suit. The cause of action does not survive.

Power of executor or administrator to dispose of property.

90. An executor or administrator has power, with the consent of the Court by which the probate or letters of administration was or were granted, to dispose of the property of the deceased, either wholly or in part, in such manner as he thinks fit:

Provided that the Court may, when granting probate or letters of administration, exempt the executor or administrator from the necessity of obtaining such consent as to the whole or any specified part of the assets of the deceased.

Illustrations.

(*a*). The deceased has made a specific bequest of part of his property. The executor, not having assented to the bequest, sells the subject of it with the consent of the Court. The sale is valid.

(*b*). The executor, in the exercise of his discretion, mortgages a part of the immoveable estate of the deceased with the consent of the Court. The mortgage is valid.

Purchase by executor or administrator of deceased's property.

91. If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

Powers of several executors or administrators exerciseable by one.

92. When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary in the will or grant of letters of administration, be exercised by any one of them who has proved the will or taken out administration.

Illustrations.

(*a*). One of several executors has power to release a debt due to the deceased.

(*b*). One has power to surrender a lease.

(*c*). One has power to sell the property of the deceased, moveable or immoveable.

(*d*). One has power to assent to a legacy.

(*e*). One has power to endorse a promissory note payable to the deceased.

(*f*). The will appoints A, B, C, and D to be executors, and directs that two of them shall be a quorum. No act can be done by a single executor.

93. Upon the death of one or more of several executors or administrators, all the powers of the office become, in the absence of any direction to the contrary in the will or grant of letters of administration, vested in the survivors or survivor.

Survival of powers on death of one of several executors or administrators.

94. The administrator of effects unadministered has, with respect to such effects, the same powers as the original executor or administrator.

Powers of administrator of effects unadministered.

95. An administrator during minority has all the powers of an ordinary administrator.

Powers of administrator during minority.

96. When probate or letters of administration shall have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

Powers of married executrix or administratrix.

CHAPTER VII.

OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

97. It is the duty of an executor to provide funds for the performance of the necessary funeral ceremonies of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

As to deceased's funeral ceremonies.

98. An executor or administrator shall, within six months from the grant of probate or letters of administration, exhibit in the Court by which the same has or have been granted an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person or persons to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the date aforesaid, exhibit an account of the estate, showing the assets that have come to his hands, and the manner in which they have been applied or disposed of.

Inventory and account.

99. In all cases where it is sought to obtain a [illegible] grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration shall include in the inventory of the effects of the deceased all his moveable or immoveable property situate in British India:

[illegible] property in any part of British India.

And the value of such property situate in each Province shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India.

100. The executor or administrator shall collect, with reasonable diligence, the property of the deceased [illegible] the debts that were due to him at the time of his death.

As to property of, and [illegible]ing to, deceased.

101. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all debts.

[illegible] to be paid before [illegible].

102. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and death-bed charges.

Expenses to be paid next after such expenses.

103. Wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant are next to be paid, and then the other debts of the deceased according to their respective priorities (if any).

Wages for certain services to be next paid, and then other debts.

104. Save as aforesaid, no creditor is to have a right of priority over another.

Save as aforesaid, all debts to be paid equally and rateably.

But the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assets of the deceased will extend.

105. Debts of every description must be paid before any legacy.

Debts to be paid before legacies.

106. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

Executor or administrator not bound to pay legacies without indemnity.

107. If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions;

Abatement of general legacies.

and, in the absence of any direction to the contrary in the will, the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

Executor not to pay one legatee in preference to another.

108. Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

Non-abatement of specific legacy when assets sufficient to pay debts.

109. Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if, after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder.

Right under demonstrative legacy when assets sufficient to pay debts and necessary expenses.

110. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

Rateable abatement of specific legacies.

Illustration.

A has bequeathed to B a diamond-ring, valued at 500 rupees, and to C a horse, valued at 1,000 rupees. It is found necessary to sell all the effects of the testator, and his assets, after payment of debts, are only 1,000 rupees. Of this sum rupees 333-5-4 are to be paid to B, and rupees 666-10-8 to C.

111. For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

Legacies treated as general for purpose of abatement.

CHAPTER VIII.

OF THE EXECUTOR'S ASSENT TO A LEGACY.

112. The assent of the executor is necessary to complete a legatee's title to his legacy.

Assent necessary to complete legatee's title.

Illustrations.

(*a*). A by his will bequeaths to B his Government paper, which is in deposit with the Bank of Bengal. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(*b*). A by his will has bequeathed to C his house in Calcutta in the tenancy of B. C is not entitled to receive the rents without the assent of the executor.

113. The assent of the executor to a specific bequest shall be sufficient to divest his interest as executor therein, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

Effect of executor's assent to specific legacy.

This assent may be verbal, and it may be either express or implied from the conduct of the executor.

Nature of assent.

Illustrations.

(*a*). A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party proposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy is implied.

(*b*). The interest of a fund is directed by the will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(*c*). A bequest is made of a fund to A, and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(*d*). Executors die after paying all the debts of the testator, but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(*e*). A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

114. The assent of an executor to a legacy may be conditional, and if the condition be one which he has a right to enforce, and it is not performed, there is no assent.

Conditional assent.

Illustrations.

(*a*). A bequeathes to B his lands of Sultánpur, which at the date of the will, and at the death of A, were subject to a mortgage for 10,000 rupees. The executor assents to the bequest on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(*b*). The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

115. When the executor is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person and his assent may in like manner be express or implied.

Assent of executor to his own legacy.

Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor.

Implied assent.

Illustration.

An executor takes the rent of a house or the interest of Government-securities bequeathed to him, and applies it to his own use. This is assent.

116. The assent of the executor to a legacy gives effect to it from the death of the testator.

Effect of executor's assent.

Illustrations.

(*a*). A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser, and completes his title to the legacy.

(*b*). A bequeaths 1,000 rupees to B with interest from his death. The executor does not assent to this legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

117. An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

Executor when to deliver legacies.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

CHAPTER IX.

OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

118. Where an annuity is given by the will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event.

Commencement of annuity when no time fixed by will.

119. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death, and shall, if the executor think fit, be paid when due; but the executor shall not be bound to pay it till the end of the year.

When annuity, to be paid quarterly or monthly, first falls due.

120. Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorizes the first payment to be made;

Date of successive payments when first payment directed to be made within given time, or on day certain.

and if the annuitant dies in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative.

Apportionment where annuitant dies between times of payment.

CHAPTER X.

OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

Investment of sum bequeathed where legacy, not specific, given for life.

121. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Investment of general legacy, to be paid at future time.

122. Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in securities of the kind mentioned in the last preceding section.

Intermediate interest.

The intermediate interest shall form part of the residue of the testator's estate.

Procedure when no fund charged with, or appropriated to, annuity.

123. Where an annuity is given and no fund is charged with its payment or appropriated by the will to answer it, a Government-annuity of the specified amount shall be purchased, or,

if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct.

Transfer to residuary legatee or contingent bequest.

124. Where a bequest is contingent, the executor is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee (if any) on his giving sufficient security for the payment of the legacy if it shall become due.

Investment of residue bequeathed for life, with direction to invest in specified securities.

125. Where the testator has bequeathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Time and manner of conversion and investment.

126. Such conversion and investment as are contemplated by the last preceding section shall be made at such times and in such manner as the executor in his discretion thinks fit:

and, until such conversion and investment shall be completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of six per cent. per annum upon the market-value (to be computed as of the date of the testator's death) of such part of the fund as shall not yet have been so invested.

Interest payable until investment.

Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

127. Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the will to pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court of the District Judge by whom, or by whose District Delegate, the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, unless the legatee be a ward of the Court of Wards; and, if the legatee be a ward of the Court of Wards, the legacy shall be paid into that Court to his account;

and such payment into the Court of the District Judge, or into the Court of Wards, as the case may be, shall be a sufficient discharge for the money so paid;

and such money, when paid in, shall be invested in the purchase of Government securities, which, with the interest thereon, shall be transferred or paid to the person entitled thereto, or otherwise applied for his benefit, as the Judge or the Court of Wards, as the case may be, may direct.

CHAPTER XI.

OF THE PRODUCE AND INTEREST OF LEGACIES.

Legatee's title to produce of specific legacy.

128. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy.

The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(*a*). A bequeathes his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn, or some of the ewes produce lambs. The wool and lambs are the property of B.

(*b*). A bequeathes his Government-securities to B, but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B, and must, unless he is a minor, be paid to him as it is received.

(*c*). The testator bequeathes all his four per cent. Government promissory notes to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the notes, but the interest which accrues in respect of them, between the testator's death and A's completing 18 forms part of the residue.

Residuary legatee's title to produce of residuary fund.

129. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy.

Such income goes as undisposed of.

Illustrations.

(*a*). The testator bequeathes the residue of his property to A, a minor, to be paid to him when he shall complete the age of 18. The income from the testator's death belongs to A.

(*b*). The testator bequeathes the residue of his property to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

Interest when no time fixed for payment of general legacy.

130. Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Exceptions.—(1). Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2). Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

(3). Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

Interest when time fixed.

131. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed.

The interest up to such time forms part of the residue of the testator's estate.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the will for maintenance, or unless the will contains a direction to the contrary.

Rate of interest.

132. The rate of interest shall be six per cent. per annum.

No interest on arrears of annuity within first year after testator's death.

133. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

Interest on sum to be invested to produce annuity.

134. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

CHAPTER XII.

OF THE REFUNDING OF LEGACIES.

Refund of legacy paid under Judge's orders.

135. An executor who has paid a legacy under the order of a Judge, is entitled to call upon the legatee to refund in the event of the assets proving insufficient to pay all the legacies.

No refund if paid voluntarily.

136. When an executor has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

Refund when legacy becomes due on performance of condition within further time allowed.

137. When the time prescribed by the will for the performance of a condition has elapsed, without the condition having been performed, and the executor has thereupon, without fraud, distributed the assets; in such case, if further time has, under the second clause of this section, been allowed for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he has paid it are liable to refund the amount.

Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as is requisite to make up for the delay caused by such fraud.

When each legatee compellable to refund in proportion.

138. When the executor has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

Distribution of assets.

139. Where an executor or administrator has given such notices as the High Court may, by any general rule to be made from time to time, prescribe, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he has not had notice at the time of such distribution;

but nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may follow assets.

Creditor may call upon legatee to refund.

140. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies, and whether the payment of the legacy by the executor was voluntary or not.

When legatee, not satisfied or compelled to refund under section 140, cannot oblige one paid in full to refund.

141. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under the last preceding section, cannot oblige one who has received payment in full to refund, whether the legacy were paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

When unsatisfied legatee must first proceed against executor, if solvent.

142. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the executor if he is solvent; but, if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

Limit to refunding of one legatee to another.

143. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Illustration.

A has bequeathed 240 rupees to B, 480 rupees to C, and 720 rupees to D. The assets are only 1,200 rupees, and if properly administered would give 200 rupees to B, 400 rupees to C, and 600 rupees to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund 80 rupees, and D to refund 120 rupees.

Refunding to be without interest.

144. The refunding shall in all cases be without interest.

145. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

Residue after usual payments to be paid to residuary legatee.

CHAPTER XIII.

OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

146. When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Liability of executor or administrator for devastation.

Illustrations.

(*a*). The executor pays out of the estate an unfounded claim. He is liable to make good the loss caused by the payment.

(*b*). The deceased had a valuable lease renewable by notice, which the executor neglects to give at the proper time. The executor is liable to make good the loss caused by the neglect.

(*c*). The deceased had a lease of less value than the rent payable for it, but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

147. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

For neglect to get in any part of property.

Illustrations.

(*a*). The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount so lost.

(*b*). The executor neglects to sue for a debt till the debtor is able to plead the Act for the limitation of suits, and the debt is thereby lost to the estate. The executor is liable to make good the amount of the debt.

CHAPTER XIV.

MISCELLANEOUS.

148. In Chapters VIII, IX, X and XII of this Act the provisions as to an executor shall apply also to an administrator with the will annexed.

Provisions applied to administrator with will annexed.

149. Nothing herein contained shall—

Saving clause.

(*a*) validate any testamentary disposition which would otherwise have been invalid;

(*b*) invalidate any such disposition which would otherwise have been valid;

(*c*) deprive any person of any right of maintenance to which he would otherwise have been entitled; or

(*d*) affect the rights, duties and privileges of the Administrator General of Bengal, Madras or Bombay.

150. No proceedings to obtain probate of a will, or letters of administration to the estate, of any Hindú, Muhammadan, Buddhist or person exempted under section 332 of the Indian Succession Act, 1865, shall be instituted in any Court in British India except under this Act.

Probate and administration in case of persons exempted from Succession Act, to be granted only under this Act.

151. In Act No. XXVII of 1860 (*An Act for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), sections 15 and 16 and the proviso to section 18 shall be repealed.

Repeal of portions of Act XXVII of 1860.

152. The grant of probate or letters of administration under this Act in respect of any property shall be deemed to supersede any certificate previously granted in respect of the same property under the said Act No. XXVII of 1860, or Bombay Regulation No. VIII of 1827; and when, at the time of the grant of such probate or letters, any suit or other proceeding instituted by the holder of such certificate regarding such property is pending, the person to whom such grant is made shall, on applying to the Court in which such suit or proceeding is pending, be entitled to take the place of such holder in such suit or proceeding:

Grant of probate or administration to supersede certificate under Act XXVII of 1860, or Bombay Regulation VIII of 1827.

Provided that, when any certificate is superseded under this section, all payments made to the holder of such certificate in ignorance of such supersession shall be held good against claims under the probate or letters of administration.

153. In the Court-fees Act, 1870, schedule I, Nos. 11 and 18, in the third column, after the words "amount or value," the following shall be inserted, namely:—

Amendment of Court-fees Act.

"Provided that, when after a certificate has been granted as aforesaid in respect of any estate, probate or letters of administration is or are granted in respect of the same estate, the fee payable in respect of such latter grant shall be reduced by the amount of the fee paid in respect of the former grant."

154. The following amendments shall be made in the Hindú Wills Act, 1870 (namely):—

Amendment of Hindú Wills Act.

(*a*). For the portion of section two commencing with the words "sections one hundred and seventy-nine" and ending with the words "administrator with the will annexed," the words "and section one hundred and eighty-seven" shall be substituted.

(*b*). The third clause of section three and the last clause of section six shall be repealed.

(*c*). In section six, for the words "one hundred and three and one hundred and eighty-two" the words "and one hundred and three" shall be substituted.

155. All grants of probate of the will or letters of administration to the estate of any deceased Hindú, Muhammadan or Buddhist, or any person exempted under section 332 of the Indian Succession Act, 1865, which, before this Act comes into force have been made in British Burma, shall, whenever such grant would have been lawful if this Act had been in force, be deemed to have been made in accordance with law.

Validation of grants of probate and administration made in British Burma.

156. In the second schedule to the Indian Limitation Act, 1877, No. 48, after the figures "321," the following shall be inserted, namely—"or under the Probate and Administration Act, 1881, section 139 or 140."

Amendment of Act XV of 1877.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. VI OF 1881.

An Act to make further provision for the grant of Probate and Letters of Administration in non-contentious cases.

WHEREAS it is expedient to make further provision for the grant of probate and letters of administration in non-contentious cases; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The District Delegates Act, 1881":

Short title.

It extends to the whole of British India;

Extent.

and it shall come into force on the first day of April, 1881.

Commencement.

2. After section 235 of the Indian Succession Act, 1865, the following section shall be added:—

Addition of section after section 235 of Succession Act.

"235A. The High Court may, from time to time, appoint such judicial officers within any district as it thinks fit, to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe:

Power to appoint Delegate of District Judge to deal with non-contentious cases.

"Provided that, in the case of High Courts not established by Royal Charter, such appointment be made with the previous sanction of the Local Government.

"Persons so appointed shall be called 'District Delegates'."

3. After section 241 of the said Act, the following section shall be added:—

Addition of section after section 241 of same Act.

"241A. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death resided within the jurisdiction of such Delegate."

Probate and letters of administration may be granted by Delegate.

4. To sections 244 and 246 of the said Act, respectively, the following words shall be added:—

Addition to sections 244 and 246 of same Act.

"and when the application is to a District Delegate, the petition shall further state that the deceased at the time of his death resided within the jurisdiction of such Delegate."

5. For section 251 of the said Act, the following section shall be substituted:—

Substitution of section for section 251 of same Act.

"251. Caveats against the grant of probate or administration may be lodged with the District Judge or a District Delegate; and immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased resided at the time of his death, and to any other Judge or District Delegate to whom it may appear to the District Judge expedient to transmit the same."

Caveats against grant of probate or administration.

6. In section 253 of the said Act, after the word "Judge" the words "or officer," and after the word "made" the words "or notice has been given of its entry with some other Delegate," shall be inserted.

Amendment of section 253 of same Act.

7. After section 253 of the said Act, the following sections shall be added:—

Addition of sections after section 253 of same Act.

"253A. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

District Delegate when not to grant probate or administration.

"*Explanation.*—By 'contention' is understood the appearance of any one in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf to oppose the proceeding.

"253B. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instruc-
to the Judge may seem necessary, or may
any further proceeding by the District Dele-

Power to transmit statement to District Judge in doubtful cases where no contention.

relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

"253C. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge."

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

8. In the said Act, sections 254 and 255, respectively, after the words "I, Judge of the District of ," the words "(*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*))"; and in section 308, after the words "District Judge by whom" the words "or by whose District Delegate" shall be inserted.

Amendment of sections 254, 255 and 308 of same Act.

9. In the said Act, sections 246, 250, 255 and 259, after the words "District Judge," and in section 250 and section 254 (when it first occurs) after the word "Judge," the words "or District Delegate" shall be inserted respectively.

Introduction of the words "or District Delegate" in certain sections of same Act.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st January, 1881, and is hereby promulgated for general information:—

ACT No. VII OF 1881.

An Act to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880); It is hereby enacted as follows:—

Preamble.

1. In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force:—

Amendment of Bengal Act No. IX of 1880.

"64A. All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation:

"Provided that, if any such objection as is mentioned in section 53, has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector.

Holders of estates, &c., how to recover from holders of rent-free lands.

"64B. In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer."

Owner, holder or occupier of rent-free lands may be sued.
Decree against occupier tantamount to decree against owner.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 12, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th February, 1881, and is hereby promulgated for general information:—

ACT No. VIII OF 1881.

THE PETROLEUM ACT, 1881.

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   Commencement.
   Local extent.
2. Repeal of enactments.
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4. Dangerous petroleum in quantities exceeding 40 gallons.
   Application for license to import, transport or possess such petroleum.
   Power to grant license.
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7. Power to make rules as to the importation of petroleum.
8. Possession and transport of petroleum.
9. Power to make rules as to such possession and transport.
10. Power to inspect and require dealer to sell samples.
11. Notice to be given when officer proposes to test samples.
12. Certificate as to result of such testing.

Penalties.

13. Penalty for illegal importation, &c., of petroleum.
14. Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 6.
15. Penalty for refusing to comply with section 10.
16. Confiscation of petroleum.
17. Jurisdiction.

Miscellaneous.

18. Rules when to have force of law.
19. Power to apply this Act to other fluids.

THE SCHEDULE.

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:— Preamble.

Preliminary.

1. This Act may be called "The Petroleum Act, 1881"; and it shall come into force on the first day of July, 1881. Short title. Commencement.

The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct. Local extent.

2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed. Repeal of enactments.

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

"petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum,

"petroleum:"

but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed:

"dangerous petroleum" means petroleum having its flashing point below seventy-three degrees of Fahrenheit's thermometer:

"dangerous petroleum:"

"import" means to bring into British India by sea or land:

"import:"

and "importation" means the bringing into British India as aforesaid:

"transport" means to remove from one place to another within British India.

"transport:"

Dangerous Petroleum.

4. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Dangerous petroleum in quantities exceeding 40 gallons.

Every application for such a license shall be in writing, and shall declare—

Application for license to import, transport or possess such petroleum.

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

If the Local Government sees reason to believe that such petroleum will be used for such purpose, and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Power to grant license.

5. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Dangerous petroleum in quantities not exceeding 40 gallons.

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and such petroleum is placed in separate glass, earthenware or metal vessels, each of which contains not more than a pint and is securely stopped.

6. All dangerous petroleum—

Vessels containing dangerous petroleum to be marked.

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or a label in conspicuous characters, stating the nature of the contents thereof.

Petroleum generally.

7. The Local Government may, from time to time, make rules consistent with this Act to regulate the importation of petroleum, and in particular—

Power to make rules as to the importation of petroleum.

(*a*) for ascertaining the quantity and description of any petroleum on board a ship;

(*b*) to provide for the delivery, by the master of a ship or the consignees of the cargo, of samples of petroleum before such petroleum is landed from such ship, and for the testing thereof;

(*c*) to determine the ports at which only petroleum may be imported; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any petroleum.

In this section—

"ship" includes anything made for the conveyance by water of human beings or property:

"ship:"

"master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship.

"master."

8. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

Possession and transport of petroleum.

9. The Local Government may, from time to time, make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

Power to make rules as to such possession and transport.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of such premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*j*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

10. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of such petroleum on payment of the value of such samples.

Power to inspect and require dealer to sell samples.

11. When any such officer has, in exercise of the powers conferred by section ten, or by purchase, obtained a sample of petroleum in the possession of a

Notice to be given when officer proposes to test samples.

dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his agent may be present at such testing.

12. On any such testing, if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is or is not dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of such certificate shall be given gratis to the dealer at his request.

Certificate as to result of such testing.

Penalties.

13. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, &c., of petroleum.

14. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked or labelled as prescribed by section six shall be punished with fine which may extend to fifty rupees.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 6.

15. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section ten any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

Penalty for refusing to comply with section 10.

16. In any case in which an offence under section thirteen or section fourteen has been committed, the convicting Magistrate may direct that—

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing, or transporting, or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

17. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Miscellaneous.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall, on the expiry of one month from the date of such publication, have the force of law:

Rules when to have force of law.

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections four, five and eight, the quantities of such fluid to which these sections shall apply.

Power to apply this Act to other fluids.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

The following is a description of the details of the apparatus:—

The oil-cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{7}{8}$″ from the bottom of the cup. It is made of gun-metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test-lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the

bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}''$, that is, its diameter is about $\frac{6}{8}''$ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil-cup. The exact distance between the sides and bottom of the bath of the oil-lamp is $1\frac{1}{2}''$. A split socket similar to that on the cover of the oil-cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}''$. One of the three legs of the stand serves as support for the spirit-lamp, attached to it by means of a small swing bracket. The distance of the wick-holder from the bottom of the bath is $1''$.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing-point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}''$ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{4}''$.

NOTE.—A model apparatus is deposited at the office of the Chemical Examiner to Government at Calcutta.

Directions for applying the Test.

1. The test-apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test-lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape-oil up to the lower edge of the opening of the spout or wick-tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil-cup, is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil-lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and, if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test-lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test-apparatus to determine the flashing-points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air-chamber which surrounds the cup is filled with cold water to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 19, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th February, 1881, and is hereby promulgated for general information:—

ACT No. VIII OF 1881.

THE PETROLEUM ACT, 1881.

CONTENTS.

PREAMBLE.

Preliminary.

SECTIONS.
1. Short title.
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Local extent.
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6. Vessels containing dangerous petroleum to be marked.

Petroleum generally.
7. Power to make rules as to the importation of petroleum.
8. Possession and transport of petroleum.
9. Power to make rules as to such possession and transport.
10. Power to inspect and require dealer to sell samples.
11. Notice to be given when officer proposes to test samples.
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Penalties.
13. Penalty for illegal importation, &c., of petroleum.
14. Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 6.
15. Penalty for refusing to comply with section 10.
16. Confiscation of petroleum.
17. Jurisdiction.

Miscellaneous.
18. Rules when to have force of law.
19. Power to apply this Act to other fluids.

THE SCHEDULE.

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:— Preamble.

Preliminary.

Short title. 1. This Act may be called "The Petroleum Act, 1881"; Commencement. and it shall come into force on the first day of July, 1881.

Local extent. The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments. 2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

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

"petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum,

"petroleum:"

but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed:

"dangerous petroleum" means petroleum having its flashing point below seventy-three degrees of Fahrenheit's thermometer:

"dangerous petroleum:"

"import" means to bring into British India by sea or land:

"import:"

and "importation" means the bringing into British India as aforesaid:

"transport" means to remove from one place to another within British India.

"transport:"

Dangerous Petroleum.

4. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Dangerous petroleum in quantities exceeding 40 gallons.

Application for license to import, transport or possess such petroleum.

Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

If the Local Government sees reason to believe that such petroleum will be used for such purpose, and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

5. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Dangerous petroleum in quantities not exceeding 40 gallons.

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and such petroleum is placed in separate glass, earthenware or metal vessels, each of which contains not more than a pint and is securely stopped.

6. All dangerous petroleum—

containing petroleum to

which is kept at any place after seven days from that on which it is imported, or

transported, or

offered or exposed for sale,

in vessels which shall bear an inscription of conspicuous characters, thereof

Petroleum generally.

7. The Local Government may, from time to time, make rules consistent with this Act to regulate the importation of petroleum, and in particular—

Power to make rules as to the importation of petroleum.

(*a*) for ascertaining the quantity and description of any petroleum on board a ship;

(*b*) to provide for the delivery, by the master of a ship or the consignees of the cargo, of samples of petroleum before such petroleum is landed from such ship, and for the testing thereof;

(*c*) to determine the ports at which only petroleum may be imported; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any petroleum.

In this section—

"ship" includes anything made for the conveyance by water of human beings or property:

"ship:"

"master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship.

"master."

8. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

Possession and transport of petroleum.

9. The Local Government may, from time to time, make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

Power to make rules as to such possession and transport.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of such premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*j*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

10. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place used for any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of such petroleum on payment of the value of such samples.

Power to inspect and require dealer to sell samples.

11. When any such officer has, in exercise of the powers conferred by section ten, as to purchase, obtained a sample of petroleum in the possession of a

Notice to be given when officer proposes to test samples.

dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his agent may be present at such testing.

12. On any such testing, if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is or is not dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of such certificate shall be given gratis to the dealer at his request.

Certificate as to result of such testing.

Penalties.

13. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, &c., of petroleum.

14. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked or labelled as prescribed by section six shall be punished with fine which may extend to fifty rupees.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 6.

15. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section ten any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

Penalty for refusing to comply with section 10.

16. In any case in which an offence under section thirteen or section fourteen has been committed, the convicting Magistrate may direct that—

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing, or transporting, or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

17. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Miscellaneous.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall, on the expiry of one month from the date of such publication, have the force of law:

Rules when to have force of law.

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections four, five and eight, the quantities of such fluid to which these sections shall apply.

Power to apply this Act to other fluids.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

The following is a description of the details of the apparatus:—

The oil-cup consists of a cylindrical vessel 2″ diameter, 2 2/10″ height (internal), with outward projecting rim 5/10″ wide, 3/8″ from the top and 1 1/8″ from the bottom of the cup. It is made of gun-metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is 1 1/8″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.), which carries the thermometer and test-lever. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is 1/16″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer, when inserted to its full depth, shall be 1 1/2″ below the centre of the lid.

The cover is provided with three square holes, one in the centre 5/10″ by 4/10″, and two smaller ones, 3/10″ by 2/10″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and 2 1/2″ height, and an outer one of 5 1/4″ diameter and 5 3/4″ height; they are soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the

bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}''$, that is, its diameter is about $\frac{6}{8}''$ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil-cup. The exact distance between the sides and bottom of the bath of the oil-lamp is $1\frac{1}{2}''$. A split socket similar to that on the cover of the oil-cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}''$. One of the three legs of the stand serves as support for the spirit-lamp, attached to it by means of a small swing bracket. The distance of the wick-holder from the bottom of the bath is $1''$.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing-point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}''$ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{2}''$.

NOTE.—A model apparatus is deposited at the office of the Chemical Examiner to Government at Calcutta.

Directions for applying the Test.

1. The test-apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is [illegible] reduced to 130° by pouring in cold water [illegible] little (to replace a portion of the warm [illegible] until the thermometer gives the proper [illegible].

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test-lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape-oil up to the lower edge of the opening of the spout or wick-tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil-cup, is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil-lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and, if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test-lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test-apparatus to determine the flashing-points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air-chamber which surrounds the cup is filled with cold water to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 26, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th February, 1881, and is hereby promulgated for general information :—

ACT No. VIII OF 1881.

THE PETROLEUM ACT, 1881.

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16. Confiscation of petroleum.
17. Jurisdiction.

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THE SCHEDULE.

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows :—

Preamble.

Preliminary.

Short title. Commencement. 1. This Act may be called "The Petroleum Act, 1881"; and it shall come into force on the first day of July, 1881.

Local extent. The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments. 2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

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

"petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum,

"petroleum:"

but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed:

"dangerous petroleum" means petroleum having its flashing point below seventy-three degrees of Fahrenheit's thermometer:

"dangerous petroleum:"

"import" means to bring into British India by sea or land:

"import:"

and "importation" means the bringing into British India as aforesaid:

"transport" means to remove from one place to another within British India.

"transport:"

Dangerous Petroleum.

4. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Dangerous petroleum in quantities exceeding 40 gallons.

Every application for such a license shall be in writing, and shall declare—

Application for license to import, transport or possess such petroleum.

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

If the Local Government sees reason to believe that such petroleum will be used for such purpose, and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Power to grant license.

5. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Dangerous petroleum in quantities not exceeding 40 gallons.

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and such petroleum is placed in separate glass, earthenware or metal vessels, each of which contains not more than a pint and is securely stopped.

6. All dangerous petroleum—

Vessels containing dangerous petroleum to be marked.

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or a label in conspicuous characters, stating the nature of the contents thereof.

Petroleum generally.

7. The Local Government may, from time to time, make rules consistent with this Act to regulate the importation of petroleum, and in particular—

Power to make rules as to the importation of petroleum.

(*a*) for ascertaining the quantity and description of any petroleum on board a ship;

(*b*) to provide for the delivery, by the master of a ship or the consignees of the cargo, of samples of petroleum before such petroleum is landed from such ship, and for the testing thereof;

(*c*) to determine the ports at which only petroleum may be imported; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any petroleum.

In this section—

"ship" includes anything made for the conveyance by water of human beings or property:

"ship:"

"master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship.

"master."

8. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

Possession and transport of petroleum.

9. The Local Government may, from time to time, make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

Power to make rules as to such possession and transport.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of such premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*j*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

10. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of such petroleum on payment of the value of such samples.

Power to inspect and require dealer to sell samples.

11. When any such officer has, in exercise of the powers conferred by section ten, or by purchase, obtained a sample of petroleum in the possession of a

Notice to be given when officer proposes to test samples.

dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his agent may be present at such testing.

12. On any such testing, if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is or is not dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of such certificate shall be given gratis to the dealer at his request.

Certificate as to result of such testing.

Penalties.

13. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, &c., of petroleum.

14. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked or labelled as prescribed by section six shall be punished with fine which may extend to fifty rupees.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 6.

15. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section ten any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

Penalty for refusing to comply with section 10.

16. In any case in which an offence under section thirteen or section fourteen has been committed, the convicting Magistrate may direct that—

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing, or transporting, or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

17. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Miscellaneous.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall, on the expiry of one month from the date of such publication, have the force of law:

Rules when to have force of law.

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections four, five and eight, the quantities of such fluid to which these sections shall apply.

Power to apply this Act to other fluids.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

The following is a description of the details of the apparatus:—

The oil-cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{1}{8}$″ from the bottom of the cup. It is made of gun-metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test-lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the

bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}''$, that is, its diameter is about $\frac{3}{8}''$ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil-cup. The exact distance between the sides and bottom of the bath of the oil-lamp is $1\frac{1}{2}''$. A split socket similar to that on the cover of the oil-cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}''$. One of the three legs of the stand serves as support for the spirit-lamp, attached to it by means of a small swing bracket. The distance of the wick-holder from the bottom of the bath is $1''$.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing-point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}''$ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{2}''$.

NOTE.—A model apparatus is deposited at the office of the Chemical Examiner to Government at Calcutta.

Directions for applying the Test.

1. The test-apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test-lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape-oil up to the lower edge of the opening of the spout or wick-tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil-cup, is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil-lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and, if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test-lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test-apparatus to determine the flashing-points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air-chamber which surrounds the cup is filled with cold water to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. IX OF 1881.

An Act to amend the Administrator General's Act, 1874.

WHEREAS Hindús, Muhammadans and Buddhists are exempted from the operation of certain provisions of the Administrator General's Act, 1874, but are subject to the operation of certain other provisions of the said Act, and it is expedient that Pársís should be exempted from, and be subject to, the operation of the said Act to the same extent as Hindús, Muhammadans and Buddhists; and whereas it is expedient to amend the said Act in other particulars hereinafter appearing; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Administrator General's Act, 1881": Short title.

and shall come into force at once. Commencement.

2. In sections 16, 17, 18 and 64, respectively, of the said Act, between the word "Muhammadan" and the words "or Buddhist," wherever they occur, the word "Pársí" shall be inserted. Amendment of sections 16, 17, 18 and 64 of Administrator General's Act, 1874.

3. After section twenty-three of the same Act, the following section shall be inserted:— New section inserted after section 23 of same.

"23A. Probate or letters of administration granted by the High Court at Calcutta, Madras or Bombay to the Administrator General of the Presidency of Bengal, Madras or Bombay, as the case may be, shall have effect over all the property and estate, moveable or immoveable, of the deceased throughout such Presidency, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to such Administrator General: Provided that the High Court may direct, by its grant, that such probate or letters of administration shall have like effect throughout either or both of the other Presidencies. Effect of probate or letters granted to Administrator General.

"Whenever a grant of probate or letters of administration is made by a High Court to the Administrator General, with such effect as last aforesaid, the Registrar of such Court shall send to each of the other two High Courts a certificate that such grant has been made, and such certificate shall be filed by the Court receiving the same."

4. For section twenty-eight of the same Act, the following section shall be substituted:— New section substituted for section 28 of same.

"28. When the Administrator General has given such notices as would have been given by the High Court in an administration-suit, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he had not notice at the time of such distribution; and no notice of any claim shall affect him unless proceedings to enforce such claim are commenced within one month after the giving of such notice and prosecuted without unreasonable delay. Distribution of assets.

"Nothing herein contained shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively."

5. In section thirty-six of the same Act, the words "not being a Hindú, Muhammadan or Buddhist, or exempted under the Indian Succession Act, 1865, section three hundred and thirty-two, from the operation of that Act" shall be repealed; and in section thirty-seven of the same Act, after the words "effects of the deceased," the following shall be inserted, namely:—"and such deceased was not a Hindú, Muhammadan, Pársí or Buddhist, or exempted under the Indian Succession Act, 1865, section three hundred and thirty-two, from the operation of that Act." Amendment of sections 36 and 37 of same.

6. In section thirty-eight of the same Act, for the words "such certificate" the words "certificate under section thirty-six or thirty- Amendment of section 38 of same.

seven" shall be substituted; and the words "which oath or affirmation the Administrator General is hereby authorized to administer or take" shall be repealed.

New section inserted after section 55 of same.

7. After section fifty-five of the same Act, the following section shall be inserted:—

"55A. Notwithstanding anything hereinbefore contained, an Administrator General of a Presidency obtaining probate or letters of administration operating in another Presidency shall be entitled to the same rate of commission in respect of the collection and distribution of assets collected in such Presidency as the Administrator General of such Presidency would have been entitled to if such assets had been collected and distributed by him, and to no higher rate."

Commission on assets collected beyond Presidency.

New section inserted before section 61 of same.

8. Before section sixty-one of the same Act, the following section shall be inserted:—

"60A. The Administrator General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, examine upon oath or affirmation (which he is hereby authorized to administer or take) any person who is willing to be so examined by him regarding such question."

Power to examine on oath.

9. Nothing herein contained shall affect any probate, letters of administration or certificate granted or vested under the said Act before the passing of this Act.

Saving of letters and certificates already granted.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. X OF 1881.

An Act to amend the Coroners' Act, 1871, and for other purposes.

WHEREAS under the Coroners' Act, 1871, the local limits of the jurisdiction of the Coroner of Madras are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Court;

Preamble.

and whereas it is expedient to empower the Local Government to alter the local limits of the said Coroner's jurisdiction;

and whereas it is also expedient to amend the said Act in other particulars hereinafter appearing;

and whereas it is also expedient to correct an error in section nine of Madras Act No. VIII of 1867 (*an Act to incorporate the Police of the Town of Madras with the general Police of the Madras Presidency, and for other purposes*) as amended by the Code of Criminal Procedure; It is hereby enacted as follows:—

1. This Act may be called "The Coroners' Act, 1881," and shall come into force on the passing thereof.

Short title.

Commencement.

2. The second clause of the first section of the Coroners' Act, 1871, is hereby repealed.

Partial repeal of Act IV of 1871, section 1.

3. The Governor of Fort St. George in Council may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *Fort St. George Gazette*, alter the local limits of the jurisdiction of the Coroner of Madras:

Power to alter local limits of jurisdiction of Coroner of Madras.

Provided that such limits shall not extend beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

4. When, in exercise of the power conferred by section three, any area within the local limits of the said ordinary original civil jurisdiction is excluded from the local limits of the Coroner's jurisdiction, sections one hundred and thirty-three to one hundred and thirty-five (both inclusive) of the Code of Criminal Procedure shall extend to such area while so excluded, and all functions assigned to a Magistrate by those sections shall be discharged by the Commissioner of Police.

Sections 133 to 135 of Act X of 1872 to extend to area excluded from Coroner's jurisdiction.

5. In section eight of the Coroners' Act, 1871, for the words "is informed," the words "has reason to believe" shall be substituted.

Act IV of 1871, section 8, amended.

6. For the first two clauses of section seventeen of the Coroners' Act, 1871, the following shall be substituted, that is to say:—

Section 17 of same Act amended.

"It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses: the Coroner shall enquire of such circumstances and the cause of death, and, if before or during the enquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

"Any person disobeying such summons shall be deemed to have committed an offence under section one hundred and seventy-four, section one hundred and seventy-five or section one hundred and seventy-six of the Indian Penal Code, as the case may be."

7. To section twenty of the Coroners' Act, 1871, the following clause shall be added, that is to say:—

Addition to section 20 of same Act.

"For the purposes of section twenty-six of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate."

8. For section nine of the said Madras Act No. VIII of 1867, the following section shall be substituted:—

New section substituted for section 9 of Madras Act VIII of 1867.

"9. The Town Police shall be governed by all the provisions of the Criminal Procedure Code contained in sections 89, 91 to 103 (both inclusive), 108, 109, 110, 111, 112, 114, 116, 117

Law to govern Town Police.

(first part), 118, 119, 120, 123, 124, 125, 127, 128, 129, 131, 136, 139, 140, 141, 142, 144, 147, chapter XII, sections 159, 161, 163 to 170 (both inclusive), 174 to 185 (both inclusive), chapter XXVII (except section 385), sections 415 to 420 (both inclusive) and 480, so far as they are applicable:

"Provided always, that the officer in charge of a Police-station shall not be required to bind over the prosecutor and witnesses as directed in section 123 of the said Code, if their immediate attendance can be procured without recognizances."

9. The portion of schedule V of the Code of Criminal Procedure, under the heading "Acts of the Governor of Madras in Council," shall be read as if the letter and figure "s. 9" in the first column, and all the words and figures in the second and third columns, opposite the said letter and figure, were omitted.

Act X of 1872, schedule V, in part repealed.

D. FITZPATRICK,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information :—

ACT No. XI OF 1881.

An Act to give power to prohibit the levy of municipal taxes in certain cases.

Preamble.

WHEREAS it is expedient to empower the Governor General in Council to prohibit, in certain cases, the levy of municipal taxes payable by persons in the military service or by the Secretary of State for India in Council; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Municipal Taxation Act, 1881."

Local extent.

It extends to the whole of British India :

Commencement.

and shall come into force at once.

"Municipal Committee" defined.

2. In this Act "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any enactment for the time being in force.

Power to prohibit levy of tax.

3. Notwithstanding anything contained in any enactment for the time being in force, the Governor General in Council may, by an order in writing, prohibit the levy by a Municipal Committee of any specified tax—

(*a*) payable by any person subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, who is compelled by the exigencies of military duty to reside within the limits of a municipality; or

(*b*) payable by the Secretary of State for India in Council.

The Governor General in Council may, by a like order, rescind any such prohibition.

Secretary of State in Council to pay taxes referred to in section 3, clause (*a*).

4. So long as any order made under section three, prohibiting the levy of a tax on any person mentioned in clause (*a*) of that section, remains in force, the Secretary of State for India in Council shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such Committee by such person :

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound by the regulations of the service to which he belongs, to keep.

Payments to be made in lieu of taxes referred to in section 3, clause (*b*).

5. So long as any order made under section three, prohibiting the levy of any tax payable by the Secretary of State for India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sums (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

Decision of questions arising under this Act.

6. If any question arises whether any duty is military duty within the meaning of this Act, the decision of the Governor General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor General in Council may, from time to time, appoint in this behalf shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 5, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. IX OF 1881.

An Act to amend the Administrator General's Act, 1874.

WHEREAS Hindús, Muhammadans and Buddhists are exempted from the operation of certain provisions of the Administrator General's Act, 1874, but are subject to the operation of certain other provisions of the said Act, and it is expedient that Pársís should be exempted from, and be subject to, the operation of the said Act to the same extent as Hindús, Muhammadans and Buddhists; and whereas it is expedient to amend the said Act in other particulars hereinafter appearing; It is hereby enacted as follows:—

Preamble.

Short title.

1. This Act may be called "The Administrator General's Act, 1881":

Commencement.

and shall come into force at once.

Amendment of sections 16, 17, 18 and 64 of Administrator General's Act, 1874.

2. In sections 16, 17, 18 and 64, respectively, of the said Act, between the word "Muhammadan" and the words "or Buddhist," wherever they occur, the word "Pársí" shall be inserted.

New section inserted after section 23 of same.

3. After section twenty-three of the same Act, the following section shall be inserted:—

Effect of probate or letters granted to Administrator General.

"23A. Probate or letters of administration granted by the High Court at Calcutta, Madras or Bombay to the Administrator General of the Presidency of Bengal, Madras or Bombay, as the case may be, shall have effect over all the property and estate, moveable or immoveable, of the deceased throughout such Presidency, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to such Administrator General: Provided that the High Court may direct, by its grant, that such probate or letters of administration shall have like effect throughout either or both of the other Presidencies.

"Whenever a grant of probate or letters of administration is made by a High Court to the Administrator General, with such effect as last aforesaid, the Registrar of such Court shall send to each of the other two High Courts a certificate that such grant has been made, and such certificate shall be filed by the Court receiving the same."

New section substituted for section 28 of same.

4. For section twenty-eight of the same Act, the following section shall be substituted:—

Distribution of assets.

"28. When the Administrator General has given such notices as would have been given by the High Court in an administration-suit, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he had not notice at the time of such distribution; and no notice of any claim shall affect him unless proceedings to enforce such claim are commenced within one month after the giving of such notice and prosecuted without unreasonable delay.

"Nothing herein contained shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively."

Amendment of sections 36 and 37 of same.

5. In section thirty-six of the same Act, the words "not being a Hindú, Muhammadan or Buddhist, or exempted under the Indian Succession Act, 1865, section three hundred and thirty-two, from the operation of that Act" shall be repealed; and in section thirty-seven of the same Act, after the words "effects of the deceased," the following shall be inserted, namely:—"and such deceased was not a Hindú, Muhammadan, Pársí or Buddhist, or exempted under the Indian Succession Act, 1865, section three hundred and thirty-two, from the operation of that Act."

Amendment of section 38 of same.

6. In section thirty-eight of the same Act, for the words "such certificate" the words "certificate under section thirty-six or thirty-

seven" shall be substituted; and the words "which oath or affirmation the Administrator General is hereby authorized to administer or take" shall be repealed.

New section inserted after section 55 of same.

7. After section fifty-five of the same Act, the following section shall be inserted:—

"55A. Notwithstanding anything hereinbefore contained, an Administrator General of a Presidency obtaining probate or letters of administration operating in another Presidency shall be entitled to the same rate of commission in respect of the collection and distribution of assets collected in such Presidency as the Administrator General of such Presidency would have been entitled to if such assets had been collected and distributed by him, and to no higher rate."

Commission on assets collected beyond Presidency.

New section inserted before section 61 of same.

8. Before section sixty-one of the same Act, the following section shall be inserted:—

"60A. The Administrator General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, examine upon oath or affirmation (which he is hereby authorized to administer or take) any person who is willing to be so examined by him regarding such question."

Power to examine on oath.

Saving of letters and certificates already granted.

9. Nothing herein contained shall affect any probate, letters of administration or certificate granted or vested under the said Act before the passing of this Act.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. X OF 1881.

An Act to amend the Coroners' Act, 1871, and for other purposes.

Preamble.

WHEREAS under the Coroners' Act, 1871, the local limits of the jurisdiction of the Coroner of Madras are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Court;

and whereas it is expedient to empower the Local Government to alter the local limits of the said Coroner's jurisdiction;

and whereas it is also expedient to amend the said Act in other particulars hereinafter appearing;

and whereas it is also expedient to correct an error in section nine of Madras Act No. VIII of 1867 (*an Act to incorporate the Police of the Town of Madras with the general Police of the Madras Presidency, and for other purposes*) as amended by the Code of Criminal Procedure; It is hereby enacted as follows:—

Short title.

Commencement.

1. This Act may be called "The Coroners' Act, 1881," and shall come into force on the passing thereof.

Partial repeal of Act IV of 1871, section 1.

2. The second clause of the first section of the Coroners' Act, 1871, is hereby repealed.

Power to alter local limits of jurisdiction of Coroner of Madras.

3. The Governor of Fort St. George in Council may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *Fort St. George Gazette*, alter the local limits of the jurisdiction of the Coroner of Madras:

Provided that such limits shall not extend beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

Sections 133 to 135 of Act X of 1872 to extend to area excluded from Coroner's jurisdiction.

4. When, in exercise of the power conferred by section three, any area within the local limits of the said ordinary original civil jurisdiction is excluded from the local limits of the Coroner's jurisdiction, sections one hundred and thirty-three to one hundred and thirty-five (both inclusive) of the Code of Criminal Procedure shall extend to such area while so excluded, and all functions assigned to a Magistrate by those sections shall be discharged by the Commissioner of Police.

Act IV of 1871, section 8, amended.

5. In section eight of the Coroners' Act, 1871, for the words "is informed," the words "has reason to believe" shall be substituted.

Section 17 of same Act amended.

6. For the first two clauses of section seventeen of the Coroners' Act, 1871, the following shall be substituted, that is to say:—

"It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses: the Coroner shall enquire of such circumstances and the cause of death, and, if before or during the enquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

"Any person disobeying such summons shall be deemed to have committed an offence under section one hundred and seventy-four, section one hundred and seventy-five or section one hundred and seventy-six of the Indian Penal Code, as the case may be."

Addition to section 20 of same Act.

7. To section twenty of the Coroners' Act, 1871, the following clause shall be added, that is to say:—

"For the purposes of section twenty-six of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate."

New section substituted for section 9 of Madras Act VIII of 1867.

8. For section nine of the said Madras Act No. VIII of 1867, the following section shall be substituted:—

Law to govern Town Police.

"9. The Town Police shall be governed by all the provisions of the Criminal Procedure Code contained in sections 89, 91 to 103 (both inclusive), 108, 109, 110, 111, 112, 114, 116, 117

(first part), 118, 119, 120, 123, 124, 125, 127, 128, 129, 131, 136, 139, 140, 141, 142, 144, 147, chapter XII, sections 159, 161, 163 to 170 (both inclusive), 174 to 185 (both inclusive), chapter XXVII (except section 385), sections 415 to 420 (both inclusive) and 480, so far as they are applicable:

"Provided always, that the officer in charge of a Police-station shall not be required to bind over the prosecutor and witnesses as directed in section 123 of the said Code, if their immediate attendance can be procured without recognizances."

Act X of 1872, schedule V, in part repealed.

9. The portion of schedule V of the Code of Criminal Procedure, under the heading "Acts of the Governor of Madras in Council," shall be read as if the letter and figure "s. 9" in the first column, and all the words and figures in the second and third columns, opposite the said letter and figure, were omitted.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. XI OF 1881.

An Act to give power to prohibit the levy of municipal taxes in certain cases.

Preamble.

WHEREAS it is expedient to empower the Governor General in Council to prohibit, in certain cases, the levy of municipal taxes payable by persons in the military service or by the Secretary of State for India in Council; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Municipal Taxation Act, 1881."

Local extent.

It extends to the whole of British India:

Commencement.

and shall come into force at once.

"Municipal Committee" defined.

2. In this Act "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any enactment for the time being in force.

Power to prohibit levy of tax.

3. Notwithstanding anything contained in any enactment for the time being in force, the Governor General in Council may, by an order in writing, prohibit the levy by a Municipal Committee of any specified tax—

(*a*) payable by any person subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, who is compelled by the exigencies of military duty to reside within the limits of a municipality; or

(*b*) payable by the Secretary of State for India in Council.

The Governor General in Council may, by a like order, rescind any such prohibition.

Secretary of State in Council to pay taxes referred to in section 3, clause (*a*).

4. So long as any order made under section three, prohibiting the levy of a tax on any person mentioned in clause (*a*) of that section, remains in force, the Secretary of State for India in Council shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such Committee by such person:

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound by the regulations of the service to which he belongs, to keep.

Payments to be made in lieu of taxes referred to in section 3, clause (*b*).

5. So long as any order made under section three, prohibiting the levy of any tax payable by the Secretary of State for India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sums (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

Decision of questions arising under this Act.

6. If any question arises whether any duty is military duty within the meaning of this Act, the decision of the Governor General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor General in Council may, from time to time, appoint in this behalf shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 12, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. IX OF 1881.

An Act to amend the Administrator General's Act, 1874.

Preamble.

WHEREAS Hindús, Muhammadans and Buddhists are exempted from the operation of certain provisions of the Administrator General's Act, 1874, but are subject to the operation of certain other provisions of the said Act, and it is expedient that Pársís should be exempted from, and be subject to, the operation of the said Act to the same extent as Hindús, Muhammadans and Buddhists; and whereas it is expedient to amend the said Act in other particulars hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Administrator General's Act, 1881":

Commencement.

and shall come into force at once.

Amendment of sections 16, 17, 18 and 64 of Administrator General's Act, 1874.

2. In sections 16, 17, 18 and 64, respectively, of the said Act, between the word "Muhammadan" and the words "or Buddhist," wherever they occur, the word "Pársí" shall be inserted.

New section inserted after section 23 of same.

3. After section twenty-three of the same Act, the following section shall be inserted:—

Effect of probate or letters granted to Administrator General.

"23A. Probate or letters of administration granted by the High Court at Calcutta, Madras or Bombay to the Administrator General of the Presidency of Bengal, Madras or Bombay, as the case may be, shall have effect over all the property and estate, moveable or immoveable, of the deceased throughout such Presidency, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to such Administrator General: Provided that the High Court may direct, by its grant, that such probate or letters of administration shall have like effect throughout either or both of the other Presidencies.

"Whenever a grant of probate or letters of administration is made by a High Court to the Administrator General, with such effect as last aforesaid, the Registrar of such Court shall send to each of the other two High Courts a certificate that such grant has been made, and such certificate shall be filed by the Court receiving the same."

New section substituted for section 28 of same.

4. For section twenty-eight of the same Act, the following section shall be substituted:—

Distribution of assets.

"28. When the Administrator General has given such notices as would have been given by the High Court in an administration-suit, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he had not notice at the time of such distribution; and no notice of any claim shall affect him unless proceedings to enforce such claim are commenced within one month after the giving of such notice and prosecuted without unreasonable delay.

"Nothing herein contained shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively."

Amendment of sections 36 and 37 of same.

5. In section thirty-six of the same Act, the words "not being a Hindú, Muhammadan or Buddhist, or exempted under the Indian Succession Act, 1865, section three hundred and thirty-two, from the operation of that Act" shall be repealed; and in section thirty-seven of the same Act, after the words "effects of the deceased," the following shall be inserted, namely:—"and such deceased was not a Hindú, Muhammadan, Pársí or Buddhist, or exempted under the Indian Succession Act, 1865, section three hundred and thirty-two, from the operation of that Act."

Amendment of section 38 of same.

6. In section thirty-eight of the same Act, for the words "such certificate" the words "certificate under section thirty-six or thirty-

seven" shall be substituted; and the words "which oath or affirmation the Administrator General is hereby authorized to administer or take" shall be repealed.

New section inserted after section 55 of same.

7. After section fifty-five of the same Act, the following section shall be inserted:—

Commission on assets collected beyond Presidency.

"55A. Notwithstanding anything hereinbefore contained, an Administrator General of a Presidency obtaining probate or letters of administration operating in another Presidency shall be entitled to the same rate of commission in respect of the collection and distribution of assets collected in such Presidency as the Administrator General of such Presidency would have been entitled to if such assets had been collected and distributed by him, and to no higher rate."

New section inserted before section 61 of same.

8. Before section sixty-one of the same Act, the following section shall be inserted:—

Power to examine on oath.

"60A. The Administrator General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, examine upon oath or affirmation (which he is hereby authorized to administer or take) any person who is willing to be so examined by him regarding such question."

Saving of letters and certificates already granted.

9. Nothing herein contained shall affect any probate, letters of administration or certificate granted or vested under the said Act before the passing of this Act.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. X OF 1881.

An Act to amend the Coroners' Act, 1871, and for other purposes.

Preamble.

WHEREAS under the Coroners' Act, 1871, the local limits of the jurisdiction of the Coroner of Madras are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Court;

and whereas it is expedient to empower the Local Government to alter the local limits of the said Coroner's jurisdiction;

and whereas it is also expedient to amend the said Act in other particulars hereinafter appearing;

and whereas it is also expedient to correct an error in section nine of Madras Act No. VIII of 1867 (*an Act to incorporate the Police of the Town of Madras with the general Police of the Madras Presidency, and for other purposes*) as amended by the Code of Criminal Procedure; It is hereby enacted as follows:—

Short title.
Commencement.

1. This Act may be called "The Coroners' Act, 1881," and shall come into force on the passing thereof.

Partial repeal of Act IV of 1871, section 1.

2. The second clause of the first section of the Coroners' Act, 1871, is hereby repealed.

Power to alter local limits of jurisdiction of Coroner of Madras.

3. The Governor of Fort St. George in Council may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *Fort St. George Gazette*, alter the local limits of the jurisdiction of the Coroner of Madras:

Provided that such limits shall not extend beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

Sections 133 to 135 of Act X of 1872 to extend to area excluded from Coroner's jurisdiction.

4. When, in exercise of the power conferred by section three, any area within the local limits of the said ordinary original civil jurisdiction is excluded from the local limits of the Coroner's jurisdiction, sections one hundred and thirty-three to one hundred and thirty-five (both inclusive) of the Code of Criminal Procedure shall extend to such area while so excluded, and all functions assigned to a Magistrate by those sections shall be discharged by the Commissioner of Police.

Act IV of 1871, section 8, amended.

5. In section eight of the Coroners' Act, 1871, for the words "is informed," the words "has reason to believe" shall be substituted.

Section 17 of same Act amended.

6. For the first two clauses of section seventeen of the Coroners' Act, 1871, the following shall be substituted, that is to say:—

"It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses: the Coroner shall enquire of such circumstances and the cause of death, and, if before or during the enquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

"Any person disobeying such summons shall be deemed to have committed an offence under section one hundred and seventy-four, section one hundred and seventy-five or section one hundred and seventy-six of the Indian Penal Code, as the case may be."

Addition to section 20 of same Act.

7. To section twenty of the Coroners' Act, 1871, the following clause shall be added, that is to say:—

"For the purposes of section twenty-six of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate."

New section substituted for section 9 of Madras Act VIII of 1867.

8. For section nine of the said Madras Act No. VIII of 1867, the following section shall be substituted:—

Law to govern Town Police.

"9. The Town Police shall be governed by all the provisions of the Criminal Procedure Code contained in sections 89, 91 to 103 (both inclusive), 108, 109, 110, 111, 112, 114, 116, 117

(first part), 118, 119, 120, 123, 124, 125, 127, 128, 129, 131, 136, 139, 140, 141, 142, 144, 147, chapter XII, sections 159, 161, 163 to 170 (both inclusive), 174 to 185 (both inclusive), chapter XXVII (except section 385), sections 415 to 420 (both inclusive) and 480, so far as they are applicable:

"Provided always, that the officer in charge of a Police-station shall not be required to bind over the prosecutor and witnesses as directed in section 123 of the said Code, if their immediate attendance can be procured without recognizances."

Act X of 1872, schedule V, in part repealed.

9. The portion of schedule V of the Code of Criminal Procedure, under the heading "Acts of the Governor of Madras in Council," shall be read as if the letter and figure "s. 9" in the first column, and all the words and figures in the second and third columns, opposite the said letter and figure, were omitted.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th February, 1881, and is hereby promulgated for general information:—

ACT No. XI OF 1881.

An Act to give power to prohibit the levy of municipal taxes in certain cases.

Preamble.

WHEREAS it is expedient to empower the Governor General in Council to prohibit, in certain cases, the levy of municipal taxes payable by persons in the military service or by the Secretary of State for India in Council; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Municipal Taxation Act, 1881."

Local extent.

It extends to the whole of British India:

Commencement.

and shall come into force at once.

"Municipal Committee" defined.

2. In this Act "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any enactment for the time being in force.

Power to prohibit levy of tax.

3. Notwithstanding anything contained in any enactment for the time being in force, the Governor General in Council may, by an order in writing, prohibit the levy by a Municipal Committee of any specified tax—

(*a*) payable by any person subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, who is compelled by the exigencies of military duty to reside within the limits of a municipality; or

(*b*) payable by the Secretary of State for India in Council.

The Governor General in Council may, by a like order, rescind any such prohibition.

Secretary of State in Council to pay taxes referred to in section 3, clause (*a*).

4. So long as any order made under section three, prohibiting the levy of a tax on any person mentioned in clause (*a*) of that section, remains in force, the Secretary of State for India in Council shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such Committee by such person:

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound by the regulations of the service to which he belongs, to keep.

Payments to be made in lieu of taxes referred to in section 3, clause (*b*).

5. So long as any order made under section three, prohibiting the levy of any tax payable by the Secretary of State for India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sums (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

Decision of questions arising under this Act.

6. If any question arises whether any duty is military duty within the meaning of this Act, the decision of the Governor General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor General in Council may, from time to time, appoint in this behalf shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March 1881, and is hereby promulgated for general information:—

ACT No. XII OF 1881.

THE NORTH-WESTERN PROVINCES RENT ACT, 1881.

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A Bill to amend the Law relating to the recovery of Rent in the North-Western Provinces.

WHEREAS it is expedient to amend the law relating to the recovery of Rent in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The North-Western Provinces Rent Act, 1881:"

It extends in the first instance to the territories for the time being under the government of the Lieutenant-Governor of the North-Western Provinces, except those specified in the second schedule hereto annexed. But the Local Government may, by notification in the official Gazette, extend the whole or any part of this Act to all or any of the territories so excepted, and when any part of the North-Western Provinces Rent Act, 1873, has been extended to any such territory, such part shall be repealed therein and the corresponding part of this Act shall extend thereto.

Local extent.

Save as provided by sections 171 and 172, nothing herein contained applies to land for the the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as such land is not let to agricultural tenants.

This Act shall come into force on the first day of April, 1881.

Commencement.

2. The North-Western Provinces Rent Act, 1873, is hereby repealed. But such repeal shall not legalize any practice which, immediately before the passing of that Act, was unlawful.

Act No. XVIII of 1873 repealed.

All rules and appointments made, notifications and proclamations issued, authorities and powers conferred, leases granted, rents fixed, rights acquired, liabilities incurred and places appointed under that Act shall, so far as may be, be deemed to have been made, issued, conferred, granted, fixed, acquired, incurred and appointed hereunder.

Rules, &c., under repealed Act.

Illustration (*a*) to the Indian Penal Code, section 19, and Act No. XI of 1865, section 52, shall be read as if, for "Act X of 1859," the words and figures, "the North-Western Provinces Rent Act, 1881," were substituted. And in all Acts passed after the said North-Western Provinces Rent Act, 1873, all references to that Act shall be read as if made to this Act.

Acts amended.

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

Interpretation-clause.

'Mahál:' (1.) 'Mahál' means—

(*a*) any local area held under a separate engagement for the payment of land-revenue, and for which a separate record-of-rights has been framed;

(*b*) any local area of which the revenue has been assigned or redeemed, and for which a separate record-of-rights has been framed:

'Tenant:' (1A.) 'Tenant' includes a thékadár and a katkanadár:

'Rent:' (2.) 'Rent' means whatever is to be paid, delivered or rendered by a tenant on account of his holding, use or occupation of land:

'Landholder:' (3.) 'Landholder' means the person to whom a tenant is liable to pay rent:

'Sír-land:' (4.) 'Sír-land' means—

(*a*) land recorded as sír at the last settlement or revision of settlement of the district in which it is situate, and continuously so recorded since;

(*b*) land continuously cultivated for twelve years by the proprietor himself with his own stock or by his servants, or by hired labour;

(*c*) land recognized by village-custom as the special holding of a co-sharer, or treated as such in the distribution of profits or charges among the co-sharers:

'Collector of a District:' (5.) 'Collector of a District' means the chief officer in charge of the Revenue Administration of a District:

'Commissioner of a Division:' (6.) 'Commissioner of a Division' means the chief officer in charge of the Revenue Administration of a Division:

'Board:' (7.) 'Board' means the Board of Revenue for the North-Western Provinces:

'Civil Jail:' (8.) 'Civil Jail' means the civil jail of the District, and includes any place appointed by the Local Government for the confinement of prisoners under sentence of any Court constituted under this Act.

CHAPTER II.

RIGHTS AND LIABILITIES OF LANDHOLDERS AND TENANTS.

Intermediate holders of land at rates unchanged since permanent-settlement. **4.** When any permanent and transferable interest in land in a district or a portion of a district which has been permanently settled has been held otherwise than under a terminable lease by any person intermediate between the proprietor of the mahál and the occupants, and by the predecessors in interest of such person, from the time of the permanent-settlement, at the same rate of rent, such person shall have a right to hold such interest at that rate.

Tenants at fixed rates. **5.** When any land in a district or portion of a district which is permanently settled has been held by a tenant and his predecessors in interest, from the time of the permanent settlement, at the same rate of rent, such tenant shall have a right of occupancy at that rate.

A tenant having such right is hereinafter called a "tenant at a fixed rate."

Presumption when 20 years' holding at fixed rate is proved. **6.** When, in any suit to which the provisions of section 4 or section 5 apply, it is proved that the land has for a period of twenty years next before the institution of the suit been held by the present holder and his predecessors in interest at the same rate of rent, it shall be presumed, until the contrary is proved, that it has been held at such rate from the time of the permanent settlement.

Ex-proprietary tenants. **7.** Every person who may hereafter lose or part with his proprietary rights in any mahál shall have a right of occupancy in the land held by him as sír in such mahál at the date of such loss or parting, at a rent which shall be four annas in the rupee less than the prevailing rate payable by tenants-at-will for land of similar quality and with similar advantages.

Persons having such rights of occupancy shall be called "ex-proprietary tenants," and shall have all the rights of occupancy-tenants.

If there are two or more sharers in any sír-land and one of them becomes an ex-proprietary tenant, the share which previously belonged to such ex-proprietary tenant shall, on his application or on the application of the person entitled to receive the rent, be divided off by the Collector, and the rights of the ex-proprietary tenant shall be limited to the land comprised in such share.

Occupancy-tenants. **8.** Every tenant who has actually occupied or cultivated land continuously for twelve years has a right of occupancy in the land so occupied or cultivated by him.

Such tenants shall be called "occupancy-tenants."

The occupation or cultivating of the father or other person from whom the tenant inherits, shall be deemed to be the occupation or cultivating of the tenant within the meaning of this section:

Tenants barred from right of occupancy. Provided that no tenant shall acquire, under this section, a right of occupancy—

(*a*) in land which he holds from an occupancy-tenant, or from an ex-proprietary tenant, or from a tenant at fixed rates;

(*b*) in sír-land;

(*c*) in land held by him in lieu of wages.

Time excluded from reckoning period necessary for acquiring right of occupancy. Provided also that, when a tenant actually occupies or cultivates land under a written lease, without having a right of occupancy in such land, the period of twelve years necessary for acquiring a right of occupancy therein by him or any one claiming under him shall begin on the expiration of the term of such lease. If during the currency of such lease he ceases to occupy the land comprised therein, and sublets it to another, no right of occupancy in such land shall be acquired by the sub-lessee during the currency of the lease.

Rights under sections 7 and 8 when transferable. **9.** The right of tenants at fixed rates may devolve by succession or be transferred.

No other right of occupancy shall be transferable in execution of a decree or otherwise than by voluntary transfer between persons in favour of whom as co-sharers such right originally arose or who have become by succession co-sharers therein.

When any person entitled to such last-mentioned right dies, the right shall devolve as if it were land: Provided that no collateral relative of the deceased who did not then share in the cultivation of his holding shall be entitled to inherit under this clause.

Determination of class of tenure of tenant. **10.** On the application of any tenant to have his class of tenure determined, the Collector of the District or Assistant Collector shall determine the class to which he belongs, namely—

whether he is a tenant at fixed rates,

or an ex-proprietary tenant,

or an occupancy-tenant,

or whether he is a tenant without a right of occupancy.

Bar to enhancement of rent of tenants at fixed rates. **11.** The rent paid by tenants at fixed rates shall not be liable to enhancement, except as provided by section 18.

Enhancement in case of ex-proprietary and occupancy-tenants. **12.** The rent paid by ex-proprietary or occupancy-tenants shall not be liable to enhancement except—

(*a*) by a written agreement registered under the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or recorded before the kánúngo: or

(*b*) by order of a Settlement-officer passed under the law for the time being in force: or

(*c*) by order under this Act.

Grounds of enhancing rent of occupancy-tenants which has not been fixed by order. **13.** (*a*) Where the rent of any occupancy-tenant has not been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

(*b*) or where the rent has been fixed by any such order, but the term for which it has been fixed has expired,

(*c*) or where ten years from the date on which the order fixing the rent has taken effect have expired,

(*d*) or where by order of the Local Government the assessment of the district has been revised before confirmation,

(*e*) or where the period of settlement of the district has come to an end,

the landholder may apply to enhance the rent of such tenant on one of the following grounds and on no others:—

(*f*) that the rate of the rent paid by such tenant is below the prevailing rate payable by the same class of tenants for land of similar quality with similar advantages;

(*g*) that the value of the produce has, or the productive powers of the land have, been increased otherwise than by the agency or at the expense of the tenant;

(*h*) that the quantity of land held by the tenant has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

Enhancement of rent of ex-proprietary tenants which has not been fixed by order. **14.** (*a*.) Where the rent of any ex-proprietary tenant has not been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or where the rent has been fixed by such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section 13, clauses (*c*), (*d*) and (*e*) has occurred,

the landholder may apply to enhance or determine the rent of such tenant as if he were an occupancy-tenant: Provided that his rent shall be four annas in the rupee below the prevailing rate for land of a similar quality with similar advantages held by tenants-at-will.

Selection of land for comparison. (*b*.) Whenever the district or tahsíl, or other local area in which such land is situated, has been divided by the Settlement-officer into circles of like capacity and soil, the land of similar quality, with similar advantages, shall, for the purposes of this section and section 13, be selected from the same circle.

(*c*.) When the Settlement-officer has not so divided the district or other local area as aforesaid, the land regarding which the application has been made shall be compared with land of similar quality and with similar advantages, in the same tahsíl or in a tahsíl immediately adjacent.

Abatement in like cases. **15.** Where the rent of any ex-proprietary tenant or occupancy-tenant has not been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or where the rent has been fixed by such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section 13, clauses (*c*), (*d*) and (*e*) has occurred,

the tenant may apply for an abatement of his rent on one of the following grounds, and on no others:—

(*a*) that the area of the land held by him has been diminished by diluvion or otherwise;

(*b*) that the value of the produce has, or the productive powers of such land have, been diminished by any cause beyond his power.

Time of enhancement or abatement where rent of ex-proprietary or occupancy-tenant has been fixed by order under this Act. **16.** Where the rent of any ex-proprietary or occupancy-tenant has been fixed by an order under this Act, such rent shall not be liable to be enhanced or abated until the occurrence of any of the events mentioned in section 13, clauses (*c*), (*d*) and (*e*), whichever first occurs.

Grounds of enhancement and abatement where his rent has been fixed by order of a Settlement-officer or under this Act. **17.** Notwithstanding anything contained in section 16 where the rent of any ex-proprietary or occupancy-tenant has been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act, the landholder may apply to enhance the rent of such tenant during the currency of the term for which the rent has been so fixed, on one of the following grounds, and on no others:—

(*a*) that the area of the tenants holding has been increased by alluvion or otherwise:

(*b*) that the productive powers of the land held by the tenant have, since the date of the order, been increased otherwise than by the agency or at the expense of the tenant:

And the tenant may apply for abatement of his rent on one of the following grounds, and on no others:—

(*c*) that the area of the land held by him has been diminished by diluvion or otherwise;

(*d*) that the productive powers of such land have been decreased by any cause beyond his control.

Grounds of enhancement or abatement of rent of tenant at fixed rates.

18. In the case of a tenant at fixed rates, the landholder may apply to enhance his rent on the ground that the area of the land in his holding has been increased by alluvion or otherwise,

and the tenant may apply for abatement of his rent on the ground that the area of the land in his holding has been diminished by diluvion or otherwise.

Day before which applications for enhancement or abatement must be made.

19. Applications for enhancement or abatement of rent must be made on or before the thirty-first day of August next before the year commencing on the first day of July from which the rent is to be enhanced or abated,

Orders when to take effect.

and every order for enhancement or abatement shall take effect from the first day of July next following the date of such order, unless for some reason, to be stated in writing, the Court thinks fit to order otherwise.

Consideration of caste and class of tenant in determining rate of his rent.

20. In determining, under this Chapter, the rate of rent payable by any tenant, his caste shall not be taken into consideration, unless it is proved that, by local custom, caste is taken into account in determining such rate;

and whenever it is found that, by local custom or practice, any class of persons, by reason of their having formerly been proprietors of the soil or otherwise, hold land at favourable rates of rent, the rate shall be determined in accordance with such custom or practice.

Tenants-at-will.

21. No tenant-at-will of land shall be liable to pay rent in excess of the rent (if any) payable by him in the previous year ending on the thirtieth day of June, unless the landholder and tenant have agreed as to the rent to be paid to the former by the latter, and such agreement has been recorded by the kánúngo of the pargana in which such land is situate.

Rent of ex-proprietary or occupancy-tenant fixed by agreement.

22. Notwithstanding anything hereinbefore contained, when the rent of any ex-proprietary or occupancy-tenant has been fixed by agreement between the parties, such rent shall not be liable to enhancement or abatement for such term as may be agreed on.

Applications to survey land.

22A. When any land is held of a landholder by a tenant, such landholder or tenant may, in the absence of a written contract to the contrary, apply to the Collector of the District to have such land surveyed. The Collector, on receiving such application, may [illegible] the cost of such survey, and, by order in writing, require the applicant to deposit the [illegible] estimate.

If the applicant deposits such amount within fifteen days from the date of the order, the Collector of the District shall issue a notice to the other party or parties to the tenancy to show cause, at a time and place specified in such notice, why the survey should not be made; and, if no such cause is so shewn, may, by an order in writing, direct the survey to be made by such person and at such time as he thinks fit.

A copy of such order shall be served on all the parties to the tenancy; and, if any party fails to attend at the appointed time, it shall not thereafter be open to him to question the correctness of the survey made in his absence.

If any party, on being called upon to show cause as aforesaid, makes any objection to the survey and such objection is overruled, he shall be liable to pay the costs (if any) occasioned by such objection.

Nothing in this section shall affect any power conferred by law to compel the attendance of any person at a survey.

Power to remit or suspend payment of rent when payment of revenue remitted or suspended.

23. Whenever for any cause the Local Government remits or suspends for any period the payment of the whole or any part of the revenue payable in respect of any land, any officer empowered by the Local Government in this behalf may, subject to such rules as to appeal, confirmation or otherwise as may, from time to time, be prescribed by the Board, order that the rent of such land shall be remitted, or suspended for the period of such suspension of payment of revenue, as the case may be, to an amount which shall be equal to double the amount of the revenue of which the payment has been so remitted or suspended, or shall bear the same proportion to the whole of the rent payable in respect of the land as the revenue of which the payment has been so remitted or suspended bears to the whole of the revenue payable in respect of such land;

and, subject to the same rules, the landholder shall be bound by such order.

(*A*).—*Leases.*

Contents of lease to which every tenant is entitled.

24. Every tenant is entitled to receive from the landholder, and may at any time during the continuance of his holding, apply for a lease containing the following particulars:—

(*a*) the quantity of land held by him, and, where the fields have been numbered in a Government survey, the number of each field:

(*b*) the amount of annual rent payable for such land:

(*c*) the instalments in which, and the dates on which, such rent is to be paid:

(*d*) any special conditions of the lease:

(*e*) if the rent is payable in kind, or is calculated on a valuation of the produce, the proportion of produce to be delivered, the mode of valuation, and the time, manner and place of delivery.

Leases to which tenants at fixed rates are entitled.

25. Tenants at fixed rates are entitled to receive leases at such rates.

Leases to which ex-proprietary and occupancy-tenants are entitled.

26. Ex-proprietary and occupancy-tenants are entitled to receive leases at the rates determined in accordance with the law for the time being in force, or, where no rates have been so determined, at the rates actually paid by them when they demand such leases.

Leases to which other tenants are entitled.

27. All other tenants are entitled to leases only on such terms as may be agreed upon between them and the landholders.

Landholder granting lease entitled to reciprocal engagement.

28. Every landholder who grants a lease is entitled to receive a reciprocal engagement from the tenant, executed by the tenant, and conformable with the terms of the lease.

The tender to any tenant of a lease, such as he is entitled to receive, shall entitle the landholder to receive a reciprocal engagement from such tenant.

Lease for period exceeding term of landholder's engagement.

29. Notwithstanding anything contained in section 22, when any lease is granted, or any agreement is entered into, by any landholder under engagement with Government for his land, fixing the rent of land for any period exceeding the term of such engagement, and such term expires, such lease or agreement shall,

(*a*) when, on the expiration of such term, the revenue payable in respect of such land is enhanced—be voidable at the option of the landlord, unless the tenant agrees to pay such rent as a Settlement-officer or other person duly empowered in this behalf may, on the application of the landlord, determine to be fair and reasonable; and

(*b*) when such land-revenue is on the expiration of such term reduced—be voidable at the option of the tenant, unless the landlord agrees to accept such rent as a Settlement-officer or other person duly empowered in this behalf may, on the application of the tenant, determine to be fair and reasonable.

Resumption of rent-free grants.

30. (*a*) And whereas all grants (whether in writing or otherwise) for holding land exempt from the payment of rent which have been made since the first day of December, 1790, by any authority other than that of the Governor General in Council, were declared by Bengal Regulation XIX of 1793, section 10, to be null and void, and like provisions have been by divers Regulations applied to the several parts of the territories to which this Act extends, and the said Regulation XIX of 1793 also provided that no length of possession should be considered to give validity to any such grant, either with regard to the property in the soil or the rents of it, it is hereby further enacted as follows:—

Applications to resume.

(*b*) Applications by the proprietor to resume such grants or to assess rent on the land, shall be made to the Collector of the District or Assistant Collector, and, subject to rules to be made by the Local Government, shall be dealt with as other applications under this Act.

Validity of grants which grantor has expressly agreed not to resume.

(*c*) Grants of land held under a written instrument, by which the grantor expressly agrees that the grant shall not be resumed, shall be held valid as against him (but not as against his representatives after his death) during the continuance of the settlement of the district in which the land is situate, which is current at the date of the grant.

When rent-free tenure confers proprietary right.

(*d*) Where any land, having been for the fifty years next before the twenty-second day of December, 1873, held rent-free and by at least two successors to the original grantee, was so held on that day, such holding shall be deemed to have conferred on the holder a proprietary right.

(*e*) Nothing in the Indian Limitation Act, 1877, shall bar the right to make an application under this Act to assess to rent land held rent-free.

(*f*) Nothing in this section shall apply to either of the following cases:—

(1) Where land was, previously to the passing of the North-Western Provinces Rent Act, 1873, held rent-free under a judicial decision:

(2) Where, previously to the passing of that Act, land held rent-free had been purchased for a valuable consideration and resumption thereof had been barred under Act No. X of 1859, section 28, or under the Indian Limitation Act, 1871, schedule II, No. 130.

(*B*).—*Relinquishment and Ejectment.*

Relinquishment of land by tenant not holding under a lease.

31. Every tenant not holding under a lease shall continue liable for the rent of the land in his holding for the ensuing year, unless on or before the first day of May in any year he gives notice in writing to the landholder, or his recognized agent, of his desire to relinquish such land on the thirtieth day of June next ensuing, and relinquishes it accordingly; or unless it is let to any other person by such landholder or agent:

Proviso.

Provided that, whenever an order for the enhancement of the rent of any land held by any such tenant is passed and the tenant within fifteen days of the date of such order gives to the landholder or his recognized agent notice in writing of his desire to relinquish such land at the commencement of the period in respect of which such enhancement takes effect, and relinquishes such land accordingly, he shall not be liable for the rent payable for such land in respect of any period subsequent to such relinquishment.

Explanation.—No notice can be given under this section in respect of a portion only of any land held under the same lease or engagement.

Service through tahsíldár of notice of relinquishment.

32. If the landholder or his agent refuses to receive any notice under section 31, or if he receives it, but refuses to sign and deliver a receipt for the same, the tenant may, before the expiration of the period limited for giving such notice, make an application to the tahsíldár, who shall thereupon cause the notice to be served on such landholder or agent, the tenant paying the costs of service.

Mode of serving notice.

33. The notice shall, if practicable, be served personally on the landholder or his agent; but if the landholder or his agent cannot be found, or if he evades service of the notice, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the

land is situate, at the *chaupál*, or other conspicuous place in the village where the land is situate.

Where the delay in serving the notice is owing to the fault of the landholder or his agent, the notice shall be deemed to have been served at the first attempt to serve it.

33A. When any such notice has been received by or served on a landholder or his agent he may, within fifteen days from such receipt or service, apply to the Collector or Assistant Collector to have such notice declared invalid, and the Collector shall thereupon determine the question between the parties.

Application by landholder to set aside notice.

If the landholder or his agent does not so apply within such period of fifteen days, he shall be deemed to have accepted the notice.

34. (*a*). When an arrear of rent remains due from any tenant, he shall be liable to pay interest on such arrear at one per cent. per mensem; and if the arrear remains due on the thirtieth day of June, to be ejected from the land in respect of which the arrear is due.

Liability of tenant to pay interest on arrear and to be ejected.

(*b*). No tenant shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Bar to ejectment without decree.

(*c*). No ejectment of a tenant or forfeiture of a lease shall be decreed on account of any act or omission of the tenant—

Ejectment not to be decreed for certain acts or omissions.

(1) which is not detrimental to the land in his occupation, or inconsistent with the purpose for which the land was let, or

(2) which by law, custom, or special agreement does not involve the forfeiture of the lease.

Explanation.—In clauses (*a*) and (*b*) the word 'tenant' does not include a thékadár and a katkanadár.

35. If the landholder desires to eject a tenant at fixed rates, an ex-proprietary tenant, an occupancy-tenant or a tenant holding under an unexpired lease, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the expiration of the year, ending on the thirtieth day of June, in which such arrears accrued, apply to the Collector of the District or Assistant Collector to eject the tenant.

Ejectment of tenant at fixed rates, ex-proprietary, with right of occupancy, or holding under unexpired lease.

Such officer shall, on receiving such application cause a notice to be served on the tenant, stating the amount due under the decree, and informing him that if he does not pay such amount into Court within fifteen days from receipt of the notice, he will be ejected from his land.

If such amount be not so paid, the Collector of the District or Assistant Collector may eject the tenant.

36. If the landholder desires to eject a tenant not having a right of occupancy, or any other tenant holding only for a limited period, after the determination of his tenancy, he shall cause a written notice of ejectment to be served on such tenant under the provisions of this Act.

Service of notice on tenant for limited period.

37. The notice of ejectment shall be written in the vernacular language and character of the district:

Language and contents of notice.

it shall specify the land from which the tenant is to be ejected;

and it shall inform him that he must vacate such land; or that, if he means to contest the right to eject him, he must apply to the Collector of the District or Assistant Collector for that purpose.

38. The notice shall be issued and served through the office of the tahsíldár on application made to him between the first day of January and the first day of April in each year, and the landholder shall pay the cost of service: it shall be served personally on the tenant, if practicable; but if he cannot be found, service may be made by affixing the notice to his usual place of residence.

Mode of serving notice.

39. (*a*). The tenant, on whom such notice has been served, may, within thirty days next after the service, make an application to the Collector of the District or Assistant Collector, contesting his liability to be ejected.

Effect of failure of tenant to institute suit to contest liability to ejectment.

(*b*). When such an application is made, the Collector of the District or Assistant Collector shall proceed to determine the question between the parties.

(*c*). On the determination of such question adversely to the tenant, or, where no application under this section has been made within the said period of thirty days, on the expiration of such period, the tenancy of the land in respect of which the notice has been served shall cease:

Provided that when such question has been determined or such period has expired, as the case may be, before the first day of May next following the making of the application under section 38, the tenancy shall continue until and cease upon that day:

Provided also that the tenancy shall not cease under this section when after the service of the notice, the landholder authorises the tenant to continue in the occupation of the land.

40. If the landholder require assistance to eject the person whose tenancy is alleged to have ceased under the provisions of section 39, he may within fifteen days from the date of such cessation, apply to the Collector of the District or Assistant Collector for such assistance, and the Collector of the District or Assistant Collector shall order the ejectment of such tenant if he is satisfied—

Procedure to enforce ejectment.

(*a*) that the notice was duly served on such tenant under section 38;

(*b*) that he has not been authorized by the landholder to continue in occupation;

(*c*) that the tenant has not made the application mentioned in section 39, clause (*a*); or

(*d*) that if such application has been made, the question has been determined adversely to the tenant:

Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received if the lease be of the kind in which an advance has been made by the lease-

holder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance either in money or by the usufruct of the land. In all such cases the landholder must proceed by suit in the Civil Court.

41. If the landholder expressly authorise the tenant, on whom the notice of ejectment has been served, or against whom any proceedings in ejectment under section 40 have been taken, to remain in occupation of the land, and to prepare it for the harvest, the proceedings shall become void.

Notice of ejectment when void.

42. (*a*). Any tenant ejected in accordance with the provisions of this Act, shall be entitled to any growing crops or other ungathered products of the earth belonging to the tenant, and growing on the land at the time of his ejectment, and to use the land for the purpose of tending and gathering in such crops or other products, paying adequate rent therefor:

Rights of ejected tenant.

(*b*). Provided that, if the landholder desire to purchase such crops or other products, he may tender their price to the tenant; and thereupon the right of the tenant to such crops and other products, and to use the land for the purpose aforesaid, shall cease.

Effect of tender by landholder of payment for crops.

(*c*). In the case of a dispute under this section, the Collector of the District or Assistant Collector may, on the application of the landholder or tenant, award the rent and price so payable; and the amount of such award, or of any tender accepted under this section, shall be recoverable as an arrear of rent by suit under this Act.

Power to determine rent and price.

(*d*). The rent, if any, payable to the landholder by the tenant at the time of his ejectment may be set-off against the price of the said crops or other products.

Payment of rent.

43. (*a*). Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a like nature, requiring the presence both of the cultivator and landholder, either personally or by agent,

Application for officer to divide produce or appraise crop.

if either landholder or tenant, personally or by agent, neglect to attend at the proper time, or if there is a dispute as to the amount or value of the crop,

an application may be presented by either party to the Collector of the District or Assistant Collector, requesting that a proper officer be deputed to make the division, estimate or appraisement.

(*b*). On receiving such application, the Collector of the District or Assistant Collector shall issue a written notice to the opposite party or his agent, to attend on the date and at the time specified in the notice, and shall depute an officer before whom such division, estimate or appraisement shall be made.

Procedure on such application.

(*c*). If on or before the date appointed, the dispute has not been amicably adjusted, three residents of the village or neighbourhood shall be appointed assessors; one by each of the parties and one by the officer deputed to divide the grain or estimate or appraise the crops, and the officer deputed shall decide the amount of rent payable by their award, and shall give to the party applying a written authority to divide the grain or cut the crops:

(*d*). Provided that, if either party fail to attend, the officer deputed shall nominate an assessor on his behalf.

(*e*). The officer deputed shall report his proceedings to the Collector of the District or Assistant Collector, who shall determine the amount of costs properly incurred under this section, and the share of the costs to be paid by either party.

(*C*).—*Compensation for Improvements made by Tenants.*

44. If any tenant, or any person from whom he has inherited or purchased, make any such improvements on the land in his possession as are hereinafter mentioned, neither he nor his representative shall be ejected from the same land without payment of compensation for such improvements.

Tenants' right to compensation for improvements.

Explanation.—In this section the word "tenant" does not include a thékadár or a katkanadár and the word "improvements" means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

(*a*) tanks, wells and other works for the storage, supply or distribution of water for agricultural purposes,

(*b*) works for the drainage of land, or for the protection of land from floods or from erosion or other damage by water,

(*c*) the reclaiming, clearing, or enclosing of lands for agricultural purposes,

(*d*) the renewal or re-construction of any of the foregoing works, or alterations therein or additions thereto.

Notwithstanding anything hereinbefore contained, no tenant, other than a tenant at fixed rates or an occupancy-tenant, shall be entitled to compensation in respect of any improvement made without the consent of the landholder after this Act comes into force.

45. Such compensation may, at the option of the landholder or his representative, be made—

Mode of making compensation.

1*st*,—by payment in money;

2*nd*,—by a rent to be charged on the land;

3*rd*,—by the grant of a beneficial lease of the land, by the landholder or his representative, to the tenant or his representative;

4*th*,—partly by one or by any two of the said ways, and partly by the others or other of the same ways.

46. In case of difference as to the amount or value of the compensation tendered, either party may apply to the Collector of the District or Assistant Collector stating the matter in dispute, and requesting a determination thereof.

Settlement of difference as to amount or value of compensation.

On receiving such application, the Collector of the District or Assistant Collector shall—

(*a*) cause notice thereof to be served on the other party,

(*b*) take such evidence as the parties or either of them may adduce,

(*c*) make such further inquiry as the Collector of the District or Assistant Collector may deem necessary, and

(*d*) determine the amount of the payment in money, and the amount and incidence of the rent-charge, and the terms of the lease, or any of such matters.

Considerations in determining compensation.

47. In determining the amount or value mentioned in section 46, or the terms of such lease, the Collector of the District or Assistant Collector shall take into account any assistance given to the tenant by the landholder either directly in money, material or labour, for the purpose of making such improvements, or indirectly by allowing the tenant to hold at a favourable rate of rent.

(*D*).—*Compensation for wrongful acts and omissions.*

Right of tenant to compensation for exactions in excess of rent or for withholding receipt.

48. Every tenant from whom any sum is exacted in excess of the rent specified in his lease or payable under the provisions of this Act,

and every tenant from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the landholder compensation not exceeding double the amount so exacted or paid

Receipts for rent shall specify the period or crop on account of which the rent is acknowledged to have been paid;

Contents of receipt.

and any refusal to make such specification shall be held to be a withholding of a receipt.

Explanation.—In this section the word "tenant" does not include a thékadár or a katkanadár.

Damages for extorting payment of rent by duress.

49. If payment of rent, whether the same be legally due or not, is extorted from any tenant by illegal confinement or other duress, he shall be entitled to recover from the person guilty of such extortion such further compensation, not exceeding the sum of two hundred rupees, as the Collector of the District or Assistant Collector thinks reasonable.

Liability to punishment for extortion not affected.

An award of compensation under this section shall not bar or affect any penalty or punishment to which the person guilty of such extortion may be subject under the Indian Penal Code.

(*E*).—*Deposit of Rent in Court.*

Deposit of amount tendered by tenant and refused.

50. If any tenant tenders to the landholder full payment of the rent due from him, and if the amount so tendered be not accepted, and a receipt for the amount forthwith granted, the tenant may thereupon apply to the Collector of the District or Assistant Collector for leave to deposit such amount in his Court to the credit of the landholder.

Form and verification of application.

51. The application to the Collector of the District or Assistant Collector shall be as nearly as may be in the form (A) in the first schedule hereto annexed, and shall be verified in the manner hereinafter prescribed for the verification of plaints.

And the person making the verification shall be punishable, if the application contain any averment which he knows or believes to be false, or does not know or believe to be true.

Penalty for false statement.

Notice to issue on deposit being made.

52. The Collector of the District or Assistant Collector shall receive the amount which the tenant desires to deposit, and shall thereupon issue to the person to whose credit it has so been deposited, a notice in English or the vernacular language of the district in the form (B) in the first schedule hereto annexed, or to the like effect.

And such deposit shall, in all questions between the landholder and the tenant, be deemed to be a payment made by the tenant to the landholder on account of the rent.

Mode of serving notice.

53. Such notice shall be served through the tahsíldár upon the person to whom it is addressed, or upon his recognized agent.

In their absence, the notice shall be affixed at the *chaupál*, or other conspicuous place in the village in which the land for which the rent is due is situate.

Payment to person served with notice on his application.

54. If at any time before the expiration of three years from the date of the deposit the person on whom such notice is served, or his recognized agent, appears, and applies that the money in deposit be paid to him, it shall be paid accordingly, unless it has been repaid or paid in accordance with the provisions next hereinafter contained.

Refund to depositor.

55. If no application be made by such person or his recognized agent, the sum shall be repaid to the depositor on the expiration of three years from the date of the deposit.

And at any time before the expiration of such period, on the joint application of the depositor and the person to whose credit the said sum was deposited, such sum shall be paid in such manner as the joint applicants desire.

Deposit in Court of rent claimed by two or more persons.

55A. When, owing to the death of the landlord or other cause, two or more persons severally claim the right to collect the rent from a tenant, the tenant may apply to the Collector of the District or the Assistant Collector for leave to deposit in Court the full amount of rent due from him, and such deposit, if made with the leave of the Collector or Assistant Collector, shall, in all questions between the landholder and the tenant, be deemed to be a payment made by the tenant to the landholder on account of the rent.

The Collector of the District or Assistant Collector may, after such enquiry as he thinks necessary, direct payment of the amount deposited to such one of the persons claiming such rent as appears to him entitled to receive the same, or may order the same to remain in deposit pending decision by a competent Court.

No suit shall lie against the Secretary of State for India in Council or against any officer of Government in respect of any payment made under this section, but nothing herein contained shall affect the right of any person entitled to such

payment to recover the amount thereof from any other person to whom it has been paid.

CHAPTER III.

DISTRESS.

Produce of land hypothecated for rent.

56. The produce of all land in the occupation of a cultivator shall be deemed to be hypothecated for the rent payable in respect of such land; and until such rent has been satisfied, no other claim on such produce shall be enforced by sale in execution of decree or otherwise;

Recovery of arrears by distress.

and when an arrear of rent is due from any cultivator, the person entitled to receive rent immediately from him may, instead of suing for the arrear as hereinafter provided, recover the same by distress and sale of the produce of the land in respect of which the arrear is due, under the rules contained in this chapter.

Distress of produce barred by security given for rent.

57. Provided—

(*a*) that when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given shall not be liable to be distrained:

Sharer when entitled to distrain.

(*b*) that no sharer in any mahál shall have power to distrain upon any cultivator unless he is entitled to collect the whole rent from such cultivator:

Distress by manager.

(*c*) that no sharer in a joint undivided mahál shall exercise such power otherwise than through a manager authorized to collect the rents of the whole mahál on behalf of all the sharers therein:

Distress in pattídári mahál.

(*d*) that in pattídári mahals distress shall be made only through a lambardár, or, where the rent of a patti is not collected by a lambardár, through the pattídár who is entitled to collect the rent.

No distress for overdue arrear, nor, without agreement, for excess over past year's rent.

58. A distress shall not be made for any arrear which has been due in respect of any land for a longer period than one year:

nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless the rent has been enhanced under the provisions hereinbefore contained, or by order of a Settlement-officer, or unless the cultivator has agreed to pay such excess and such agreement has been attested before the kánúngo.

Distress by managers under Court of Wards, &c.

59. The power to distrain conferred by sections 56 and 57 may be exercised by managers under the Court of Wards and other persons lawfully entrusted with the charge of immoveable property;

and also by the agents employed by such persons as aforesaid, in the collection of rent, if expressly authorized by power-of-attorney in that behalf:

Liability for illegal act.

If any wrongful act is committed by any such agent, under colour of the exercise of the said power, such agent and his principal shall be jointly and severally liable to make compensation for such act.

Written authority to servants employed to distrain.

60. When any person, empowered to distrain property under section 56, section 57 or section 59, employs a servant or other person to make the distress, he shall give him a written authority for the same, and the distress shall be made in the name of the person giving such authority.

Standing crops and crops gathered liable to distress.

61. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with power to distrain under the provisions of this Act.

Exception.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to be distrained under this Act.

Defaulter to be served with written demand and account.

62. Before or at the time when a distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Mode of service.

The demand and account shall, if practicable, be served personally on the defaulter; or, if he abscond or conceal himself, so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to arrear.

List of property to be prepared and copy served on owner.

63. Unless the amount of the demand is sooner immediately paid or satisfied, the distrainer may distrain property as aforesaid equal in value, as nearly as may be, to the amount of the arrear and the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or, if he be absent, affix it at his usual place of residence.

Standing crops, &c., when distrained, may be reaped and stored.

64(*a*). Standing crops and other ungathered products may, notwithstanding the distress, be reaped and gathered by the cultivator, and he may store the same in such granaries or other places as are commonly used by him for the purpose.

(*b*). If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

(*c*). In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose.

Sale of products which cannot be stored.

(*d*). Crops or products which, from their nature, do not admit of being stored, may be sold before they are reaped or gathered, under the rules hereinafter provided; but in such case, the distress shall be made at least twenty days before the time when the crops, or products, or any part of the same are fit for reaping or gathering.

65. If a distrainer is opposed, or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Collector of the District or Assistant Collector, who may, if he thinks necessary, depute an officer to assist the distrainer in making the distress.

Assistance to distrainer opposed or apprehending resistance.

66. If at any time after property has been distrained and before the day fixed for putting it up to sale as hereinafter provided, the owner of the property tenders payment of the arrear demanded of him, and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn on tender of arrear and expenses before sale.

67. Within five days from the time of the storing of any distrained crops or products,

Application for sale.

or, if the crops or products do not, from their nature admit of being stored, within five days from the time of making the distress,

the distrainer shall apply for sale of the same to the officer for the time being authorized by the Local Government to sell distrained property within the tahsíl in which they are situate.

68. The application shall be in writing, and shall contain—

Contents of application.

(*a*) an inventory or description of the property distrained,

(*b*) the name of the defaulter and his place of residence,

(*c*) the amount due, and the date of the distress, and

(*d*) the place in which the distrained property is.

Together with the application, the distrainer shall deliver to the said officer the fee for the service of a notice upon the defaulter as hereinafter provided.

Fee for service of notice.

69. Immediately on receipt of the application, the said officer shall send a copy of it to the Collector of the District or Assistant Collector,

Procedure on receipt of application.

and shall serve a notice in the form (C) contained in the first schedule hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before the Collector of the District or Assistant Collector, within the period of fifteen days from the receipt of the notice.

He shall at the same time send to the Collector of the District or Assistant Collector, for the purpose of being put up in his office and in the office of the tahsíldár, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain—

(*a*) a description of the property,

and shall specify—

(*b*) the demand for which it is to be sold, and

(*c*) the place where the sale is to be held.

70. If a suit is instituted before the Collector of the District or Assistant Collector in pursuance of the aforesaid notice, the Collector of the District or Assistant Collector shall send to the officer referred to in section 67, or, if so requested, shall deliver to the owner of the distrained property, a certificate of the institution of such suit;

Suspension of sale on receipt of Collector's certificate of institution of suit.

and on such certificate being received by, or presented to, the said officer, he shall suspend the sale.

71. A person whose property has been distrained in manner hereinbefore provided may, immediately after the distress, and before the issue of notice of sale, institute a suit to contest the demand of the distrainer.

Suit to contest distrainer's demand before issue of notice of sale.

When such suit is instituted, the Collector of the District or Assistant Collector shall proceed in the manner prescribed in the last preceding section.

If, thereafter, application for the sale of the property is made to the said officer, he shall send a copy of the application to the Collector of the District or Assistant Collector, and suspend further proceedings, pending the decision of the case.

72. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with a surety, binding himself to pay whatever sum may be adjudged to be due from him, with interest and costs of suit;

Distress when to be withdrawn.

and when such bond is executed, the Collector of the District or Assistant Collector shall give to the owner of the property a certificate to that effect, and, if so requested, shall serve the distrainer with notice of the same;

and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Collector of the District or Assistant Collector, the property shall be released from distress.

73. If the institution of a suit to contest the demand of the distrainer has not been certified, in manner hereinbefore provided, to the said officer, on or before the day fixed in the proclamation of sale, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, in manner hereinafter mentioned, to sell the property or such part of it as may be necessary to satisfy the demand with the costs of distress and sale.

When sale may be proceeded with.

74. The sale shall be held at the place where the distrained property is, or at the nearest place of public resort, if the said officer is of opinion that it is likely to sell there to better advantage.

Place of sale.

The property shall be sold by public auction, in one or more lots, as the officer holding the sale may think advisable;

Manner of sale.

and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Withdrawal of distress when demand and costs satisfied.

75. If, on the property being put up for sale, a fair price (in the estimation of the officer holding the sale) be not offered for it, and if the owner of the property, or some person authorized to act on his behalf, apply to have the sale postponed until the next day, or, if a market be held at the place of sale, the next market-day, the sale shall be postponed until such day and shall be then completed whatever price may be offered for the property.

If fair price be not offered, sale may be postponed and shall be then completed.

76. The price of every lot shall be paid for in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks necessary;

Payment of purchase-money.

and, in default of such payment, the property shall be put up again and sold, and the deficiency in price (if any) which may happen on such second sale and all expenses attending such second sale shall, at the instance either of the distrainer or the owner of the property, be recoverable from the defaulter under the rules hereinafter contained for the execution of a decree for rent.

Re-sale on default.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Certificate to purchaser.

77. From the proceeds of every sale of distrained property under this Act, the officer holding the sale shall make a deduction at the rate of one anna in the rupee on account of the costs of the sale, and shall send the amount so deducted to the Collector of the District or Assistant Collector.

Deduction, from proceeds, of costs of sale.

He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress, and of the issue of the notice and proclamation of sale prescribed in section 69, to such amount as, after examining the statement of expenses furnished by the distrainer, he thinks proper to allow.

Payment of distrainer's expenses.

The remainder shall be applied to the discharge of the arrear for which the distress was made, with interest thereon up to the day of sale;

Discharge of arrear with interest.

and the surplus (if any) shall be delivered to the person whose property has been sold.

Surplus.

78. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

Sale-officers and employés prohibited from purchasing.

79. Officers holding sales under this Chapter are required to bring to the notice of the Collector of the District or Assistant Collector any material irregularities committed by distrainers under colour of this Act;

Report of irregularities by distrainer.

and if, in any case, on proceeding to hold any such sale, the officer holding it find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector of the District or Assistant Collector, who shall thereupon direct the issue of another notice and proclamation of sale under section 69, or pass such other order as he thinks fit.

Postponement of sale, and report to Collector when owner has not received due notice.

Order of Collector.

80. When an officer goes to any place for the purpose of holding a sale under this Act, and no sale takes place, either for the reason stated in section 79, or because the demand of the distrainer has been previously satisfied without any intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property.

Levy of charge when sale-officer attends, and no sale takes place.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary.

Recovery from owner.

In every other case it shall be paid by the distrainer, and may be recovered by attachment and sale of his property under the warrant of the Collector of the District or Assistant Collector:

Recovery from distrainer.

Provided that in no case shall a larger amount than ten rupees be recoverable under this section.

Limit to charge.

81. When a suit has been instituted to contest the demand of a distrainer, and the distrained property has not been released on security, if the demand or any portion of it is adjudged to be due, the Collector of the District or Assistant Collector shall issue an order to the officer authorizing the sale of such property;

Order of sale when amount adjudged due.

and, on the application of the distrainer within five days from the receipt of such order by the officer, such officer shall publish a second proclamation in the manner prescribed in section 69, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation;

Second proclamation of sale.

and, unless the amount adjudged to be due with the costs of distress be paid, shall proceed to sell the property in the manner hereinbefore provided.

Sale on failure to pay debt and costs.

82. (*a*) In all suits instituted to contest the distrainer's demand, he shall be required to prove the arrear in the same manner as if he had himself brought a suit for the amount under the provisions hereinafter contained.

In suit to contest his demand, distrainer to prove arrear.

(*b*) If the demand or any part thereof is found to be due, the Collector of the District or Assistant Collector shall make a decree for the amount in favour of the distrainer, and such amount may be recovered by sale of the property, as provided in the last preceding section, if the distress has not been withdrawn;

Recovery of amount decreed in favour of distrainer.

and, if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter,

or if the property have been released on security, by execution of the decree against the person and property of the defaulter and of his surety.

Compensation in case of vexatious distress.

(*c*) If the distress is adjudged to be vexatious or groundless, the Collector of the District or Assistant Collector, besides directing the release of the distrained property, may award such compensation to the plaintiff as the circumstances of the case require.

Suit by person claiming property distrained for arrears alleged to be due from another.

83. (*a*) If any person claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person, to try the right to the property, in the same manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Release of property on security being given.

(*b*) When any such suit is instituted, the property may be released upon security being given for the value of the same.

Order of Collector when claim dismissed.

(*c*) If the claim is dismissed, the Collector of the District or Assistant Collector shall make an order for the sale of the property, or for the recovery of the value thereof, as the case may be, for the benefit of the distrainer.

Decree for release and compensation when claim upheld.

(*d*) If the claim is upheld, the Collector of the District or Assistant Collector shall decree the release of the distrained property with costs, and such compensation (if any) as the circumstances of the case require:

Saving of prior claim of person entitled to rent of land.

(*e*) Provided that no claim to any produce of land liable to distress under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any civil Court prevail against such prior claim.

Procedure where right to distrain is claimed by person other than distrainer.

84. If, in any case in which property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, the right to distrain for such arrears is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the time of the commencement of the suit shall be enquired into, and in deciding the suit the result of such inquiry shall be taken into consideration:

Saving of right to sue in civil Court.

Provided that the decision of the Collector of the District or Assistant Collector shall not affect the right of any person who may have a legal title to the rent of the land to establish his right by suit in the civil Court if instituted within one year from the date of the decision.

Persons prevented from suing in time to save property from sale may sue for damages.

85. If any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by section 69 or 83, and his property is in consequence sold, he may, nevertheless, institute a suit under this Act to recover compensation for such distress and sale.

Wrongful acts of distrainer.

86. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when it is required to be withdrawn by any provision of this Act,

the owner of the property may institute a suit under this Act to recover compensation for any injury which he has thereby sustained through any act or omission mentioned in the former part of this section.

Suit by owner against person distraining or selling without authority.

87. If any person not empowered to distrain property under section 56, 57 or 59, nor employed for the purpose under a written authority by a person so empowered, fraudulently distrains or sells, or causes to be sold, any property under colour of this Act, the owner of the property so distrained or sold may institute a suit under this Act to recover compensation from such person for any injury which the plaintiff has sustained from the distress or sale,

Penalty in addition to damages.

and the defendant shall be held to have committed criminal trespass, and shall be subject to the penalties provided for that offence by the Indian Penal Code, in addition to any damages which may be awarded against him in such suit.

Limitation of suits under sections 85, 86, 87.

88. Provided that every suit instituted under any of the three last preceding sections shall be commenced within the period allowed by section 94.

Procedure in case of resistance of distress.

89. (*a*) If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Collector of the District or Assistant Collector in charge of the Sub-division, upon complaint being made within fifteen days from the date of such resistance or removal, may cause the person accused to be arrested and brought with all convenient speed before the Collector or Assistant Collector, who shall, if possible, proceed forthwith to try the case.

(*b*) If the case cannot be at once heard, the Collector of the District or Assistant Collector may, if he think fit, require the party arrested to give

security for his person, and, in default of such security, may commit him to the civil jail until the case is tried,

and if the offence be proved and the offender be the owner of the property concerned, the Collector of the District or Assistant Collector may order him to be imprisoned in the civil jail for a term not exceeding six months, unless the whole arrear due to the distrainer, with all reasonable expenses and costs, is previously to the expiration of such term paid or levied under warrant of the Collector of the District or Assistant Collector by distress and sale of the property of the offender.

(*c*) If the offender be not the owner of the property concerned, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred rupees, or, in default of payment thereof, to imprisonment in the civil jail for a term which may extend to two months.

Proceedings of officers subject to revision and orders of Collector.

90. All proceedings of officers distraining, or assisting distrainers, or holding sales, under this chapter, shall be subject to the revision and orders of the Collector of the District or Assistant Collector in charge of a Sub-division of the District.

CHAPTER IV.

PROCESS.

Mode of serving process.

91. (*a*) Every process issued by a Collector of a District or Assistant Collector under this Act shall be under his seal and signature, and shall be served or executed by the Názir, or by such other officer as the Collector of the District or the Assistant Collector may direct, at the cost of the party at whose instance it is issued.

Deposit before issue.

(*b*) The amount of such cost, and, in the case of summons to a witness, the sum required for his travelling expenses, shall be deposited in Court before the process is issued:

Power to direct service gratis.

(*c*) Provided that, if in any case the Collector of the District or the Assistant Collector is satisfied that a party is unable to pay the cost of any necessary process, he may direct such process to be served free of charge.

Punishment for resisting process.

92. Any resistance or opposition to the lawful process of a Collector of the District or Assistant Collector under this Act may be punished by him according to the provisions of the law for the time being in force for the punishment of resistance or opposition to the processes of the Courts of civil justice.

Power to issue summons and warrant.

When, in any such case, the offender is not present, the Collector of the District or Assistant Collector may summon him to answer to the charge: and, if after due service of the summons he fails to attend, may issue a warrant for his arrest.

CHAPTER V.

JURISDICTION OF COURTS.

Suits cognizable by Revenue Courts only.

93. Except in the way of appeal as hereinafter provided, no Courts other than Courts of Revenue shall take cognizance of any dispute or matter in which any suit of the nature mentioned in this section might be brought, and such suits shall be heard and determined in the said Courts of Revenue in the manner provided in this Act, and not otherwise:

(*a*) suits for arrears of rent, or, where rent is payable in kind, for the money-equivalent of rent, on account of land or on account of any rights of pasturage, forest-rights, fisheries or the like;

(*b*) suits to eject a tenant for any act or omission detrimental to the land in his occupation or inconsistent with the purpose for which the land was let;

(*c*) suits to cancel a lease for the breach of any condition binding on the tenant, and which, by law, custom or special agreement, involves the forfeiture of the lease;

(*cc*) suits for compensation for or to prohibit, any act, omission or breach mentioned in clause (*b*) or clause (*c*);

(*d*) suits for the recovery of any over-payment of rent, or for compensation under section 48 or 49;

(*e*) suits for compensation for withholding receipt for rent paid;

(*f*) suits for contesting the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in the exercise of the said power, or for compensation for wrongful acts or omissions of a distrainer;

(*g*) suits by lambardárs for arrears of Government-revenue, payable through them by the co-sharers whom they represent, and for village-expenses and other dues for which the co-sharers may be responsible to the lambardár;

(*h*) suits by recorded co-sharers for their recorded share of the profits of a mahál, or any part thereof, after payment of the Government-revenue and village-expenses, or for a settlement of accounts;

(*i*) suits by muáfidárs, or assignees of the Government-revenue, for arrears of revenue due to them as such;

(*j*) suits by taluqdárs and other superior proprietors for arrears of revenue due to them as such;

(*k*) suits by recorded co-sharers to recover from a recorded co-sharer who defaults arrears of revenue paid by them on his account.

Limitation of suits under this Act.

94. Suits for arrears of rent or revenue, or for a share of the profits of a mahál, or of village-expenses or other dues, shall not be brought after three years from the day on which the arrears or share became due.

Suits relating to distress, not being suits to contest the demand or to try the right to the property, shall not be brought after three months from the day on which the right to sue accrued:

All other suits must be brought within one year from the day on which the right to sue accrues, unless otherwise specially provided for in this Act.

The day on which the arrears become due or the day on which the right to sue accrues (as the case may be) shall be excluded in computing the periods of limitation prescribed by this section.

In the absence of any express agreement among the co-sharers and of any order by the Settlement-officer under the North-Western Provinces Land-revenue Act, 1873, section 65, clause (*g*), the

Board may from time to time, with the previous sanction of the Local Government, make rules for fixing the dates on which profits shall be divisible by the lambardárs.

95. No Courts other than Courts of revenue shall take cognizance of any dispute or matter on which any application of the nature mentioned in this section might be made: and such applications shall be heard and determined in the said Courts in manner provided under this Act, and not otherwise:—

Applications cognizable by revenue Courts only.

(*a*) Application to determine the nature and class of a tenant's tenure, under section 10.

(*b*) Application by a landholder, or his agent, to compel a patwárí to produce his accounts relating to land.

(*c*) Application to resume rent-free grants under section 30, or to assess to rent land previously held rent-free.

(*d*) Application from a landholder to eject a tenant under section 35, or to have a notice of ejectment issued and served under section 38.

(*e*) Applications made by a tenant under section 39.

(*f*) Application from a landholder, under section 40, for assistance to eject a tenant.

(*g*) Application from a tenant or landholder to determine the value of any standing crop, or ungathered products of the earth, belonging to the tenant and being on the land at the time of his ejectment, under section 42.

(*h*) Application by a landholder to determine rent payable for land used by a tenant for the purpose of tending or gathering in the crop, under section 42.

(*i*) Application by a landholder or tenant for assistance in the division or appraisement of a standing crop, under section 43.

(*j*) Application by a landholder or tenant to determine compensation for improvements of land.

(*k*) Application by a tenant for leave to deposit rent.

(*l*) Application for enhancement or determination of rent.

(*m*) Application for compensation for wrongful dispossession.

(*n*) Application for the recovery of the occupancy of any land of which a tenant has been wrongfully dispossessed.

(*o*) Application for abatement of rent.

(*p*) Application for leases or counterparts, and for the determination of the rates of rent at which such leases or counterparts are to be delivered.

(*q*) Application under section 7 to have the holding of an ex-proprietary tenant divided off.

(*r*) Application under section 22 A to survey land.

(*s*) Application under section 33 A to have a notice of relinquishment declared invalid.

(*t*) Application to take out of deposit any amount deposited under section 55 A.

For the purposes of the Court-fees Act, 1870, applications under clauses (*c*), (*l*), (*m*), (*n*), (*o*) and (*p*) of this section shall be deemed to be plaints in suits.

95A. When any order has been made on an application under this Act, no process for the execution of such order shall be issued on an application made after the lapse of one year from the date of such order, except when special provision is otherwise made in this Act.

Limitation of process of execution on applications.

96. (*a*) All applications under section 95 shall be made in the district in which the land, crops or products referred to is or are situate.

Points of procedure relating to applications under section 95.

(*b*) All orders passed on applications under section 95 shall be proved in the same manner, and when proved shall have the same effect, as if they were judgments of the civil Courts.

(*c*) In cases wherein a specific sum of money is adjudged to be due, or any costs or damages are awarded, all such orders may be executed by any process in use for the recovery of an arrear of revenue or rent.

(*d*) In cases wherein possession of immoveable property is adjudged, the officer making the award may deliver over possession in the same manner, and with the same power, in regard to contempts, resistance and the like, as may be lawfully exercised by the civil Courts in execution of their own decrees.

(*e*) Applications under clauses (*m*) and (*n*) of section 95 shall not be brought after six months from the date of the wrongful dispossession.

96A. All suits and applications under this Act may, with the consent of the parties, be referred to arbitration under section 220 to section 231 (both inclusive) of the North-Western Provinces Land-revenue Act, 1873.

Reference to arbitration.

97. The Local Government may invest any officer with the powers of an Assistant Collector of the first or second class under this Act, and may at any time withdraw such powers.

Power to invest officers with Assistant Collector's powers, and withdraw them.

98. Assistant Collectors of either class shall have, as such, power to try suits and applications of the following descriptions:—

Suits and applications cognizable by Assistant Collectors.

(*a*) suits for arrears of rent or the money equivalent of rent on account of land, or on account of any rights of pasturage, forest rights, fisheries or the like;

(*b*) suits for compensation for withholding receipts for rent paid, under section 48;

(*c*) suits to contest the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in exercise of the said powers, or for compensation for wrongful acts or omissions of a distrainer;

(*d*) suits by lambardárs for arrears of Government-revenue, payable through them by the co-sharers whom they represent, and for village-expenses and other dues, for which the co-sharers may be responsible to the lambardár;

(*e*) suits by muáfídárs or assignees of the Government-revenue for arrears of revenue due to them as such;

(*f*) suits by taluqdárs or other superior proprietors for arrears of revenue due to them as such;

(*g*) applications by a landholder, or by an agent employed by a landholder, to compel the production of accounts by patwárís;

(*h*) applications by a tenant or landholder to determine the value of any standing crops or ungathered products of the earth, and being on the land at the time of his ejectment, under section 42;

(*i*) applications by a landholder to determine the amount of rent payable by a tenant using land for the purpose of tending or gathering in crops, under section 42;

(*j*) applications by a landholder or a tenant for assistance in the division or appraisement of standing crops, under section 43;

(*k*) applications by tenants for leave to deposit rent;

(*l*) suits under section 93, clause (*k*), to recover arrears of revenue.

(*m*) applications under section 22 A to survey land.

99. Assistant Collectors of the first class, in addition to the suits and applications specified in section 98, shall have power to try suits and applications of the following descriptions:—

Additional suits and applications triable by Assistant Collectors, first class.

(*a*) suits to eject a tenant for any act or omission detrimental to the land in his occupation, or inconsistent with the purpose for which the land was let;

(*b*) suits to cancel a lease for any breach of any condition binding on the tenant;

(*bb*) suits for compensation for, or to prohibit, any act, omission or breach mentioned in clause (*a*) or clause (*b*);

(*c*) suits for the recovery of any over-payment of rent or for compensation, under section 48 or section 49;

(*d*) suits by co-sharers for their shares of the profits of a mahál or any part thereof, after payment of the Government-revenue and village-expenses, or for a settlement of accounts;

(*e*) applications by a landholder to eject a tenant, under section 35;

(*f*) applications under section 39 by a tenant contesting notice of ejectment;

(*g*) applications by a landholder under section 40, for assistance to eject a tenant, on whom notice of ejectment has been served;

(*h*) applications for compensation for wrongful dispossession;

(*i*) applications by a landholder or tenant to determine the amount to be paid as compensation for improvements;

(*j*) applications to recover the occupancy of any land from which a tenant has been wrongfully dispossessed by the landholder;

(*k*) applications under section 30 for the resumption of rent-free grants or for the assessment to rent of land hitherto held rent-free;

(*l*) applications under section 7 to have the holding of an ex-proprietary tenant divided off;

(*m*) applications under section 33 A to have a notice of relinquishment declared invalid;

(*n*) applications to take out of deposit amounts deposited under section 55 A.

100. In addition to the powers specified in sections 98 and 99, an Assistant Collector of the first class, specially empowered by Government in this behalf, shall have power to try the following applications:

Additional applications triable by Assistant Collector, first class, with special powers.

(*a*) applications for enhancement or determination of rent;

(*b*) applications for abatement of rent;

(*c*) applications for leases or counterparts, and the determination of the rates of rent at which such leases or counterparts are to be delivered;

(*d*) applications to determine the nature or class of a tenant's tenure.

101. The Collector of the District, or any Assistant Collector in charge of a sub-division of a district, may make over any case, or class of cases, for inquiry and decision, from his own file, to any of his subordinates competent to deal with such case or class of cases under the provisions of this Act.

Power to make over cases.

102. Collectors of Districts, and Assistant Collectors in charge of sub-divisions of districts, may, respectively, withdraw any case or class of cases from any officers subordinate to them, and may deal with such case or class of cases themselves, or refer it for disposal to any other such Revenue-officer competent to deal with the same under the provisions of this Act.

Power to withdraw cases.

103. The Collector of the District may exercise—

Powers exerciseable by Collector of District.

(*a*) all powers given by this Act to Collectors of Districts,

(*b*) all powers which by this Act are conferred, or can be conferred, on Assistant Collectors.

The Local Government may invest any officer in charge of a sub-division of a district with all or any of the powers conferred by this Act on a Collector of a District.

Investment of officer in charge of sub-division with powers of Collector of District.

In conferring powers under this Act, the Local Government may empower persons specially by name, or classes of officials generally by their official titles.

Mode of conferring powers.

CHAPTER VI.

PROCEDURE IN SUITS UP TO JUDGMENT.

104. Suits under this Act shall be instituted in the district in which the subject of the suit, or some part thereof, is situate,

Place of instituting suits.

and all such suits shall be commenced by presenting to the Court a plaint, which shall contain—

Plaint.

(*a*) the name, description and place of abode of the plaintiff;

(*b*) the name, description and place of abode of the defendant, so far as they can be ascertained;

(*c*) the subject-matter of the claim, and its amount or value computed according to the Court-fees Act, 1870; and

(*d*) the date on which the right to sue accrued.

105. For the purpose of suing or being sued under this Act, the managers of mahals, whether held under the Court of Wards or under direct management, shall be deemed to be landholders.

Managers of mahals to be, for purpose of litigation, deemed landholders.

106. No co-sharer in an undivided property shall, in that character, be entitled separately to sue a tenant under this Act, unless he is authorized to receive from such tenant the whole of the rent payable by such tenant; but nothing in this section shall affect any local custom or any special contract.

Suits by co-sharers in undivided property.

107. The plaint shall be presented by the plaintiff, or by an agent duly authorized on his behalf, who has personal knowledge of the facts of the case, or by an agent accompanied by a person who has such knowledge.

Plaint by whom presented.

The plaint shall be subscribed and verified at the foot by the plaintiff or his agent in the manner following, or to the like effect:—

Verification of plaint.

"I, *A. B.*, the plaintiff named in the above plaint, do declare that what is stated therein is true to the best of my knowledge and belief."

If the plaint contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be punishable according to the law for the punishment of giving or fabricating false evidence.

False averment.

108. If the plaintiff rely in support of his claim on any document in his possession, he shall deliver the same to the Court at the time of presenting his plaint.

Document relied on by plaintiff to be presented with plaint.

Unless such document be so delivered, or its non-production be sufficiently excused, or unless the Court see fit to extend the time for producing the same, it shall not afterwards be admitted.

Admission afterwards.

109. If the plaintiff require the production of any document in the possession or power of the defendant, he may, at the time of presenting his plaint, deliver to the Court a description of the document, in order that the defendant may be required to produce the same.

Procuring production of document in possession of defendant.

110. If the suit be for the recovery of an arrear of rent or revenue, or of a share of profits or village-expenses, or other dues under section 93, the plaint shall specify the name of the village and estate, and of the pargana or other local division in which the land is situate:

Plaint in suits for arrears of rent.

and, if the suit be for an arrear of rent alleged to be due from any tenant, the plaint shall also specify the quantity of land, and (where fields have been numbered in a Government-survey) the number of each field, and yearly rent of the land; the amount (if any) received on account of the year for which the claim is made; and in all cases coming under this section the plaint shall specify the amount in arrear, and the time in respect of which it is alleged to be due.

111. If the suit be for the ejectment of a tenant from any land, the plaint shall describe (as circumstances may require) the extent, situation and designation of the land; and, if necessary for its identification, shall set forth its boundaries.

Plaint in suits for ejectment.

112. If the plaint do not contain the several particulars hereinbefore required to be specified therein, or be not subscribed and verified as hereinbefore required, the Court may, at its discretion, return it to the plaintiff, or allow it to be amended.

Return or amendment of plaint.

112A. The Court may, on or before the first hearing upon the application of either party, and on such terms as the Court thinks just, order that the name of any party, whether plaintiff or defendant, improperly joined, be struck out;

Court may dismiss or add parties.

and the Court may at any time, either upon or without such application, and on such terms as the Court thinks just, order that any plaintiff be made a defendant, or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

No person shall be added as a plaintiff without his own consent thereto.

Consent of person added as plaintiff.

All parties whose names are so added as defendants shall be served with a summons in manner hereinafter mentioned, and the proceedings as against them shall be deemed to have begun only on the service of such summons:

Defendants added to be served.

Provided that, when a defendant dies and the suit is continued against his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted against the deceased defendant.

112B. Where a defendant is added, the plaint, if previously filed, shall, unless the Court directs otherwise, be amended in such manner as may be necessary, and an amended copy of the summons shall be served on the new defendant and the original defendants.

When defendant added, plaintiff to amend.

112C. All objections for want of parties, or for joinder of parties who have no interest in the suit, or for mis-joinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing, and any such objection not so taken shall be deemed to have been waived by the defendant.

Time for taking objections as to non-joinder or mis-joinder of parties.

112D. If the plaint be admitted, the plaintiff shall present as many copies on plain paper of the plaint as there are defendants, unless the Court, by reason of the length of the plaint, or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief or remedy required in the suit, in which case he shall present such statements.

Procedure on admitting plaint.

Concise statements.

113. If the plaint be in proper form, the Court, except as otherwise hereinafter specially provided, shall direct the issue of a summons to the defendant,

Issue of summons.

and if the plaintiff require the personal attendance of the defendant, and satisfy the Court that such attendance is necessary, or the Court of its own accord require such attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons.

Order for personal attendance or appearance by agent.

If the plaintiff or the Court does not require the personal attendance of the defendant, the summons shall order the defendant to appear either personally or by an agent duly authorized on his behalf, who has personal knowledge of the subject, or is accompanied by a person who has such personal knowledge.

114. The day to be specified in the summons shall be fixed with reference to the state of the file and the distance that the defendant may be or be supposed to be at the time from the place where the Court is held,

Fixing of day to be specified in the summons.

and the summons shall order the defendant to produce any document in his possession or power of which the plaintiff demands inspection, or upon which the defendant relies in support of his defence.

Order to produce documents.

It shall also direct him to bring with him his witnesses, if they are willing to attend without issue of process,

Order to bring witnesses.

and it shall be in the form (D) contained in the first schedule hereto annexed, or to the like effect.

Form of summons.

It shall be accompanied with one of the copies or concise statements mentioned in section 112 D.

Copy or statement annexed to summons.

115. The summons shall be served by delivering a copy thereof to the defendant personally when practicable;

Mode of serving summons.

or, if the copy cannot be delivered to the defendant personally, by affixing copy of the summons to some conspicuous part of his usual residence, and also affixing a copy of the same in the Court.

116. If the summons be served by delivering a copy to the defendant personally, the Názir shall endorse on the summons the fact of such service.

Endorsement on summons.

If personal service be not effected, the Názir shall endorse on the summons the reason of not serving it personally, and how it has been served.

117. If the usual residence of the defendant be in another district, the summons shall be sent by the public post to the Collector of such district, who shall issue the summons, and return the same, after service, with the prescribed endorsement, to the officer by whom it was transmitted to him.

Service of summons in another district.

117A. If the defendant resides out of British India, and has no agent in British India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post, if there be postal communication between such place and the place where the Court is situate.

Service when defendant resides out of British India and has no agent to accept service.

117B. If there be a British Resident or Agent of Government in or for the territory in which the defendant resides, the summons may be sent to such Resident or Agent by post or otherwise for the purpose of being served upon the defendant; and if the Resident or Agent return the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be conclusive evidence of such service.

Service through British Resident or Agent of Government.

Deposit of cost of serving summons or warrant.

118. The amount of the cost of serving the summons,

or, if a warrant be issued as provided in the next following section, of serving the warrant,

shall in all cases be deposited in Court by the plaintiff within such time before the issue of such summons or warrant as is fixed by the Court issuing the process.

If the said amount be not so deposited (except where the Court in exercise of the discretion reserved to it in section 91 allows the summons to be served gratis), the case shall be struck out of the list of pending suits;

Effect of failure to deposit.

but in such case the plaintiff may present another plaint at any time within the period allowed by the rules herein contained for the limitation of suits.

119. (*a*) If in any suit against a tenant for the recovery of an arrear of rent, or in any suit for the recovery of an arrear of revenue, or a share of profits or village-expenses or other dues, the plaintiff desires a warrant of arrest to be issued against the defendant, such defendant being resident within the district in which the suit is instituted, the plaintiff small present, with his plaint, an application for the issue of such warrant.

Procedure when plaintiff desires issue of warrant of arrest.

(*b*) When such application is presented, the Court shall examine the plaintiff or his agent, and inspect the documents adduced by him in support of his claim; and if *primâ facie* it appear to the Court that the claim is well founded, and that, if a summons be issued, the defendant will abscond instead of appearing to answer the claim, the Court may issue a warrant for his arrest.

(*c*) The Court shall fix a reasonable time for the return of the warrant, and the officer entrusted with the service thereof shall, at the time of arresting the defendant, deliver to him one of the copies or concise statements mentioned in section 112D and a notice requiring him, if he contest the claim, to bring with him any document upon which he relies in support of his defence.

(*d*) Every warrant issued and notice delivered under this section shall be respectively in the forms (E) and (F) in the first schedule hereto annexed, or to the like effect.

120. If a defendant be arrested under the warrant of arrest, he shall be brought with all convenient speed before the Court.

Procedure after arrest of defendant.

121. When a defendant is brought before the Court under warrant, the Court shall, with all convenient speed, proceed to try the case in the manner hereinafter provided,

Procedure when defendant is brought before Court under warrant.

and if the suit cannot be at once adjudicated, the Court may, if it think fit, require the defendant to give security for his appearance whenever the same may be required at any time whilst the suit is pending, or until execution of the final decree which may be passed thereon,

and may commit him to the civil jail to be there detained until he furnishes such security or deposits such sum as the Court orders.

The security-bond shall be in the form (G) contained in the first schedule hereto annexed, or to the like effect.

Form of security-bond.

Procedure when defendant cannot be arrested under warrant.

122. If the defendant cannot be arrested under the warrant, the Court, on the application of the plaintiff, shall either postpone the case for such period as to it seems proper, in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, or shall forthwith issue a proclamation, to be affixed in its own office and at the residence of the defendant, appointing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of the notice, at the residence of the defendant.

If the defendant appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding section.

Compensation for arrest applied for without reasonable cause.

123. If it appear to the Court that the arrest of the defendant was applied for without reasonable cause, the Court may, in its decree, award to him such sum not exceeding one hundred rupees as it may deem a reasonable compensation for any injury or loss which he has sustained by reason of such arrest, or of his detention in jail during the pendency of the suit.

Consequence of neither party appearing on day fixed.

124. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial as hereinafter provided, neither of the parties appear in person or by an agent, the case may be struck off, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules herein contained for the limitation of suits.

Judgment by default.

Judgment upon admission of claim.

125. If on any such day only the defendant appears, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the plaintiff's right to the relief which he claims, in which case the Court shall proceed to give judgment for the plaintiff upon such admission without costs:

Proviso.

Provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

If plaintiff only appear, Court may proceed *ex parte*.

126. If on any such day the plaintiff only appear, the Court, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff, and any documentary or other evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day for the attendance of any witness the plaintiff may wish to call, or may pass judgment *ex parte* against the defendant.

If defendant appear on adjourned hearing, Court may allow him to be heard in answer.

127. If the defendant appear on any subsequent day to which the hearing of the suit is postponed under the last preceding section, the Court may, upon such conditions, if any, as to costs or otherwise as it thinks proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

No appeal from judgment *ex parte* or by default;

128. (*a*) No appeal shall lie from a judgment passed *ex parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance.

but Court may revive suit and alter or rescind judgment.

(*b*) But in all such cases, if the party against whom judgment has been given appears, either in person or by agent, if a plaintiff, within fifteen days from the date of the Court's decree, and, if a defendant, within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shows sufficient cause for his previous non-appearance, and satisfies the Court that there has been a failure of justice, the Court may, upon such terms as to costs or otherwise as it thinks proper, revive the suit and alter or rescind the judgment according to the justice of the case.

Adverse party to be summoned.

(*c*) But no judgment shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

Examination.

129. When both parties appear in person or by agent on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason to be recorded by the Court, the Court shall proceed to examine such of the parties as may be present, and either party or his agent may cross-examine the other party or his agent.

Examination and cross-examination of agents.

130. If either of the parties be not bound to attend personally, any agent by whom he appears, or any person accompanying such agent, may be examined and cross-examined in like manner as the party himself would have been if he had attended personally.

Defendant may file written statement.

131. At the time of the examination, the defendant may, if he think fit, file a written statement in his defence.

Verification of written statement.

Such written statement shall be subscribed and verified in the manner hereinbefore provided for subscribing and verifying plaints, and if it contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be punishable according to the law for the punishment of giving or fabricating false evidence.

False averment.

Mode of examination.

132. The examination of the parties or their agents, or such other persons as aforesaid, shall be according to the law for the time being in force relative to the examination of witnesses in the civil Courts.

The substance of the examination shall be reduced to writing in the mother-tongue of the presiding officer, and shall be filed with the record.

Witness produced may be examined.

133. If either of the parties produce a witness on such day, the presiding officer may take the evidence of such witness.

134. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the first hearing of the suit:

Document relied on by defendant to be produced at first hearing.

and unless such document be so delivered, or its non-production be sufficiently excused, or unless the presiding officer see fit to extend the time for delivering the same, it shall not afterwards be admitted.

135. If after the examination required by section 129, and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Court shall make its decree accordingly.

Decree after examination, if no further evidence is required.

136. If on such examination as aforesaid either party is absent and his agent is unable to answer any material question relating to the case which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the case to a future day, and direct that the party whose agent was unable to answer as aforesaid shall attend in person on such day;

Party to attend in person when his agent is unable to answer.

and if such party fails to appear in person on the day appointed, the Court may pass judgment as in case of default, or make such other order as it deems proper in the circumstances of the case.

Judgment or order if he fail to appear.

137. If on such examination as aforesaid it appear that the parties are at issue on any question upon which it is necessary to hear further evidence, the Court shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit; and the trial shall take place on that day, unless there be sufficient reason for adjourning it, which reason shall be recorded by the Court.

Procedure when parties at issue on question requiring evidence.

138. The parties shall produce their witnesses on the day of trial, and if either party require assistance to procure the attendance of a witness on such day, either to give evidence or to produce a document, he shall apply to the Court in sufficient time before the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Court shall thereupon issue a summons requiring such witness to attend.

Parties to produce witnesses or procure attendance by summons.

139. The law and rules for the time being in force relating to the evidence of witnesses, for procuring the attendance of witnesses and the production of documents, and for the examination, remuneration and punishment of witnesses, whether parties to the case or not, in cases before the civil Courts, shall, except so far as may be inconsistent with the provisions herein contained, apply to suits under this Act.

Provisions regarding attendance, examination, &c., of witnesses.

140. If on the day fixed for the trial of any issue neither of the parties appear, the case may be struck off, with liberty to the plaintiff to bring a fresh suit.

Case to be struck off if neither party appears.

If on any such day one only of the parties appear, the issue may be tried and determined in the absence of the other party, upon such evidence as may be then before the Court.

Trial of issue *ex parte*.

141. When suits under this Act are instituted or defended by agents employed in the collection of rent or management of land, in the name and on the behalf of the landholders by whom they are so employed, all the provisions of this Act, by which the personal appearance or attendance of parties to a suit is or may be required, shall be applicable to such agents;

Provisions to apply when suits are instituted or defended on behalf of landholders by agents.

and anything which by this Act is required or permitted to be done by a party in person may be done by any such agent as aforesaid.

Processes served on any such agent shall be as effectual for all purposes in relation to the suit as if the same had been served on the landholder in person:

Processes served on such agents.

and all the provisions of this Act relative to the service of processes on a party to the suit shall be applicable to the service of processes on such agent.

142. A female plaintiff or defendant shall not be required to attend in person, if she is of a rank or class which, according to the custom and manners of the country, would render it improper for her to appear in public.

Personal attendance of female plaintiff or defendant when not required.

143. Any party to a suit may employ any authorized agent to attend and the case on his behalf:

Parties may employ agents.

but the employment of such agent shall not excuse the personal attendance of the plaintiff or defendant, in cases where his personal attendance is required by the summons, or any order of the Court;

Personal attendance when not excused.

and no fee for any agent shall be charged as part of the costs of suit in any case under this Act, unless the Court certifies that, under the circumstances of the case, such fee is proper to be allowed.

Fee for agents not chargeable as costs.

144. The Court may in any case grant time to the plaintiff or defendant to proceed in the prosecution or defence of a suit,

Court may grant time or adjourn hearing.

and may also, from time to time, in order to the production of further evidence, or for other sufficient reason to be recorded by the Court, adjourn the hearing of any case to such day as to it may seem fit.

145. The presiding officer may, at any stage of a case, cause a local enquiry and report respecting the matter in dispute to be made by any officer subordinate to him, or by any other officer of Government, with the consent of the authority to whom such officer is subordinate, or may himself proceed to the spot and make such local enquiry in person.

Court may cause local enquiry and report, or may itself enquire.

The provisions of the law for the time being in force relative to local inquiries by Amíns or Commissioners, under orders of the civil Courts, shall apply to any local inquiry made by any officer under this section,

Provisions applied to such inquiry.

and, so far as they are applicable, to inquiries made by the presiding officer of the Court in person.

In the latter case the presiding officer, after completing the inquiry, shall record such observations as appear to him appropriate, and the observations so recorded shall form part of the proceedings in the suit.

Record in case of inquiry by Court.

146. The defendant in any suit under this Act may pay into Court such sum of money as he thinks a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and such sums shall be paid to the plaintiff.

Defendant may pay admitted debt and costs into Court.

If the defendant deposit less than the sum claimed and the plaintiff elect to proceed in the case, and ultimately recover no further sum than has been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

Plaintiff chargeable with subsequent costs if he proceed and recover no further sum.

147. No interest shall be allowed to a plaintiff on any sum paid by the defendant into the Court from the date of such payment, whether such sum be in full of the plaintiff's claim, or fall short thereof.

No interest to plaintiff after date of deposit by defendant.

148. When, in any suit between a landholder and a tenant under this Act, the right to receive the rent of the land or tenure cultivated or held by the tenant is disputed on the ground that some third person has actually and in good faith received and enjoyed such rent before and up to the time when the right to sue accrued, such third person may be made a party to the suit, and the question of such receipt and enjoyment of the rent by such third person may be enquired into, and the suit shall be decided according to the result of such enquiry:

In suits where right to receive rent is disputed, third person who has received it may be made a party.

Provided that the decision of the Court shall not affect the right of either party entitled to the rent of such land to establish his title by suit in the civil Court, if instituted within one year from the date of the decision.

Saving of right to sue in civil Court to prove title to rent.

149. Whenever a decree is given for the ejectment of a tenant, or the cancelment of his lease, on account of any act or omission by which the land in his occupation has been damaged, or which is inconsistent with the purpose for which the land has been let, the Court may, if it think fit, allow him to repair such damage within one month from the date of the decree, or order him to pay such compensation, within such time, or make such other order in the case, as the Court thinks fit,

Court may allow tenant to repair damage caused by certain acts or omissions.

and if such damage be so repaired, or compensation so paid, or order obeyed, the decree shall not be executed.

150. Every judgment under this Chapter shall be pronounced in open Court.

Delivery of judgment.

151. The judgment shall be written in the mother-tongue of the presiding officer, and shall contain the reasons for the same, and shall be dated and signed by the presiding officer at the time it is pronounced:

Its language and contents.

Provided that, where his mother-tongue is not English, the judgment may be written in English, if he is able to write a clear and intelligible decision in that language.

When it may be in English.

151A. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion.

To direct payment of costs.

151B. Except as hereinbefore provided, the Court shall have full power to give and apportion costs of every suit in any manner it thinks fit; and the fact that the Court has no jurisdiction to try the case is no bar to the exercise of such power; but if the Court directs that the costs of any suit shall not follow the event, the Court shall state its reasons in writing.

Power of Court as to costs.

151C. The Court may direct that the costs payable to one party by another shall be set off against sums admitted or found in the suit to be due from the former to the latter.

Costs may be set off.

151D. Except as hereinbefore provided, the Court may give interest at any rate not exceeding six per cent. per annum, on any sum decreed or found to be due, or on costs.

Power to give interest.

152. Every officer invested with powers under this Act may hold a Court for hearing and determining suits under this Act in any place within the limits of the district to which he is appointed.

Power to hold Court in any place within district.

Every hearing shall be in open Court, and the parties to the suit or their authorized agents shall have due notice to attend in such place.

CHAPTER VII.

PROCEDURE IN EXECUTION OF DECREES IN SUITS.

153. If the decree be for the ejectment of any tenant from land occupied by him, the decree shall be executed by giving the possession or occupancy of the land to the person entitled by the decree thereto.

Mode of executing decree for ejectment of tenant.

If any opposition is made to the execution of the order for giving such possession or occupancy, by the party against whom the order is made, the Magistrate, on the application of the Collector of the District or Assistant Collector, shall give effect to the same.

Magistrate to give it effect in case of opposition.

154. If the decree be for the payment of arrears of rent or revenue, or of money, and the defendant has been committed to jail, or appear in Court pursuant to the conditions of any security-bond given under

Power to order detention in, or commitment to, civil jail in certain cases.

section 121, the Collector of the District or Assistant Collector may order that he be detained in, or committed to, the civil jail, unless he immediately pays into Court the amount of the decree with costs, or otherwise complies with the terms of the decree.

155. If the judgment-debtor has given security for his appearance, and is not present when judgment is pronounced, and the surety fails to deliver him into custody when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the amount due by the debtor had been passed against the surety.

Process against surety on failure to deliver judgment-debtor into custody.

156. (*a*). A writ of execution may be issued against either the person or the property of a judgment-debtor;

Process of execution against person or property, but not both.

but process shall not be issued simultaneously against both person and property.

(*b*). Such writ may be issued on the oral application of the judgment-creditor or his agent, made at the time the decree is passed, or, thereafter, upon the written application of the judgment-creditor or his agent.

Applications on which it may issue.

(*c*). Writ of execution against the person or moveable property of a debtor shall be in the form (H) or (I) contained in the first schedule hereto annexed, or to the like effect.

Form of writ of execution.

157. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor;

Execution against moveable property.

but, if the creditor is unable to furnish such list, he may apply for a general attachment of the debtor's effects, to the amount of the judgment and costs.

In either case, the property to be seized shall be pointed out to the officer entrusted with execution of the process, by the creditor or his agent:

Provided that no implements of husbandry, or cattle actually employed in agriculture, or tools of artisans, or necessary wearing apparel of the judgment-debtor, his wife or children, shall be attached under this section.

Articles exempted from attachment.

158. Every writ of execution shall bear date on the day on which it is signed by the Collector of the District or Assistant Collector, and shall continue in force for such period as he may direct (not being more than sixty days) calculated from such date.

Date and duration of writs.

159. Second and successive writs of execution may be issued by order of the Collector of the District or Assistant Collector on the application of the judgment-creditor, after the expiration of the period fixed for the continuance in force of a previous warrant.

Second and successive writs.

160. Process of execution shall not be issued upon any judgment, without previous notice to the party against whom execution is applied for, if, when application for the issue of the process is made, a period of more than one year has elapsed from the date of the judgment, or from the date of the last previous application for execution.

After one year execution not to issue without notice to party concerned.

161. Execution on a judgment shall not issue against the heir or other representative of a deceased party, unless notice to appear and be heard has been previously served on such heir or other representative.

Execution not to issue against heir or representative of deceased party without notice.

162. No process of execution shall be issued on a judgment under this Act, when the application for the issue of such process is made after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred rupees;

No process of execution after three years, unless judgment be for sum exceeding 500 rupees.

in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the civil Court.

Regulation of period in such case.

163. If a writ issues for taking any person in execution, the officer charged with the execution of the writ shall bring him with all convenient speed before the Collector of the District or Assistant Collector.

Procedure in execution of writ against person.

If such person does not then deposit in Court the full amount specified in the writ,

or make such arrangement for the payment of the same as is satisfactory to the judgment-creditor,

or satisfy the Collector of the District or Assistant Collector that he has no present means of paying the same amount,

the Collector of the District or Assistant Collector shall send him to the civil jail, there to remain for such time as may be directed by a warrant addressed to the keeper of the jail, unless in the meanwhile he pays the full amount for the payment of which he is liable under the decree:

Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed three months when the amount decreed (exclusive of costs) does not exceed fifty rupees,

Limit of imprisonment.

or six months when such amount does not exceed five hundred rupees,

or two years in any other case.

164. (*a*.) Any person once discharged from jail shall not be imprisoned a second time under the same judgment.

No person to be imprisoned a second time under same judgment.

(*b*.) If the amount due under the decree does not exceed one hundred rupees, the Collector of the District or Assistant Collector may declare him absolved from further liability under that decree, and such liability shall thereupon be extinguished.

When further liability extinguished.

(*c*.) In other cases the discharge shall not extinguish the liability of the discharged person under the decree, or exempt any property belonging to him from attachment in execution of the same.

When not extinguished.

165. Every person applying for the issue of a warrant of arrest under section 119, or suing out process of execution against the person of any judgment-debtor, shall deposit in Court, when the warrant issues, diet-money for thirty days at such rate not exceeding two annas per diem, as the Collector of the District or Assistant Collector may direct, unless for any special reason he directs that deposit be made at a higher rate, which shall not exceed four annas per diem.

Diet-money to be deposited at time of issue of warrant.

166. Payment of diet-money at the same rate shall be made previously to the commencement of each succeeding month of the imprisonment, on failure of which the party confined shall be discharged.

Effect of non-payment of diet-money in advance during imprisonment.

167. All diet-money spent in providing subsistence for any prisoner shall be added to the costs in the suit,

Diet-money spent to be costs in suit.

and any diet-money not so spent shall be returned to the person who deposited the same.

Refund of remainder.

168. In executing a writ of execution against the moveable property of a debtor liable under this Act, the officer charged with the execution of the writ shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation, specifying the day upon which the sale is intended to be held, together with a copy of the said list, at the intended place of sale and at the residence of the debtor.

Procedure in executing writ against moveable property.

A copy of the said proclamation and list shall be sent to the Collector of the District or Assistant Collector, and shall be affixed in his office.

169. No moveable property taken in execution under this Act shall be sold before the expiration of ten days next after the day on which such property is so taken.

Time to elapse before sale of moveable property.

Until such sale the property shall be deposited in some fit place, or it may remain in custody of some fit person approved by the officer executing the writ.

Custody meanwhile.

The provisions of sections 74 to 78 (both inclusive), so far as the same are applicable, shall apply to sales under this section.

Provisions applied to sale.

170. No irregularity in publishing or conducting a sale of any moveable property under an execution shall vitiate such sale.

Sale not vitiated by irregularity.

But any person injured by such irregularity may recover compensation for such injury by suit in the civil Court:

Right to sue for compensation.

Provided that such suit be brought within one year from the date of sale.

Limitation.

171. In the execution of any decree for the payment of arrears of rent or revenue, or of money, under this Act, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor, except the materials of buildings actually occupied by a debtor who is an agriculturist.

In executing decrees for money when execution may be applied for against immoveable property.

172. If the immoveable property against which execution is applied for be other than a mahál, or share of a mahál, process shall be issued in the same manner as for the attachment and sale of moveable property: and the provisions of sections 168, 169 and 170 shall be applicable.

Process when the immoveable property is not a mahál.

In the event of the sale of such property being completed, possession thereof shall be given to the auction-purchaser by the Collector of the district in which such property is situate.

Possession to be given to auction-purchaser.

173. When such property is a mahál, or a share of a mahál, the decree shall be sent for execution to the Collector of the District in which such property is situate,

Procedure when it is a mahál.

and if the judgment-debtor satisfies the Collector of the District that there is reasonable ground to believe that the amount of the judgment-debt may be raised by mortgage of the property, or by letting it on lease, or by disposing by private sale of a portion of the property or any other property belonging to the judgment-debtor, the Collector of the District may, on the application of the judgment-debtor, postpone the sale for such period as the Collector of the District thinks proper to enable the judgment-debtor to raise the amount,

and if the judgment-debtor satisfies his creditor, the execution shall be stayed, and the Collector of the District shall report the fact to the Court by which the decree was made.

174. If the judgment-debtor obtaining a postponement of the sale fails to satisfy his creditor within the period so fixed, or, if the judgment-debtor does not apply for, or applies for but does not obtain, a postponement of the sale, and the Collector of the District considers that the sale of the mahál or share is inexpedient, and that satisfaction of the decree may be made by means of a temporary alienation of the property,

Procedure where judgment-debtor fails to satisfy creditor within further time, or Collector thinks sale inexpedient.

the Collector of the District shall cause an accurate rent-roll of the property to be prepared, and ascertain the annual income derivable therefrom.

If, in the opinion of the Collector of the District, such income is sufficient to pay off the judgment-debt with interest at six per cent. per annum, within any period not exceeding fifteen years from the date of the decree, he may transfer the property to the judgment-creditor, or if the judgment-creditor refuse to take it, to some other person, or he may hold it under his own management, for such period not exceeding fifteen years, as may be sufficient for the recovery of the debt with interest as aforesaid, and on such conditions as to the payment of such debt and interest as he deems expedient.

Power to transfer property to judgment-creditor.

Power to hold property under management.

Orders passed under this section and section 173 shall be subject to revision by the Commissioner of the Division and the Board, but shall not be open to appeal to the civil Court.

174A. When the property of a judgment-debtor which is transferred or held under management under section 174 includes any sír-land of such debtor, he shall, until such property is restored to him, be treated as an ex-proprietary tenant of such sír-land under section 7.

Proprietor to be treated as ex-proprietary tenant of sír-land.

175. If in the opinion of the Collector of the District the recovery of the debt under section 174 is impossible, or if the sale of the property appear to him advisable on other grounds, he shall report, through the Commissioner of the Division, the case for orders to the Board.

Report of case to Board.

176. On the receipt of such report, the Board may make, or cause to be made, such further endeavours for the recovery of the debt under the provisions of section 174, as to it may seem practicable.

Procedure on receipt of report.

177. If it appear to the Board that the debt cannot be recovered under section 174, or if the sale of the property appear to it advisable on other grounds, it shall order the property to be sold, in which case the sale shall be made under the rules in force for the sale of land for arrears of land-revenue, but without prejudice to the incumbrances (if any) to which such property may be subject.

Power to order sale of property.

178. If, before the day fixed for any sale of any property under this Act, a third party appear before the Collector of the District or Assistant Collector, and claim a right or interest to or in any of the property, he shall examine such party or his agent, according to the law for the time being in force relative to the examination of witnesses,

Examination of third party claiming interest in property.

and, if he see sufficient reason for so doing, may stay the sale of such property.

Stay of sale.

179. The Collector of the District or Assistant Collector may adjudicate upon such claim, and make such order as he thinks fit between the claimant and the plaintiff and defendant in the original suit.

Adjudication of such claims.

In trying such claim, the Collector of the District or Assistant Collector shall be guided by the rules contained in this Act, so far as they may be applicable.

Rules applied.

180. If the claimant fail to establish his right to the property taken in execution, the Collector of the District or Assistant Collector may, at the time of disposing of the case, order him to pay to the judgment-creditor the costs of the proceedings on the claim, and also such sum as the Collector or Assistant Collector thinks sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement of the sale of the property.

Compensation awardable against claimant failing to establish right.

181. (*a.*) No appeal shall lie from any order passed under section 179 or section 180 by the Collector of the District.

No appeal from order under section 179 or 180.

(*b.*) But the party against whom the same is passed may institute a suit in the civil Court to establish his right at any time within one year from the date of the order:

Right to sue in civil Court.

(*c.*) Provided that, if the order be for the sale of the property taken in execution, and the property is moveable the suit shall not be for the recovery of such property, but shall be for compensation from the judgment-creditor by whom it was brought to sale.

Proviso.

CHAPTER VIII.

APPEAL, REHEARING AND REVIEW.

(A).—From Decrees in Suits.

182. In suits under this Act, tried and decided by a Collector of a District or an Assistant Collector of the first class, his judgment shall be final.

Judgment of Collector of District or Assistant Collector of first class when final.

183. All decisions of the Assistant Collector of the second class in suits mentioned in section 93 shall be appealable to the Collector of the District, whose order thereon shall be final.

Appeal from decision of Assistant Collector of second class.

184. The petition of appeal shall be presented to the Collector of the District within thirty days from the date of the decree.

Time for presentation.

185. The Collector of the District may either dismiss the petition or may fix a day for hearing the appeal, and in that case he shall cause notice of the same to be served on the respondent in the manner hereinbefore prescribed for the service of summons.

Procedure on appeal.

If, on the day fixed for hearing the appeal, or any other day to which the hearing may be adjourned, the appellant does not appear in person or by an agent, the appeal may be dismissed for default.

If the appellant appears and the respondent does not appear in person or by an agent, the appeal may be heard *ex parte*.

186. If an appeal be dismissed for default of prosecution, the appellant may, within fifteen days from the date of the dismissal, apply to the Collector of the District to re-admit the appeal,

Re-admission of appeal.

and if it be proved to the satisfaction of the Collector of the District that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Collector of the District may re-admit the appeal.

187. After hearing the appeal, the Collector of the District shall give judgment in the manner hereinbefore prescribed for giving judgment in original suits.

Judgment in appeal.

188. In suits in which the judgment of the Collector of the District or Assistant Collector is final, as provided in section 182, he may, upon the application of either party, if preferred within thirty days from the date of the decision, order the rehearing of a suit, upon the ground of the discovery of new evidence or matter material to the issue of the case, which the applicant had no knowledge of, or could not produce, at the time of trial.

Rehearing of suits not open to appeal.

189. Notwithstanding anything contained, in sections 182 and 183 an appeal shall lie to the District Judge from the decision of the Collector of the District or Assistant Collector of the first class, in all suits mentioned in section 93,

Appeal to District Judge.

in which the amount or value of the subject-matter exceeds one hundred rupees, or

in which the proprietary title to land has been determined between parties making conflicting claims thereto:

Provided that, where the amount or value of the subject-matter of the suits exceeds five thousand rupees, the appeal shall lie to the High Court.

Appeal to High Court.

190. The rules for the time being in force in regard to the time within which appeals from the decisions of civil Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals to the District Judge or High Court under this Act.

Rules as to time of presentation, &c., to apply.

191. The decisions of District Judges passed in regular appeal under this Act shall be open to special appeal to the High Court, in the same manner, and subject to the same rules, as the decisions of District Judges passed in regular appeal are open to special appeal under the Code of Civil Procedure and the Indian Limitation Act, 1877.

Special appeal to High Court from District Judge.

(B).—From Orders on Applications or relating to the Execution of Decrees.

(1) Assistant Collectors of the Second Class.

192. An appeal to the Collector of the District shall lie from all orders passed under this Act by an Assistant Collector of the second class.

Appeal from Assistant Collector of second class.

(2) Assistant Collectors of the First Class.

193. An appeal to the Commissioner of the Division shall lie from all orders passed by an Assistant Collector of the first class,

Appeal from orders of Assistant Collectors of first class on certain applications.

(a) on applications under section 99, where the amount or value of the subject-matter exceeds one hundred rupees,

(b) on applications under section 100.

194. An appeal to the Collector of the District shall lie from all other orders passed under this Act by an Assistant Collector of the first class, except—

Appeal from other orders of Assistant Collector of first class.

(a) orders on applications mentioned in section 99;

(b) orders on applications mentioned in section 99;

(c) orders passed in the course of a suit and relating to the trial thereof.

195. The orders of an Assistant Collector of the first class on the following applications shall be final, subject to revision by the Commissioner of the Division or the Board—

Final orders of Assistant Collector of first class.

(a) applications mentioned in section 98;

(b) applications mentioned in section 99 where the amount or value of the subject-matter does not exceed one hundred rupees.

(3) Collector of the District.

196. An appeal to the Commissioner of the Division shall lie from orders passed by the Collector of the District,

Appeal from certain orders of Collector of District.

(a) under section 99, when the amount or value of the subject-matter exceeds one hundred rupees,

(b) under section 100.

In all other cases orders under this Act passed by the Collector of the District shall be final, subject to revision by the Commissioner of the Division or the Board.

(4) Commissioner of the Division.

197. Save as provided by section 198, the orders of the Commissioner of the Division on appeals shall be final, subject to revision by the Board.

Finality of orders of Commissioner of Division.

198. An appeal from the decisions of the Commissioner of Division on appeals against orders passed by the Collector of the District or Assistant Collector on the applications mentioned in section 100 shall lie to the Board, except where the Commissioner of the Division dismisses the appeal.

Appeal to Board from his decisions on appeals against orders on applications mentioned in section 100.

In such case the provisions of section 199 shall apply.

199. The Board may at any time call for any case (other than a suit mentioned in section 189) which has come before any Commissioner of a Division, or any Court subordinate to him, and pass such orders thereon, consistent with this Act, as the Board thinks fit.

Power of Board to call for cases and pass orders thereon.

200. No appeal shall be brought to the Collector of the District after the expiration of thirty days, or to the Commissioner of the Division after the expiration of sixty days, or to the Board of Revenue after ninety days, from the date of the order complained of.

Time for appealing.

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

Admission of appeals after prescribed period.

No appeal shall lie against an order under this section admitting an appeal.

(5) Review.

201A. The Board may review and may rescind, alter or confirm any order made by itself, or by a single member, on the application of one of the parties to the case, if preferred within ninety days from the passing of the order.

Power of Board to review its orders.

201B. In the case of any application in which the order of the Commissioner, Collector of the District or Assistant Collector is final, as provided in sections 195, 196 and 197, such Commissioner, Collector or Assistant Collector, as the case may be, may, upon the petition of either party, if presented within thirty days from the date of the decision, review his order upon the ground of the discovery of new evidence or matter material to the issue of the case which the applicant had no knowledge of or could not produce at the time of trial.

Reviewing of applications not open to appeal.

CHAPTER IX.

MISCELLANEOUS.

202. In computing the period of limitation prescribed for any suit under this Act, the day on which the right to sue accrued shall be excluded.

Time to be excluded in computing limitation period.

In computing the period of limitation prescribed for any appeal under this Act, the day on which the judgment or order complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

203. Whenever a Court is closed on the last day of any period provided in this Act for the presentation of any memorandum of appeal, or for the deposit or payment of any money in or into court, the day on which the Court re-opens shall be deemed to be such last day.

Rule as to last day for presentation or deposit, when Court is closed on such day.

204. *(a.)* If in any suit instituted, or on any application made, under this Act, it appears to the presiding officer that any question in issue involving a point of law is more proper for the decision of a civil Court, such officer, if a Collector of a District, or the Collector of the District on the representation of such officer, may cause a case to be stated for the opinion of the District Judge, who shall hear the case in such manner as nearly as may be as is prescribed for the hearing of cases by the High Court by section 619 of the Code of Civil Procedure.

Power to state case involving point of law for opinion of District Judge.

(b.) If the District Judge finds that the case is insufficiently stated, he may return it to the Collector of the District for amendment.

(c.) Subject to any limits of value or time provided by law for cases falling under the Code of Civil Procedure, an appeal shall lie from the judgment of the District Judge to the High Court.

(d.) The District Judge shall return the case with the opinion of the civil Court to the Collector of the District, and the revenue Courts shall decide the suit or application in accordance with such opinion.

(e.) The costs attending such case shall be dealt with as costs in the suit or on the application in the revenue Court.

205. *(a.)* If in any suit instituted, or on any appeal presented, in a civil or revenue Court, the Judge or presiding officer doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

Power to refer to High Court questions as to jurisdiction.

(b.) On any such reference being made, the High Court may order the Judge or presiding officer, either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit or appeal.

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

206. In all suits instituted in any civil or revenue Court, in which an appeal lies to the District Judge or High Court, an objection that the suit was instituted in the wrong Court shall not be entertained by the appellate Court, unless such objection was taken in the Court of first instance; but the appellate Court shall dispose of the appeal as if the suit had been instituted in the right Court.

Procedure where objection that suit was instituted in wrong Court was not taken in Court of first instance.

207. If in any such suit such objection was taken in the Court of first instance, but the appellate Court has before it all the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the right Court.

Procedure where such objection was taken in Court of first instance.

208. If in any such suit the appellate Court has not before it the materials necessary for the determination of the suit, it shall proceed under the provisions of the Code of Civil Procedure relating to appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken by the Court of first instance, it may direct its order either to the Court in which the suit was instituted, or to any other Court competent to entertain the suit,

Procedure where, in such cases, the appellate Court has not materials for determining the suit.

and the objection that the order of a subordinate appellate Court has been directed to a Court which was not competent to entertain the suit shall not be taken on special appeal.

208A. If, in any suit or application pending before a Revenue Court exercising original appellate or revisional jurisdiction under this Act, it appears to such Court that any question in issue is more proper for decision by a civil Court, such Revenue Court may, by order in writing, require any party to such suit or application to institute, within such time as it may appoint in this behalf, a suit in the civil Court with a view to obtaining a decision of such question; and, if he fails to comply with such requisition, shall decide such question against him.

Power to refer party to civil Court.

If he institutes such suit, the Revenue Court shall dispose of the suit or application pending before it in accordance with the final decision of the civil Court of first instance or appeal (as the case may be) upon such question.

Suits by co-sharer against lambardár for share of profits.

209. In any suit brought by a co-sharer against a lambardár for a share of the profits, the Court may award to the plaintiff not only a share of the profits actually collected, but also a sum equal to the plaintiff's share in the profits which, through gross negligence or misconduct, the lambardár has omitted to collect.

Tenant's power to implead persons claiming through landholder.

210. In any application made by a tenant against a landholder to recover possession of a holding, the plaintiff may join as a defendant any other person in possession of the holding, who may claim title through the landholder.

Landholder's power to implead persons claiming through tenant.

In any suit instituted, or application made, by a landholder to eject a tenant the plaintiff may join as a defendant any other person in possession of the holding, who may claim title through the tenant.

Power of Local Government to make rules.

211. The Local Government may from time to time make rules consistent with this Act—

(*a*) for the guidance of officers in determining, under sections 13, 14, 15, 17, 18 and 20, the rent payable by tenants,

(*b*) for the guidance of officers assessing rent under section 30,

(*c*) as to the dates on which instalments of rent shall fall due,

(*d*) as to the procedure to be followed on all applications under section 95.

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

Power of Board to make rules.

The Board, with the previous sanction of the Local Government, may from time to time make rules, consistent with the provisions herein contained, for the guidance of all persons in matters connected with the enforcement of this Act.

Instalments when to be deemed in arrear.

212. When the Local Government has made a rule fixing the date on which any instalment of rent shall fall due, no such instalment shall, for the purposes of this Act, be deemed to be in arrear unless it remains unpaid after the date fixed by such rule.

THE FIRST SCHEDULE.

FORM A. (*See Section 51.*)

I, *A. B.*, of , solemnly declare that I did personally [*or* by my agent *C. D.*], on the day of , tender payment to *E. F.* of the sum of Rs. as and for the whole amount due from me on account of rent from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the sum so tendered, and to give a receipt in full for the same, and I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount I owe the said *E. F.*, and I hereby apply for leave to pay the same accordingly.

FORM B. (*See Section 52.*)

Court of the Collector of , *dated the day of*

To *E. F.* &c.

WITH reference to the written declaration of *A. B.*, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you, or to your duly authorized agent, on application.

[This is to be written on a copy of the declaration in Form A made by the person paying the money into Court.]

FORM C. (*See Section 69.*)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of distrained property.

A. B., Distrainer.

[*Name, description and address of the owner of the property.*]

WHEREAS the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required, either to pay the said sum to the said *A. B.*, or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 188 .

FORM D. (*See Section 114.*)

FORM OF SUMMONS TO DEFENDANT.

No. (*of suit*) dated

In the Court of

A. B., Plaintiff.

[*Name, description and address of plaintiff.*]

C. D., Defendant.

[*Name, description and address of Defendant.*]

WHEREAS the said *A. B.* has brought a claim against you in this Court for you are hereby required to appear in person in this Court on the day of [*if not specially required to appear in person, state,* "in person, or by an agent who has personal knowledge of the subject or who shall be accompanied by a person who has such knowledge"] to answer the above-named plaintiff, and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence. You will also bring with you your witnesses, if they are willing to attend without issue of process.

FORM E. (*See section 119.*)

FORM OF WARRANT OF ARREST.

No. (*of suit*) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

WHEREAS the plaintiff in this suit has obtained an order from the Court for the arrest of the defendant, you are hereby commanded to bring the defendant before the Court on or before the day of to be dealt with according to law.

Dated this day of 188 .

FORM F. (*See section 119.*)

FORM OF NOTICE TO ACCOMPANY SUCH WARRANT.

In the Court of

A. B., Plaintiff.

[*Name, description and address of plaintiff.*]

C. D., Defendant.

[*Name, description and address of defendant.*]

WHEREAS the said *A. B.* has brought a claim against you in this Court for (*here specify particulars of claim as given in the plaint*) and has obtained a warrant for your arrest, you are hereby required, unless you admit the claim, to bring with you to the Court all documents on which you may intend to rely in support of your defence.

FORM G. (*See section 121.*)

FORM OF SECURITY-BOND FOR APPEARANCE OF DEFENDANT.

WHEREAS *A. B.*, plaintiff, has instituted a suit in the Court of the Collector of against *C. D.*, defendant, and the said *C. D.* has been required to give security for his appearance at any time when called on while the suit is pending and until execution of the decree, I, *E. F.*, hereby declare myself surety for the said *C. D.'s* appearance as aforesaid, and in case of his making default in such appearance, I engage to pay any sum for the payment of which the said *C. D.* may be liable under the decree. *If the suit be for the delivery of papers or accounts, specify some sum to be fixed by the Collector.*

FORM H. (*See section 156.*)

WRIT OF EXECUTION AGAINST THE PERSON.

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

WHEREAS the said *C. D.* was directed by a decree of this Court, under date the day of 188 , to pay to *A. B.* the sum of and for costs of suit, amounting to , and whereas the said *C. D.* has omitted to pay the same, you are hereby commanded to apprehend the said *C. D.*, and to bring him with all convenient speed before this Court to be dealt with according to law.

FORM I. (*See section 156.*)

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

WHEREAS *C. D.* was directed by a decree of this Court, under date the day of 188 , to pay to *A. B.* the sum of and for costs of suit, amounting to , and whereas the said *C. D.* has omitted to pay the same, you are hereby commanded to levy the said sum of , and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said *C. D.* as (is described in the list annexed and) [*if no list is furnished, these words to be omitted*] shall be pointed out to you by the judgment-creditor or his agent; and you are hereby ordered to sell such property of the said *C. D.*, on some convenient day, not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

THE SECOND SCHEDULE.

(*See section 1.*)

TERRITORIES EXEMPTED, IN THE FIRST INSTANCE, FROM THE OPERATION OF THE ACT.

I. The province of Kumaon and Garhwál.

II. The Tarai Parganas, comprising—Bázpúr, Káshípúr, Jaspúr, Rudarpúr, Gadarpúr, Kilpúrí, Nának-Mattha, and Bilheri.

III. The portion of the Mirzápúr District lying to the South of the Kaimor Range.

IV. The Family Domains of the Maháráját of Benares comprising the following parganas:—
Bhadohi and Kera Mangror in the Mirzapur District,
Kaswár Rájá in the Benares District.

V. The tract of country known as Jaunsar Báwar in the Dehra Dún District.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March, 1881, and is hereby promulgated for general information :—

ACT No. XIII OF 1881.

An Act to provide for the better government of Fort William.

Preamble.

WHEREAS it is expedient to give power to make rules for the better government of Fort William in Bengal and to provide for the establishment of a Court within the said Fort for the trial of persons charged with breaches of such rules; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Fort William Act, 1881;"

Commencement.

and it shall come into force on the first day of April, 1881.

But nothing herein contained shall be deemed to confer jurisdiction over any persons (other than artificers, labourers, sutlers and followers) to whom the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, 1869, is or are applicable.

"The Fort."

2. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define, for the purposes of this Act, the limits of Fort William in Bengal; and in this Act the expression "the Fort" means the area so defined.

Commander-in-Chief may make rules.

3. The Commander-in-Chief in India may, from time to time, with the sanction of the Governor General in Council, make rules, to be in force within the Fort, in regard to the matters specified in the schedule hereto annexed, and other matters of a like nature, and may by such rules prescribe, as penalties for the infringement thereof, fine which may extend to fifty rupees, or imprisonment for a term which may extend to four days, or both.

When a sentence of fine is passed under any such rule, the term for which the Court directs the offender to be imprisoned in default of payment of such fine may extend to, and shall not exceed, four days.

When any rule is made under this section, a copy thereof, in English and such other languages as the Governor General in Council may from time to time direct, shall be exhibited in such conspicuous places within the Fort as the officer commanding the Fort may from time to time direct.

Governor General in Council may invest officer with power to try breaches of rules.

4. The Governor General in Council may invest any commissioned officer in Her Majesty's Army with power to try persons charged with any infringement of the rules made under section three.

The officer so invested is hereinafter called the Fort Magistrate.

Procedure to be followed.

5. In all cases under this Act, the Fort Magistrate shall, except as herein otherwise provided, exercise within the Fort the powers, and, as nearly as may be, follow the procedure, conferred on, and prescribed for, a Presidency Magistrate by the Presidency Magistrates Act, 1877; and, subject to the power conferred by the High Courts Criminal Procedure Act, 1875, section 147, every finding, sentence or order of such Magistrate under this Act shall be final.

Power to arrest without warrant.

6. Any Police-officer, or any other person empowered in this behalf by the Governor General in Council, by name or as a member of a specified class, may arrest without warrant any person who in his sight commits an offence punishable under this Act.

Power to Police-officer to release on bail.

Every person so arrested shall be taken to the police-station within the Fort, and shall be detained there until he gives to the Police-officer in charge of such station a bond, with or without sureties, as such officer may require, for a sum not exceeding one hundred rupees, to appear before the Fort Magistrate at a time to be specified in such bond, or until he can be brought before such Magistrate.

Jurisdiction of Presidency Magistrates and prosecutions under other laws saved.

7. Nothing in this Act or in any rule made hereunder shall affect the jurisdiction of the Magistrates appointed under the Presidency Magistrates Act, 1877, or shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable to any other punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

Limitation of time for prosecutions under Act.

8. No prosecution for any offence under this Act shall be commenced after the expiration of three months next after such offence has been committed.

9. All penalties heretofore imposed by the Garrison Quarter Master of the Fort for offences against garrison rules and regulations shall be deemed to have been imposed in accordance with law.

Validation of penalties heretofore imposed by Garrison Quarter Master.

THE SCHEDULE.

(*See section 3.*)

(1). Throwing dirt or rubbish of any description into the drains or roads or anywhere but in the appointed places.

(2). Removing night-soil without a covering or at unauthorized hours.

(3). Camp-followers, servants and others not keeping the godowns they live in clean.

(4). Performing offices of nature in other than the appointed places.

(5). Bathing, or washing clothes or animals, in the *cunette* or other unauthorized places.

(6). Selling unwholesome articles of food, grain or drinks.

(7). Adulterating food or drinks.

(8). Making evacuations in unauthorized places.

(9). Rash or negligent driving.

(10). Picketting, training or breaking in animals.

(11). Causing obstruction by vehicles on the road.

(12). Exposing or hawking articles for sale about the roads and barracks, or within the Fort, without a Fort pass.

(13). Beating drums or tom-toms.

(14). Damaging lamps, posts, masonry or other Government-property in any part of the Fort.

(15). Disorderly behaviour in the public thoroughfares.

(16). Gambling.

(17). Spitting pán on any of the public staircases, gateways, walls and verandahs, or defacing in any way the walls of barracks, buildings or gateways.

(18). Throwing slops into the drains.

(19). Washing cooking-pots at the water-taps and wasting water.

(20). Cooking in unauthorized places.

(21). Hanging clothes to dry on the guns or masonry-work.

(22). Laying out clothes, accoutrements or stable-bedding after the authorized hours.

(23). Destroying the trees, bushes or plants, or climbing trees.

(24). Servants smoking hookahs in their masters' quarters or cook-houses, or keeping such quarters or cook-houses in an insanitary state.

(25). Trespassing on parade-grounds, or making footpaths across the grass-plots.

(26). Being drunk and incapable.

(27). Fighting, quarrelling and creating a disturbance, or making unnecessary noise of any kind.

(28). Affixing bills and papers on any walls in the Fort.

(29). Cutting grass or interfering with the grass-contractor.

(30). Declining to show a tin pass when called upon to do so.

(31). Being found in the garrison without a tin pass, or being in possession of a ticket belonging to another.

(32). Driving vehicles without lights or with insufficiently greased wheels.

(33). Swinging or sitting on the chain-fences.

(34). Interfering in any way with the guns, carriages or piles of shot and shell on the works, or with the packed ordnance.

(35). Mounting the ramparts or parapets or entering the embrasures without authority.

(36). Smuggling liquor into the Fort.

(37). Burning stable-litter or lighting fires except in authorized places and at authorized hours.

(38). Carrying lights except in closed lanterns, or letting off fireworks.

(39). Removing property of any kind or description from the Fort without written authority.

(40). Allowing animals of any sort to stray into the Fort, or to graze within the same.

(41). Slaughtering animals or exposing carcasses or offal within the Fort.

(42). Keeping dogs or poultry in unauthorized places.

(43). Buying, selling or receiving any portion of a soldier's kit.

(44). Disobedience of lawful authority in failing to attend to authorized instructions of the police or of the several sentries posted throughout the Fort.

(45). Occupying buildings of any kind without proper allotment.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March, 1881, and is hereby promulgated for general information :—

ACT No. XIV OF 1881.

An Act to amend Bengal Regulation VII of 1828.

WHEREAS it is expedient to amend Bengal Regulation VII of 1828 (*for amending the Provisions of Regulation XV of 1795, and for defining the Authority of the Rajah of Benares in the Mahâls therein referred to*) in manner hereinafter appearing; It is hereby enacted as follows :—

Preamble.

1. This Act may be called "The Benares Family Domains Act, 1881": And it shall come into force on such day as the Lieutenant-Governor of the North-Western Provinces may, by notification in the official Gazette, appoint in this behalf.

Short title.

Commencement of Act.

2. The following portions of Bengal Regulation VII of 1828 shall be repealed, namely :—

Repeal of certain portions of Bengal Regulation VII of 1828.

(*a*) in section 5, the words and figures "under the rules contained in Regulation XLI, 1795";

(*b*) in section 14, the words "under the Regulations," in both places in which they occur;

(*c*) in section 19, the words "before the Court of circuit";

(*d*) in section 20, the proviso.

3. In the same Regulation, for section 3, the following shall be substituted, namely :—

New section substituted for section 3 of same Regulation.

"**3.** The superintendence of the said mahâls shall be vested in the Commissioner of the Benares Division, hereinafter called 'the Superintendent.'

Superintendence of mahâls vested in Commissioner.

"The Lieutenant-Governor of the North-Western Provinces may, from time to time, appoint a Deputy Superintendent of the said mahâls, and confer upon him all or any of the powers of the Superintendent, to be exercised by him subject to the general control of the Superintendent."

4. In the same Regulation, section 7, for the last twenty-two words, the following shall be substituted, namely :—

Amendment of same Regulation, section 7.

"The orders thus passed by the Superintendent shall be subject to appeal to, and revision by, the Board of Revenue, whose order thereon shall be final, unless altered or set aside by the said Lieutenant-Governor."

5. In the same Regulation, section 9, for the words "the Regulations at present in force within the Province of Benares" the words "the enactments for the time being in force in the North-Western Provinces" shall be substituted, and after the word "applicable" the words "and the Local Government with the concurrence of the Mahárájá may direct" shall be inserted.

Amendment of same Regulation, section 9.

6. To section 10 of the same Regulation the following clause shall be added, namely :—

Clause added to section 10 of same Regulation.

"The Mahárájá may delegate to one or more of his officers the exercise of all or any of the powers vested in him under this section in the whole or any part of the said mahâls."

7. In the same Regulation, section 11, for the words and figures "Regulation XI, 1822," the words "the enactments for the time being in force in the North-Western Provinces" shall be substituted.

Amendment of same Regulation, section 11.

8. In the same Regulation, section 12, for the words "Boards of Revenue" the words "Commissioners of Divisions and the Board of Revenue" shall be substituted;

and, for the words "towards the Board" the words "towards the Commissioner" shall be substituted.

Amendment of same Regulation, section 12.

9. In the same Regulation, section 13, for the words "Governor General in Council" the words "Board of Revenue" shall be substituted.

Amendment of same Regulation, section 13.

10. In the same Regulation, section 16, for the words "a Native Commissioner shall be maintained by the Rajah in each of the pergunnahs referred to in Regulation XV, 1795," the following shall be substituted, namely :—"A Native Commissioner, or two or three Native Commissioners, as the said Lieutenant-Governor may, from time to time, direct, shall be maintained by the Mahárájá."

Amendment of, and addition to, same Regulation, section 16.

And to the same section the following shall be added, namely :—

"The local limits of the jurisdiction of the Native Commissioners shall be determined by the Mahárájá, and may be altered by him from time to time."

11. In the same Regulation, section 21, for the words and figures "contained in Regulation XXIII of 1814" to the end of the section, the following shall be substituted, namely :—"prescribed by the said Lieutenant-Governor under section 22 of this Regulation."

Amendment of same Regulation, section 21.

12. For sections 22 to 26, both inclusive, of the same Regulation, the following sections shall be substituted, that is to say :—

Sections substituted for sections 22 to 26 of same Regulation.

"22. The said Lieutenant-Governor may, from time to time, make rules consistent with this Regulation—

Power to make rules.

"(*a*) to regulate the procedure and powers of the Native Commissioners, and to determine the cases in which, the mode in which, and the authority to or by which, the orders and decisions of such Commissioners shall be subject to appeal or revision, and

"(*b*) to regulate, in matters not hereinbefore provided for, the administration of the Family Domains in so far as it is entrusted to the Mahárájá;

"such rules shall, when published in the local Gazette, have the force of law:

"Provided that no such rule shall be so published until the opinion of the Mahárájá thereon has been taken and considered by the Lieutenant-Governor.

"In matters not otherwise provided for by the rules made under clause (*a*), the Code of Civil Procedure shall apply.

"23. If, in any suit instituted or appeal presented under this Regulation in any Court, the Judge or presiding officer doubts whether he has jurisdiction, he may refer the matter to the Board of Revenue; and, on any such reference being made, the said Board may order the Judge or presiding officer either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit or appeal.

Procedure in case of doubt as to Judge's jurisdiction.

"The order of the said Board on any such reference shall be final.

"24. Except as provided by or under this Regulation, or any other enactment for the time being in force,

Operation of general Acts.

"(*a*) the administration of the Family Domains, in so far as it is entrusted to the Mahárájá, shall be regulated by the principles and spirit of the enactments for the time being in force in the North-Western Provinces, and

"(*b*) the administration of the said Domains, in so far as it has not been so entrusted, shall be regulated by those enactments.

"25. In this Regulation, unless there is something repugnant in the subject or context,—

Interpretation-clause.

"'Board of Revenue' means the Board of Revenue of the North-Western Provinces, or such officer or officers as may hereafter be lawfully appointed to exercise, within the Province of Benares, the powers of such Board.

'Board of Revenue:'

"'Regulations' includes Acts for the time being in force in the North-Western Provinces."

'Regulations.'

13. All orders heretofore passed by the Governor General in Council, or the Lieutenant-Governor of the North-Western Provinces, or any other authority, regarding revisions of settlement or other matters connected with the revenue-administration of the tracts of territory mentioned in the preamble to Bengal Regulation VII of 1828, shall be deemed to have been passed in accordance with law; and no order or decision purporting to have been passed by any civil or revenue authority under the provisions of that Regulation shall be called in question in any Court.

Validation of past orders, &c.

14. In the Scheduled Districts Act, 1874, first schedule, Part IV, and in the Laws Local Extent Act, 1874, sixth schedule, Part IV, the following shall be repealed, that is to say :—

Parts of Acts XIV and XV of 1874 repealed.

"V. The Family Domains of the Mahárájá of Benares comprising the following parganas :—

"Bhadohi and Kheyra Mángror in the Mirzapur District.

"Kaswá Rájá in the Benares District."

15. In the Laws Local Extent Act, 1874, section 8, after clause (*j*), the following shall be inserted, namely :—

Clause added to Act XV of 1874, s. 8.

"(*jj*) extend to Pargana Bhadohi or Pargana Kera Mangror in the Mirzapur District, or to Pargana Kaswár Rájá in the Benares District, any law not now in force therein."

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 19, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March 1881, and is hereby promulgated for general information :—

ACT NO. XII OF 1881.

THE NORTH-WESTERN PROVINCES RENT ACT, 1881.

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FIRST SCHEDULE.—FORMS.

SECOND SCHEDULE.—TERRITORIES EXEMPTED, IN THE FIRST INSTANCE, FROM THE OPERATION OF THE ACT.

An Act to amend the Law relating to the recovery of Rent in the North-Western Provinces.

Preamble. WHEREAS it is expedient to amend the law relating to the recovery of Rent in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called "The North-Western Provinces Rent Act, 1881:"

Local extent. It extends in the first instance to the territories for the time being under the government of the Lieutenant-Governor of the North-Western Provinces, except those specified in the second schedule hereto annexed. But the Local Government may, by notification in the official Gazette, extend the whole or any part of this Act to all or any of the territories so excepted, and when any part of the North-Western Provinces Rent Act, 1873, has been extended to any such territory, such part shall be repealed therein and the corresponding part of this Act shall extend thereto.

Save as provided by sections 171 and 172, nothing herein contained applies to land for the the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as such land is not let to agricultural tenants.

Commencement. This Act shall come into force on the first day of April, 1881.

Act No. XVIII of 1873 repealed. 2. The North-Western Provinces Rent Act, 1873, is hereby repealed. But such repeal shall not legalize any practice which, immediately before the passing of that Act, was unlawful.

Rules, &c., under repealed Act. All rules and appointments made, notifications and proclamations issued, authorities and powers conferred, leases granted, rents fixed, rights acquired, liabilities incurred and places appointed under that Act shall, so far as may be, be deemed to have been made, issued, conferred, granted, fixed, acquired, incurred and appointed hereunder.

Acts amended. Illustration (*a*) to the Indian Penal Code, section 19, and Act No. XI of 1865, section 52, shall be read as if, for "Act X of 1859," the words and figures, "the North-Western Provinces Rent Act, 1881," were substituted. And in all Acts passed after the said North-Western Provinces Rent Act, 1873, all references to that Act shall be read as if made to this Act.

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

'Mahál:' (1.) 'Mahál' means—

(*a*) any local area held under a separate engagement for the payment of land-revenue, and for which a separate record-of-rights has been framed;

(*b*) any local area of which the revenue has been assigned or redeemed, and for which a separate record-of-rights has been framed:

'Tenant:' (1A.) 'Tenant' includes a thékadár and a katkanadár:

'Rent:' (2.) 'Rent' means whatever is to be paid, delivered or rendered by a tenant on account of his holding, use or occupation of land:

'Landholder:' (3.) 'Landholder' means the person to whom a tenant is liable to pay rent:

'Sír-land:' (4.) 'Sír-land' means—

(*a*) land recorded as sír at the last settlement or revision of settlement of the district in which it is situate, and continuously so recorded since;

(*b*) land continuously cultivated for twelve years by the proprietor himself with his own stock or by his servants, or by hired labour;

(*c*) land recognized by village-custom as the special holding of a co-sharer, or treated as such in the distribution of profits or charges among the co-sharers:

'Collector of a District:' (5.) 'Collector of a District' means the chief officer in charge of the Revenue Administration of a District:

'Commissioner of a Division:' (6.) 'Commissioner of a Division' means the chief officer in charge of the Revenue Administration of a Division:

'Board:' (7.) 'Board' means the Board of Revenue for the North-Western Provinces:

'Civil Jail:' (8.) 'Civil Jail' means the civil jail of the District, and includes any place appointed by the Local Government for the confinement of prisoners under sentence of any Court constituted under this Act.

CHAPTER II.

RIGHTS AND LIABILITIES OF LANDHOLDERS AND TENANTS.

Intermediate holders of land at rates unchanged since permanent-settlement. 4. When any permanent and transferable interest in land in a district or a portion of a district which has been permanently settled has been held otherwise than under a terminable lease by any person intermediate between the proprietor of the mahál and the occupants, and by the predecessors in interest of such person, from the time of the permanent-settlement, at the same rate of rent, such person shall have a right to hold such interest at that rate.

Tenants at fixed rates. 5. When any land in a district or portion of a district which is permanently settled has been held by a tenant and his predecessors in interest, from the time of the permanent settlement, at the same rate of rent, such tenant shall have a right of occupancy at that rate.

A tenant having such right is hereinafter called a "tenant at a fixed rate."

Presumption when 20 years' holding at fixed rate is proved. 6. When, in any suit to which the provisions of section 4 or section 5 apply, it is proved that the land has for a period of twenty years next before the institution of the suit been held by the present holder and his predecessors in interest at the same rate of rent, it shall be presumed, until the contrary is proved, that it has been held at such rate from the time of the permanent settlement.

Ex-proprietary tenants. 7. Every person who may hereafter lose or part with his proprietary rights in any mahál shall have a right of occupancy in the land held by him as sír in such mahál at the date of such loss or parting, at a rent which shall be four annas in the rupee less than the prevailing rate payable by tenants-at-will for land of similar quality and with similar advantages.

Persons having such rights of occupancy shall be called "ex-proprietary tenants," and shall have all the rights of occupancy-tenants.

If there are two or more sharers in any sír-land and one of them becomes an ex-proprietary tenant, the share which previously belonged to such ex-proprietary tenant shall, on his application or on the application of the person entitled to receive the rent, be divided off by the Collector, and the rights of the ex-proprietary tenant shall be limited to the land comprised in such share.

Occupancy-tenants. 8. Every tenant who has actually occupied or cultivated land continuously for twelve years has a right of occupancy in the land so occupied or cultivated by him.

Such tenants shall be called "occupancy-tenants."

The occupation or cultivating of the father or other person from whom the tenant inherits, shall be deemed to be the occupation or cultivating of the tenant within the meaning of this section:

Tenants barred from right of occupancy. Provided that no tenant shall acquire, under this section, a right of occupancy—

(*a*) in land which he holds from an occupancy-tenant, or from an ex-proprietary tenant, or from a tenant at fixed rates;

(*b*) in sír-land;

(*c*) in land held by him in lieu of wages.

Time excluded from reckoning period necessary for acquiring right of occupancy. Provided also that, when a tenant actually occupies or cultivates land under a written lease, without having a right of occupancy in such land, the period of twelve years necessary for acquiring a right of occupancy therein by him or any one claiming under him shall begin on the expiration of the term of such lease. If during the currency of such lease he ceases to occupy the land comprised therein, and sublets it to another, no right of occupancy in such land shall be acquired by the sub-lessee during the currency of the lease.

Rights under sections 7 and 8 when transferable. 9. The right of tenants at fixed rates may devolve by succession or be transferred.

No other right of occupancy shall be transferable in execution of a decree or otherwise than by voluntary transfer between persons in favour of whom as co-sharers such right originally arose or who have become by succession co-sharers therein.

When any person entitled to such last-mentioned right dies, the right shall devolve as if it were land: Provided that no collateral relative of the deceased who did not then share in the cultivation of his holding shall be entitled to inherit under this clause.

Determination of class of tenure of tenant. 10. On the application of any tenant to have his class of tenure determined, the Collector of the District or Assistant Collector shall determine the class to which he belongs, namely—

whether he is a tenant at fixed rates,

or an ex-proprietary tenant,

or an occupancy-tenant,

or whether he is a tenant without a right of occupancy.

Bar to enhancement of rent of tenants at fixed rates. 11. The rent paid by tenants at fixed rates shall not be liable to enhancement, except as provided by section 18.

Enhancement in case of ex-proprietary and occupancy-tenants. 12. The rent paid by ex-proprietary or occupancy-tenants shall not be liable to enhancement except—

(*a*) by a written agreement registered under the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or recorded before the kánúngo: or

(*b*) by order of a Settlement-officer passed under the law for the time being in force: or

(*c*) by order under this Act.

Grounds of enhancing rent of occupancy-tenants which has not been fixed by order. 13 (*a*). Where the rent of any occupancy-tenant has not been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

(*b*) or where the rent has been fixed by any such order, but the term for which it has been fixed has expired,

(*c*) or where ten years from the date on which an order fixing the rent has taken effect have expired,

(*d*) or where by order of the Local Government the assessment of the district has been revised before confirmation,

(*e*) or where the period of settlement of the district has come to an end,

the landholder may apply to enhance the rent of such tenant on one of the following grounds and on no others:—

(*f*) that the rate of the rent paid by such tenant is below the prevailing rate payable by the same class of tenants for land of similar quality with similar advantages;

(*g*) that the value of the produce has, or the productive powers of the land have, been increased otherwise than by the agency or at the expense of the tenant;

(*h*) that the quantity of land held by the tenant has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

Enhancement of rent of ex-proprietary tenants which has not been fixed by order. 14 (*a*). Where the rent of any ex-proprietary tenant has not been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or where the rent has been fixed by such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section 13, clauses (*c*), (*d*) and (*e*) has occurred,

the landholder may apply to enhance or determine the rent of such tenant as if he were an occupancy-tenant: Provided that his rent shall be four annas in the rupee below the prevailing rate for land of a similar quality with similar advantages held by tenants-at-will.

Selection of land for comparison. (*b*). Whenever the district or tahsíl, or other local area in which such land is situated, has been divided by the Settlement-officer into circles of like capacity and soil, the land of similar quality, with similar advantages, shall, for the purposes of this section and section 13, be selected from the same circle.

(*c*). When the Settlement-officer has not so divided the district or other local area as aforesaid, the land regarding which the application has been made shall be compared with land of similar quality and with similar advantages, in the same tahsíl or in a tahsíl immediately adjacent.

Abatement in like cases. 15. Where the rent of any ex-proprietary tenant or occupancy-tenant has not been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act,

or where the rent has been fixed by such order, but the term for which it has been fixed has expired,

or where any of the events mentioned in section 13, clauses (*c*), (*d*) and (*e*) has occurred,

the tenant may apply for an abatement of his rent on one of the following grounds, and on no others:—

(*a*) that the area of the land held by him has been diminished by diluvion or otherwise:

(*b*) that the value of the produce has, or the productive powers of such land have, been decreased by any cause beyond his power.

Time of enhancement or abatement where rent of ex-proprietary or occupancy-tenant has been fixed by order under this Act. 16. Where the rent of any ex-proprietary or occupancy-tenant has been fixed by an order under this Act, such rent shall not be liable to be enhanced or abated until the occurrence of any of the events mentioned in section 13, clauses (*c*), (*d*) and (*e*), whichever first occurs.

Grounds of enhancement and abatement where his rent has been fixed by order of a Settlement-officer or under this Act. 17. Notwithstanding anything contained in section 16 where the rent of any ex-proprietary or occupancy-tenant has been fixed by order of a Settlement-officer under the North-Western Provinces Land Revenue Act, 1873, or by an order under this Act, the landholder may apply to enhance the rent of such tenant during the currency of the term for which the rent has been so fixed, on one of the following grounds, and on no others:—

(*a*) that the area of the tenants holding has been increased by alluvion or otherwise:

(*b*) that the productive powers of the land held by the tenant have, since the date of the order, been increased otherwise than by the agency or at the expense of the tenant:

And the tenant may apply for abatement of his rent on one of the following grounds, and on no others:—

(*c*) that the area of the land held by him has been diminished by diluvion or otherwise;

(*d*) that the productive powers of such land have been decreased by any cause beyond his control.

Grounds of enhancement or abatement of rent of tenant at fixed rates.

18. In the case of a tenant at fixed rates, the landholder may apply to enhance his rent on the ground that the area of the land in his holding has been increased by alluvion or otherwise,

and the tenant may apply for abatement of his rent on the ground that the area of the land in his holding has been diminished by diluvion or otherwise.

Day before which applications for enhancement or abatement must be made.

19. Applications for enhancement or abatement of rent must be made on or before the thirty-first day of August next before the year commencing on the first day of July from which the rent is to be enhanced or abated,

Orders when to take effect.

and every order for enhancement or abatement shall take effect from the first day of July next following the date of such order, unless for some reason, to be stated in writing, the Court thinks fit to order otherwise.

Consideration of caste and class of tenant in determining rate of his rent.

20. In determining, under this Chapter, the rate of rent payable by any tenant, his caste shall not be taken into consideration, unless it is proved that, by local custom, caste is taken into account in determining such rate;

and whenever it is found that, by local custom or practice, any class of persons, by reason of their having formerly been proprietors of the soil or otherwise, hold land at favourable rates of rent, the rate shall be determined in accordance with such custom or practice.

Tenants-at-will.

21. No tenant-at-will of land shall be liable to pay rent in excess of the rent (if any) payable by him in the previous year ending on the thirtieth day of June, unless the landholder and tenant have agreed as to the rent to be paid to the former by the latter, and such agreement has been recorded by the kánúngo of the pargana in which such land is situate.

Rent of ex-proprietary or occupancy-tenant fixed by agreement.

22. Notwithstanding anything hereinbefore contained, when the rent of any ex-proprietary or occupancy-tenant has been fixed by agreement between the parties, such rent shall not be liable to enhancement or abatement for such term as may be agreed on.

Applications to survey land.

22A. When any land is held of a landholder by a tenant, such landholder or tenant may, in the absence of a written contract to the contrary, apply to the Collector of the District to have such land surveyed. The Collector, on receiving such application, may estimate the cost of such survey, and, by order in writing, require the applicant to deposit the amount of such estimate.

If the applicant deposits such amount within fifteen days from the date of the order, the Collector of the District shall issue a notice to the other party or parties to the tenancy to show cause, at a time and place specified in such notice, why the survey should not be made; and, if no such cause is so shewn, may, by an order in writing, direct the survey to be made by such person and at such time as he thinks fit.

A copy of such order shall be served on all the parties to the tenancy; and, if any party fails to attend at the appointed time, it shall not thereafter be open to him to question the correctness of the survey made in his absence.

If any party, on being called upon to show cause as aforesaid, makes any objection to the survey and such objection is overruled, he shall be liable to pay the costs (if any) occasioned by such objection.

Nothing in this section shall affect any power conferred by law to compel the attendance of any person at a survey.

Power to remit or suspend payment of rent when payment of revenue remitted or suspended.

23. Whenever for any cause the Local Government remits or suspends for any period the payment of the whole or any part of the revenue payable in respect of any land, any officer empowered by the Local Government in this behalf may, subject to such rules as to appeal, confirmation or otherwise as may, from time to time, be prescribed by the Board, order that the rent of such land shall be remitted, or suspended for, the period of such suspension of payment of revenue, as the case may be, to an amount which shall be equal to double the amount of the revenue of which the payment has been so remitted or suspended, or shall bear the same proportion to the whole of the rent payable in respect of the land as the revenue of which the payment has been so remitted or suspended bears to the whole of the revenue payable in respect of such land;

and, subject to the same rules, the landholder shall be bound by such order.

(*A*).—*Leases.*

Contents of lease to which every tenant is entitled.

24. Every tenant is entitled to receive from the landholder, and may at any time during the continuance of his holding, apply for a lease containing the following particulars:—

(*a*) the quantity of land held by him, and, where the fields have been numbered in a Government survey, the number of each field:

(*b*) the amount of annual rent payable for such land:

(*c*) the instalments in which, and the dates on which, such rent is to be paid:

(*d*) any special conditions of the lease:

(*e*) if the rent is payable in kind, or is calculated on a valuation of the produce, the proportion of produce to be delivered, the mode of valuation, and the time, manner and place of delivery.

Leases to which tenants at fixed rates are entitled.

25. Tenants at fixed rates are entitled to receive leases at such rates.

Leases to which ex-proprietary and occupancy-tenants are entitled.

26. Ex-proprietary and occupancy-tenants are entitled to receive leases at the rates determined in accordance with the law for the time being in force, or, where no rates have been so determined, at the rates actually paid by them when they demand such leases.

Leases to which other tenants are entitled.

27. All other tenants are entitled to leases only on such terms as may be agreed upon between them and the landholders.

Landholder granting lease entitled to reciprocal engagement.

28. Every landholder who grants a lease is entitled to receive a reciprocal engagement from the tenant, executed by the tenant, and conformable with the terms of the lease.

The tender to any tenant of a lease, such as he is entitled to receive, shall entitle the landholder to receive a reciprocal engagement from such tenant.

Lease for period exceeding term of landholder's engagement.

29. Notwithstanding anything contained in section 22, when any lease is granted, or any agreement is entered into, by any landholder under engagement with Government for his land, fixing the rent of land for any period exceeding the term of such engagement, and such term expires, such lease or agreement shall,

(*a*) when, on the expiration of such term, the revenue payable in respect of such land is enhanced—be voidable at the option of the landlord, unless the tenant agrees to pay such rent as a Settlement-officer or other person duly empowered in this behalf may, on the application of the landlord, determine to be fair and reasonable; and

(*b*) when such land-revenue is on the expiration of such term reduced—be voidable at the option of the tenant, unless the landlord agrees to accept such rent as a Settlement-officer or other person duly empowered in this behalf may, on the application of the tenant, determine to be fair and reasonable.

Resumption of rent-free grants.

30. (*a*) And whereas all grants (whether in writing or otherwise) for holding land exempt from the payment of rent which have been made since the first day of December, 1790, by any authority other than that of the Governor General in Council, were declared by Bengal Regulation XIX of 1793, section 10, to be null and void, and like provisions have been by divers Regulations applied to the several parts of the territories to which this Act extends, and the said Regulation XIX of 1793 also provided that no length of possession should be considered to give validity to any such grant, either with regard to the property in the soil or the rents of it, it is hereby further enacted as follows:—

Applications to resume.

(*b*) Applications by the proprietor to resume such grants or to assess rent on the land, shall be made to the Collector of the District or Assistant Collector, and, subject to rules to be made by the Local Government, shall be dealt with as other applications under this Act.

Validity of grants which grantor has expressly agreed not to resume.

(*c*) Grants of land held under a written instrument, by which the grantor expressly agrees that the grant shall not be resumed, shall be held valid as against him (but not as against his representatives after his death) during the continuance of the settlement of the district in which the land is situate, which is current at the date of the grant.

When rent-free tenure confers proprietary right.

(*d*) Where any land, having been for the fifty years next before the twenty-second day of December, 1873, held rent-free and by at least two successors to the original grantee, was so held on that day, such holding shall be deemed to have conferred on the holder a proprietary right.

(*e*) Nothing in the Indian Limitation Act, 1877, shall bar the right to make an application under this Act to assess to rent land held rent-free.

(*f*) Nothing in this section shall apply to either of the following cases:—

(1) Where land was, previously to the passing of the North-Western Provinces Rent Act, 1873, held rent-free under a judicial decision:

(2) Where, previously to the passing of that Act, land held rent-free had been purchased for a valuable consideration and resumption thereof had been barred under Act No. X of 1859, section 28, or under the Indian Limitation Act, 1871, schedule II, No. 130.

(*B*).—*Relinquishment and Ejectment.*

Relinquishment of land by tenant not holding under a lease.

31. Every tenant not holding under a lease shall continue liable for the rent of the land in his holding for the ensuing year, unless on or before the first day of May in any year he gives notice in writing to the landholder, or his recognized agent, of his desire to relinquish such land on the thirtieth day of June next ensuing, and relinquishes it accordingly; or unless it is let to any other person by such landholder or agent:

Proviso.

Provided that, whenever an order for the enhancement of the rent of any land held by any such tenant is passed and the tenant within fifteen days of the date of such order gives to the landholder or his recognized agent notice in writing of his desire to relinquish such land at the commencement of the period in respect of which such enhancement takes effect, and relinquishes such land accordingly, he shall not be liable for the rent payable for such land in respect of any period subsequent to such relinquishment.

Explanation.—No notice can be given under this section in respect of a portion only of any land held under the same lease or engagement.

Service through tahsíldár of notice of relinquishment.

32. If the landholder or his agent refuses to receive any notice under section 31, or if he receives it, but refuses to sign and deliver a receipt for the same, the tenant may, before the expiration of the period limited for giving such notice, make an application to the tahsíldár, who shall thereupon cause the notice to be served on such landholder or agent, the tenant paying the costs of service.

Mode of serving notice.

33. The notice shall, if practicable, be served personally on the landholder or his agent; but if the landholder or his agent cannot be found, or if he evades service of the notice, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the

land is situate, at the *chaupál*, or other conspicuous place in the village where the land is situate.

Where the delay in serving the notice is owing to the fault of the landholder or his agent, the notice shall be deemed to have been served at the first attempt to serve it.

Application by landholder to set aside notice.

33A. When any such notice has been received by or served on a landholder or his agent he may, within fifteen days from such receipt or service, apply to the Collector or Assistant Collector to have such notice declared invalid, and the Collector shall thereupon determine the question between the parties.

If the landholder or his agent does not so apply within such period of fifteen days, he shall be deemed to have accepted the notice.

Liability of tenant to pay interest on arrear and to be ejected.

34. (*a*). When an arrear of rent remains due from any tenant, he shall be liable to pay interest on such arrear at one per cent. per mensem; and if the arrear remains due on the thirtieth day of June, to be ejected from the land in respect of which the arrear is due.

Bar to ejectment without decree.

(*b*). No tenant shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Ejectment not to be decreed for certain acts or omissions.

(*c*). No ejectment of a tenant or forfeiture of a lease shall be decreed on account of any act or omission of the tenant—

(1) which is not detrimental to the land in his occupation, or inconsistent with the purpose for which the land was let, or

(2) which by law, custom, or special agreement does not involve the forfeiture of the lease.

Explanation.—In clauses (*a*) and (*b*) the word 'tenant' does not include a thékadár and a katkanadár.

Ejectment of tenant at fixed rates, ex-proprietary, with right of occupancy, or holding under unexpired lease.

35. If the landholder desires to eject a tenant at fixed rates, an ex-proprietary tenant, an occupancy-tenant or a tenant holding under an unexpired lease, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the expiration of the year, ending on the thirtieth day of June, in which such arrears accrued, apply to the Collector of the District or Assistant Collector to eject the tenant.

Such officer shall, on receiving such application, cause a notice to be served on the tenant, stating the amount due under the decree, and informing him that if he does not pay such amount into Court within fifteen days from receipt of the notice, he will be ejected from his land.

If such amount be not so paid, the Collector of the District or Assistant Collector may eject the tenant.

Service of notice on tenant for limited period.

36. If the landholder desires to eject a tenant not having a right of occupancy, or any other tenant holding only for a limited period, after the determination of his tenancy, he shall cause a written notice of ejectment to be served on such tenant under the provisions of this Act.

Language and contents of notice.

37. The notice of ejectment shall be written in the vernacular language and character of the district:

it shall specify the land from which the tenant is to be ejected;

and it shall inform him that he must vacate such land; or that, if he means to contest the right to eject him, he must apply to the Collector of the District or Assistant Collector for that purpose.

Mode of serving notice.

38. The notice shall be issued and served through the office of the tahsíldár on application made to him between the first day of January and the first day of April in each year, and the landholder shall pay the cost of service: it shall be served personally on the tenant, if practicable; but if he cannot be found, service may be made by affixing the notice to his usual place of residence.

Effect of failure of tenant to institute suit to contest liability to ejectment.

39. (*a*). The tenant, on whom such notice has been served, may, within thirty days next after the service, make an application to the Collector of the District or Assistant Collector, contesting his liability to be ejected.

(*b*). When such an application is made, the Collector of the District or Assistant Collector shall proceed to determine the question between the parties.

(*c*). On the determination of such question adversely to the tenant, or, where no application under this section has been made within the said period of thirty days, on the expiration of such period, the tenancy of the land in respect of which the notice has been served shall cease:

Provided that when such question has been determined or such period has expired, as the case may be, before the first day of May next following the making of the application under section 38, the tenancy shall continue until and cease upon that day:

Provided also that the tenancy shall not cease under this section when after the service of the notice, the landholder authorises the tenant to continue in the occupation of the land.

Procedure to enforce ejectment.

40. If the landholder require assistance to eject the person whose tenancy is alleged to have ceased under the provisions of section 39, he may, within fifteen days from the date of such cessation, apply to the Collector of the District or Assistant Collector for such assistance, and the Collector of the District or Assistant Collector shall order the ejectment of such tenant if he is satisfied—

(*a*) that the notice was duly served on such tenant under section 38;

(*b*) that he has not been authorized by the landholder to continue in occupation;

(*c*) that the tenant has not made the application mentioned in section 39, clause (*a*); or

(*d*) that if such application has been made, the question has been determined adversely to the tenant:

Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received if the lease be of the kind in which an advance has been made by the lease-

holder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance either in money or by the usufruct of the land. In all such cases the landholder must proceed by suit in the Civil Court.

Notice of ejectment when void.

41. If the landholder expressly authorise the tenant, on whom the notice of ejectment has been served, or against whom any proceedings in ejectment under section 40 have been taken, to remain in occupation of the land, and to prepare it for the harvest, the proceedings shall become void.

Rights of ejected tenant.

42. (*a*). Any tenant ejected in accordance with the provisions of this Act, shall be entitled to any growing crops or other ungathered products of the earth belonging to the tenant, and growing on the land at the time of his ejectment, and to use the land for the purpose of tending and gathering in such crops or other products, paying adequate rent therefor:

Effect of tender by landholder of payment for crops.

(*b*). Provided that, if the landholder desire to purchase such crops or other products, he may tender their price to the tenant; and thereupon the right of the tenant to such crops and other products, and to use the land for the purpose aforesaid, shall cease.

Power to determine rent and price.

(*c*). In the case of a dispute under this section, the Collector of the District or Assistant Collector may, on the application of the landholder or tenant, award the rent and price so payable; and the amount of such award, or of any tender accepted under this section, shall be recoverable as an arrear of rent by suit under this Act.

Set-off of rent.

(*d*). The rent, if any, payable to the landholder by the tenant at the time of his ejectment may be set-off against the price of the said crops or other products.

Application for officer to divide produce or appraise crop.

43. (*a*). Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a like nature, requiring the presence both of the cultivator and landholder, either personally or by agent,

if either landholder or tenant, personally or by agent, neglect to attend at the proper time, or if there is a dispute as to the amount or value of the crop,

an application may be presented by either party to the Collector of the District or Assistant Collector, requesting that a proper officer be deputed to make the division, estimate or appraisement.

Procedure on such application.

(*b*). On receiving such application, the Collector of the District or Assistant Collector shall issue a written notice to the opposite party or his agent, to attend on the date and at the time specified in the notice, and shall depute an officer before whom such division, estimate or appraisement shall be made.

(*c*). If on or before the date appointed, the dispute has not been amicably adjusted, three residents of the village or neighbourhood shall be appointed assessors; one by each of the parties and one by the officer deputed to divide the grain or estimate or appraise the crops, and the officer deputed shall decide the amount of rent payable by their award, and shall give to the party applying a written authority to divide the grain or cut the crops:

(*d*). Provided that, if either party fail to attend, the officer deputed shall nominate an assessor on his behalf.

(*e*). The officer deputed shall report his proceedings to the Collector of the District or Assistant Collector, who shall determine the amount of costs properly incurred under this section, and the share of the costs to be paid by either party.

(C).—*Compensation for Improvements made by Tenants.*

Tenants' right to compensation for improvements.

44. If any tenant, or any person from whom he has inherited or purchased, make any such improvements on the land in his possession as are hereinafter mentioned, neither he nor his representative shall be ejected from the same land without payment of compensation for such improvements.

Explanation.—In this section the word "tenant" does not include a thékadár or a katkanadár and the word "improvements" means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

(*a*) tanks, wells and other works for the storage, supply or distribution of water for agricultural purposes,

(*b*) works for the drainage of land, or for the protection of land from floods or from erosion or other damage by water,

(*c*) the reclaiming, clearing, or enclosing of lands for agricultural purposes,

(*d*) the renewal or re-construction of any of the foregoing works, or alterations therein, or additions thereto.

Notwithstanding anything hereinbefore contained, no tenant, other than a tenant at fixed rates or an occupancy-tenant, shall be entitled to compensation in respect of any improvement made without the consent of the landholder after this Act comes into force.

Mode of making compensation.

45. Such compensation may, at the option of the landholder or his representative, be made—

1*st*,—by payment in money;

2*nd*,—by a rent to be charged on the land;

3*rd*,—by the grant of a beneficial lease of the land, by the landholder or his representative, to the tenant or his representative;

4*th*,—partly by one or by any two of the said ways, and partly by the others or other of the same ways.

Settlement of difference as to amount or value of compensation.

46. In case of difference as to the amount or value of the compensation tendered, either party may apply to the Collector of the District or Assistant Collector stating the matter in dispute, and requesting a determination thereof.

On receiving such application, the Collector of the District or Assistant Collector shall—

(*a*) cause notice thereof to be served on the other party,

(*b*) take such evidence as the parties or either of them may adduce,

(*c*) make such further inquiry as the Collector of the District or Assistant Collector may deem necessary, and

(*d*) determine the amount of the payment in money, and the amount and incidence of the rent-charge, and the terms of the lease, or any of such matters.

Considerations in determining compensation.

47. In determining the amount or value mentioned in section 46, or the terms of such lease, the Collector of the District or Assistant Collector shall take into account any assistance given to the tenant by the landholder either directly in money, material or labour, for the purpose of making such improvements, or indirectly by allowing the tenant to hold at a favourable rate of rent.

(*D*).—*Compensation for wrongful acts and omissions.*

Right of tenant to compensation for exactions in excess of rent or for withholding receipt.

48. Every tenant from whom any sum is exacted in excess of the rent specified in his lease or payable under the provisions of this Act,

and every tenant from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the landholder compensation not exceeding double the amount so exacted or paid

Contents of receipt.

Receipts for rent shall specify the period or crop on account of which the rent is acknowledged to have been paid;

and any refusal to make such specification shall be held to be a withholding of a receipt.

Explanation.—In this section the word "tenant" does not include a thékadár or a katkanadár.

Damages for extorting payment of rent by duress.

49. If payment of rent, whether the same be legally due or not, is extorted from any tenant by illegal confinement or other duress, he shall be entitled to recover from the person guilty of such extortion such further compensation, not exceeding the sum of two hundred rupees, as the Collector of the District or Assistant Collector thinks reasonable.

Liability to punishment for extortion not affected.

An award of compensation under this section shall not bar or affect any penalty or punishment to which the person guilty of such extortion may be subject under the Indian Penal Code.

(*E*).—*Deposit of Rent in Court.*

Deposit of amount tendered by tenant and refused.

50. If any tenant tenders to the landholder full payment of the rent due from him, and if the amount so tendered be not accepted, and a receipt for the amount forthwith granted, the tenant may thereupon apply to the Collector of the District or Assistant Collector for leave to deposit such amount in his Court to the credit of the landholder.

Form and verification of application.

51. The application to the Collector of the District or Assistant Collector shall be as nearly as may be in the form (A) in the first schedule hereto annexed, and shall be verified in the manner hereinafter prescribed for the verification of plaints.

And the person making the verification shall be punishable, if the application contain any averment which he knows or believes to be false, or does not know or believe to be true.

Penalty for false statement.

Notice to issue on deposit being made.

52. The Collector of the District or Assistant Collector shall receive the amount which the tenant desires to deposit, and shall thereupon issue to the person to whose credit it has so been deposited, a notice in English or the vernacular language of the district in the form (B) in the first schedule hereto annexed, or to the like effect.

And such deposit shall, in all questions between the landholder and the tenant, be deemed to be a payment made by the tenant to the landholder on account of the rent.

Mode of serving notice.

53. Such notice shall be served through the tahsíldár upon the person to whom it is addressed, or upon his recognized agent.

In their absence, the notice shall be affixed at the *chaupál*, or other conspicuous place in the village in which the land for which the rent is due is situate.

Payment to person served with notice on his application.

54. If at any time before the expiration of three years from the date of the deposit the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall be paid accordingly, unless it has been repaid or paid in accordance with the provisions next hereinafter contained.

Refund to depositor.

55. If no application be made by such person or his recognized agent, the sum shall be repaid to the depositor on the expiration of three years from the date of the deposit.

And at any time before the expiration of such period, on the joint application of the depositor and the person to whose credit the said sum was deposited, such sum shall be paid in such manner as the joint applicants desire.

Deposit in Court of rent claimed by two or more persons.

55A. When, owing to the death of the landlord or other cause, two or more persons severally claim the right to collect the rent from a tenant, the tenant may apply to the Collector of the District or the Assistant Collector for leave to deposit in Court the full amount of rent due from him, and such deposit, if made with the leave of the Collector or Assistant Collector, shall, in all questions between the landholder and the tenant, be deemed to be a payment made by the tenant to the landholder on account of the rent.

The Collector of the District or Assistant Collector may, after such enquiry as he thinks necessary, direct payment of the amount deposited to such one of the persons claiming such rent as appears to him entitled to receive the same, or may order the same to remain in deposit pending decision by a competent Court.

No suit shall lie against the Secretary of State for India in Council or against any officer of Government in respect of any payment made under this section, but nothing herein contained shall affect the right of any person entitled to such payment to recover the amount thereof from any other person to whom it has been paid.

CHAPTER III.

DISTRESS.

Produce of land hypothecated for rent.

56. The produce of all land in the occupation of a cultivator shall be deemed to be hypothecated for the rent payable in respect of such land; and until such rent has been satisfied, no other claim on such produce shall be enforced by sale in execution of decree or otherwise;

Recovery of arrears by distress.

and when an arrear of rent is due from any cultivator, the person entitled to receive rent immediately from him may, instead of suing for the arrear as hereinafter provided, recover the same by distress and sale of the produce of the land in respect of which the arrear is due, under the rules contained in this chapter.

57. Provided—

Distress of produce barred by security given for rent.

(*a*) that when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given shall not be liable to be distrained:

Sharer when entitled to distrain.

(*b*) that no sharer in any mahál shall have power to distrain upon any cultivator unless he is entitled to collect the whole rent from such cultivator;

Distress by manager.

(*c*) that no sharer in a joint undivided mahál shall exercise such power otherwise than through a manager authorized to collect the rents of the whole mahál on behalf of all the sharers therein:

Distress in pattídárí mahals.

(*d*) that in pattídárí mahals distress shall be made only through a lambardár, or, where the rent of a patti is not collected by a lambardár, through the pattídár who is entitled to collect the rent.

No distress for overdue arrear, nor, without agreement, for excess over past year's rent.

58. A distress shall not be made for any arrear which has been due in respect of any land for a longer period than one year:

nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless the rent has been enhanced under the provisions hereinbefore contained, or by order of a Settlement-officer, or unless the cultivator has agreed to pay such excess and such agreement has been attested before the Mámlatdár.

Distress by managers under Court of Wards, &c.

59. The power to distrain conferred by sections 56 and 57 may be exercised by managers under the Court of Wards and other persons lawfully entrusted with the charge of immoveable property;

and also by the agents employed by such persons as aforesaid, in the collection of rent, if expressly authorized by power-of-attorney in that behalf:

Liability for illegal act.

If any wrongful act is committed by any such agent, under colour of the exercise of the said power, such agent and his principal shall be jointly and severally liable to make compensation for such act.

Written authority to servants employed to distrain.

60. When any person, empowered to distrain property under section 56, section 57 or section 59, employs a servant or other person to make the distress, he shall give him a written authority for the same, and the distress shall be made in the name of the person giving such authority.

Standing crops and crops gathered liable to distress.

61. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with power to distrain under the provisions of this Act.

Exception.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to be distrained under this Act.

Defaulter to be served with written demand and account.

62. Before or at the time when a distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Mode of service.

The demand and account shall, if practicable, be served personally on the defaulter; or, if he abscond or conceal himself, so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to arrear.

List of property to be prepared and copy served on owner.

63. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid equal in value, as nearly as may be, to the amount of the arrear and the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or, if he be absent, affix it at his usual place of residence.

Standing crops, &c., when distrained, may be reaped and stored.

64(*a*). Standing crops and other ungathered products may, notwithstanding the distress, be reaped and gathered by the cultivator, and he may store the same in such granaries or other places as are commonly used by him for the purpose.

(*b*). If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

(*c*). In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose.

Sale of products which cannot be stored.

(*d*). Crops or products which, from their nature, do not admit of being stored, may be sold before they are reaped or gathered, under the rules hereinafter provided; but in such case, the distress shall be made at least twenty days before the time when the crops, or products, or any part of the same are fit for reaping or gathering.

65. If a distrainer is opposed, or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Collector of the District or Assistant Collector, who may, if he thinks necessary, depute an officer to assist the distrainer in making the distress.

Assistance to distrainer opposed or apprehending resistance.

66. If at any time after property has been distrained and before the day fixed for putting it up to sale as hereinafter provided, the owner of the property tenders payment of the arrear demanded of him, and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn on tender of arrear and expenses before sale.

67. Within five days from the time of the storing of any distrained crops or products,

Application for sale.

or, if the crops or products do not, from their nature, admit of being stored within five days from the time of making the distress,

the distrainer shall apply for sale of the same to the officer for the time being authorized by the Local Government to sell distrained property within the tahsíl in which they are situate.

Contents of application.

68. The application shall be in writing, and shall contain—

(*a*) an inventory or description of the property distrained,

(*b*) the name of the defaulter and his place of residence,

(*c*) the amount due, and the date of the distress, and

(*d*) the place in which the distrained property is.

Together with the application, the distrainer shall deliver to the said officer the fee for the service of a notice upon the defaulter as hereinafter provided.

Fee for service of notice.

69. Immediately on receipt of the application, the said officer shall send a copy of it to the Collector of the District or Assistant Collector,

Procedure on receipt of application.

and shall serve a notice in the form (C) contained in the first schedule hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before the Collector of the District or Assistant Collector, within the period of fifteen days from the receipt of the notice.

He shall at the same time send to the Collector of the District or Assistant Collector, for the purpose of being put up in his office and in the office of the tahsíldár, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain—

(*a*) a description of the property,

and shall specify—

(*b*) the demand for which it is to be sold, and

(*c*) the place where the sale is to be held.

70. If a suit is instituted before the Collector of the District or Assistant Collector in pursuance of the aforesaid notice, the Collector of the District or Assistant Collector shall send to the officer referred to in section 67, or, if so requested, shall deliver to the owner of the distrained property, a certificate of the institution of such suit;

Suspension of sale on receipt of Collector's certificate of institution of suit.

and on such certificate being received by, or presented to, the said officer, he shall suspend the sale.

71. A person whose property has been distrained in manner hereinbefore provided may, immediately after the distress, and before the issue of notice of sale, institute a suit to contest the demand of the distrainer.

Suit to contest distrainer's demand before issue of notice of sale.

When such suit is instituted, the Collector of the District or Assistant Collector shall proceed in the manner prescribed in the last preceding section.

If, thereafter, application for the sale of the property is made to the said officer, he shall send a copy of the application to the Collector of the District or Assistant Collector, and suspend further proceedings, pending the decision of the case.

72. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with a surety, binding himself to pay whatever sum may be adjudged to be due from him, with interest and costs of suit;

Distress when to be withdrawn.

and when such bond is executed, the Collector of the District or Assistant Collector shall give to the owner of the property a certificate to that effect, and, if so requested, shall serve the distrainer with notice of the same;

and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Collector of the District or Assistant Collector, the property shall be released from distress.

73. If the institution of a suit to contest the demand of the distrainer has not been certified, in manner hereinbefore provided, to the said officer, on or before the day fixed in the proclamation of sale, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, in manner hereinafter mentioned, to sell the property or such part of it as may be necessary to satisfy the demand with the costs of distress and sale.

When sale may be proceeded with.

74. The sale shall be held at the place where the distrained property is, or at the nearest place of public resort, if the said officer is of opinion that it is likely to sell there to better advantage.

Place of sale.

The property shall be sold by public auction, in one or more lots, as the officer holding the sale may think advisable;

Manner of sale.

and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Withdrawal of distress when demand and costs satisfied.

75. If, on the property being put up for sale, a fair price (in the estimation of the officer holding the sale) be not offered for it, and if the owner of the property, or some person authorized to act on his behalf, apply to have the sale postponed until the next day, or, if a market be held at the place of sale, the next market-day, the sale shall be postponed until such day and shall be then completed whatever price may be offered for the property.

If fair price be not offered, sale may be postponed and shall be then completed.

76. The price of every lot shall be paid for in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks necessary;

Payment of purchase-money.

and, in default of such payment, the property shall be put up again and sold, and the deficiency in price (if any) which may happen on such second sale and all expenses attending such second sale shall, at the instance either of the distrainer or the owner of the property, be recoverable from the defaulter under the rules hereinafter contained for the execution of a decree for rent.

Re-sale on default.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Certificate to purchaser.

77. From the proceeds of every sale of distrained property under this Act, the officer holding the sale shall make a deduction at the rate of one anna in the rupee on account of the costs of the sale, and shall send the amount so deducted to the Collector of the District or Assistant Collector.

Deduction, from proceeds, of costs of sale.

He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress, and of the issue of the notice and proclamation of sale prescribed in section 69, to such amount as, after examining the statement of expenses furnished by the distrainer, he thinks proper to allow.

Payment of distrainer's expenses.

The remainder shall be applied to the discharge of the arrear for which the distress was made, with interest thereon up to the day of sale;

Discharge of arrear with interest.

and the surplus (if any) shall be delivered to the person whose property has been sold.

Surplus.

78. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

Sale-officers and employés prohibited from purchasing.

79. Officers holding sales under this Chapter are required to bring to the notice of the Collector of the District or Assistant Collector any material irregularities committed by distrainers under colour of this Act;

Report of irregularities by distrainer.

and if, in any case, on proceeding to hold any such sale, the officer holding it find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector of the District or Assistant Collector, who shall thereupon direct the issue of another notice and proclamation of sale under section 69, or pass such other order as he thinks fit.

Postponement of sale, and report to Collector when owner has not received due notice.

Order of Collector.

80. When an officer goes to any place for the purpose of holding a sale under this Act, and no sale takes place, either for the reason stated in section 79, or because the demand of the distrainer has been previously satisfied without any intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property.

Levy of charge when sale-officer attends, and no sale takes place.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary.

Recovery from owner.

In every other case it shall be paid by the distrainer, and may be recovered by attachment and sale of his property under the warrant of the Collector of the District or Assistant Collector:

Recovery from distrainer.

Provided that in no case shall a larger amount than ten rupees be recoverable under this section.

Limit to charge.

81. When a suit has been instituted to contest the demand of a distrainer, and the distrained property has not been released on security, if the demand or any portion of it is adjudged to be due, the Collector of the District or Assistant Collector shall issue an order to the officer authorizing the sale of such property;

Order of sale when amount adjudged due.

and, on the application of the distrainer within five days from the receipt of such order by the officer, such officer shall publish a second proclamation in the manner prescribed in section 69, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation;

Second proclamation of sale.

and, unless the amount adjudged to be due with the costs of distress be paid, shall proceed to sell the property in the manner hereinbefore provided.

Sale on failure to pay debt and costs.

82. (*a*) In all suits instituted to contest the distrainer's demand, he shall be required to prove the arrear in the same manner as if he had himself brought a suit for the amount under the provisions hereinafter contained.

In suit to contest his demand, distrainer to prove arrear.

(*b*) If the demand or any part thereof is found to be due, the Collector of the District or Assistant Collector shall make a decree for the amount in favour of the distrainer, and such amount may be recovered by sale of the property, as provided in the last preceding section, if the distress has not been withdrawn;

Recovery of amount decreed in favour of distrainer.

and, if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter,

or if the property have been released on security, by execution of the decree against the person and property of the defaulter and of his surety.

(*c*) If the distress is adjudged to be vexatious or groundless, the Collector of the District or Assistant Collector, besides directing the release of the distrained property, may award such compensation to the plaintiff as the circumstances of the case require.

Compensation in case of vexatious distress.

83. (*a*) If any person claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person, to try the right to the property, in the same manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Suit by person claiming property distrained for arrears alleged to be due from another.

(*b*) When any such suit is instituted, the property may be released upon security being given for the value of the same.

Release of property on security being given.

(*c*) If the claim is dismissed, the Collector of the District or Assistant Collector shall make an order for the sale of the property, or for the recovery of the value thereof, as the case may be, for the benefit of the distrainer.

Order of Collector when claim dismissed.

(*d*) If the claim is upheld, the Collector of the District or Assistant Collector shall decree the release of the distrained property with costs, and such compensation (if any) as the circumstances of the case require:

Decree for release and compensation when claim upheld.

(*e*) Provided that no claim to any produce of land liable to distress under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any civil Court prevail against such prior claim.

Saving of prior claim of person entitled to rent of land.

84. If, in any case in which property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, the right to distrain for such arrears is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the time of the commencement of the suit shall be enquired into, and in deciding the suit the result of such inquiry shall be taken into consideration:

Procedure where right to distrain is claimed by person other than distrainer.

Provided that the decision of the Collector of the District or Assistant Collector shall not affect the right of any person who may have a rightful title to the rent of the land to establish his title by suit in the civil Court if instituted within one year from the date of the decision.

Saving of right to sue in civil Court.

85. If any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by section 69 or 83, and his property is in consequence sold, he may, nevertheless, institute a suit under this Act to recover compensation for such distress and sale.

Persons prevented from suing in time to save property from sale may sue for damages.

86. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

Wrongful acts of distrainer.

or if any distrained property is lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when it is required to be withdrawn by any provision of this Act,

the owner of the property may institute a suit under this Act to recover compensation for any injury which he has thereby sustained through any act or omission mentioned in the former part of this section.

87. If any person not empowered to distrain property under section 56, 57 or 59, nor employed for the purpose under a written authority by a person so empowered, fraudulently distrains or sells, or causes to be sold, any property under colour of this Act, the owner of the property so distrained or sold may institute a suit under this Act to recover compensation from such person for any injury which the plaintiff has sustained from the distress or sale,

Suit by owner against person distraining or selling without authority.

and the defendant shall be held to have committed criminal trespass, and shall be subject to the penalties provided for that offence by the Indian Penal Code, in addition to any damages which may be awarded against him in such suit.

Penalty in addition to damages.

88. Provided that every suit instituted under any of the three last preceding sections shall be commenced within the period allowed by section 94.

Limitation of suits under sections 85, 86, 87.

89. (*a*) If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Collector of the District or Assistant Collector in charge of the Sub-division, upon complaint being made within fifteen days from the date of such resistance or removal, may cause the person accused to be arrested and brought with all convenient speed before the Collector or Assistant Collector, who shall, if possible, proceed forthwith to try the case.

Procedure in case of resistance of distress.

(*b*) If the case cannot be at once heard, the Collector of the District or Assistant Collector may, if he think fit, require the party arrested to give

security for his person, and, in default of such security, may commit him to the civil jail until the case is tried,

and if the offence be proved and the offender be the owner of the property concerned, the Collector of the District or Assistant Collector may order him to be imprisoned in the civil jail for a term not exceeding six months, unless the whole arrear due to the distrainer, with all reasonable expenses and costs, is previously to the expiration of such term paid or levied under warrant of the Collector of the District or Assistant Collector by distress and sale of the property of the offender.

(*c*) If the offender be not the owner of the property concerned, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred rupees, or, in default of payment thereof, to imprisonment in the civil jail for a term which may extend to two months.

90. All proceedings of officers distraining, or assisting distrainers, or holding sales, under this chapter, shall be subject to the revision and orders of the Collector of the District or Assistant Collector in charge of a Sub-division of the District.

Proceedings of officers subject to revision and orders of Collector.

CHAPTER IV.

PROCESS.

91. (*a*) Every process issued by a Collector of a District or Assistant Collector under this Act shall be under his seal and signature, and shall be served or executed by the Názir, or by such other officer as the Collector of the District or the Assistant Collector may direct, at the cost of the party at whose instance it is issued.

Mode of serving process.

(*b*) The amount of such cost, and, in the case of summons to a witness, the sum required for his travelling expenses, shall be deposited in Court before the process is issued:

Deposit before issue.

(*c*) Provided that, if in any case the Collector of the District or the Assistant Collector is satisfied that a party is unable to pay the cost of any necessary process, he may direct such process to be served free of charge.

Power to direct service gratis.

92. Any resistance or opposition to the lawful process of a Collector of the District or Assistant Collector under this Act may be punished by him according to the provisions of the law for the time being in force for the punishment of resistance or opposition to the processes of the Courts of civil justice.

Punishment for resisting process.

When, in any such case, the offender is not present, the Collector of the District or Assistant Collector may summon him to answer to the charge: and, if after due service of the summons he fails to attend, may issue a warrant for his arrest.

Power to issue summons and warrant.

CHAPTER V.

JURISDICTION OF COURTS.

93. Except in the way of appeal as hereinafter provided, no Courts other than Courts of Revenue shall take cognizance of any dispute or matter in which any suit of the nature mentioned in this section might be brought, and such suits shall be heard and determined in the said Courts of Revenue in the manner provided in this Act, and not otherwise:

Suits cognizable by revenue Courts only.

(*a*) suits for arrears of rent, or, where rent is payable in kind, for the money-equivalent of rent, on account of land or on account of any rights of pasturage, forest-rights, fisheries or the like;

(*b*) suits to eject a tenant for any act or omission detrimental to the land in his occupation or inconsistent with the purpose for which the land was let;

(*c*) suits to cancel a lease for the breach of any condition binding on the tenant, and which, by law, custom or special agreement, involves the forfeiture of the lease;

(*cc*) suits for compensation for, or to prohibit, any act, omission or breach mentioned in clause (*b*) or clause (*c*);

(*d*) suits for the recovery of any over-payment of rent, or for compensation under section 48 or 49;

(*e*) suits for compensation for withholding receipt for rent paid;

(*f*) suits for contesting the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in the exercise of the said power, or for compensation for wrongful acts or omissions of a distrainer;

(*g*) suits by lambardárs for arrears of Government-revenue, payable through them by the co-sharers whom they represent, and for village-expenses and other dues for which the co-sharers may be responsible to the lambardár;

(*h*) suits by recorded co-sharers for their recorded share of the profits of a mahál, or any part thereof, after payment of the Government-revenue and village-expenses, or for a settlement of accounts;

(*i*) suits by muáfidárs, or assignees of the Government-revenue, for arrears of revenue due to them as such;

(*j*) suits by taluqdárs and other superior proprietors for arrears of revenue due to them as such;

(*k*) suits by recorded co-sharers to recover from a recorded co-sharer who defaults arrears of revenue paid by them on his account.

94. Suits for arrears of rent or revenue, or for a share of the profits of a mahál, or of village-expenses or other dues, shall not be brought after three years from the day on which the arrears or share became due.

Limitation of suits under this Act.

Suits relating to distress, not being suits to contest the demand or to try the right to the property, shall not be brought after three months from the day on which the right to sue accrued:

All other suits must be brought within one year from the day on which the right to sue accrues, unless otherwise specially provided for in this Act.

The day on which the arrears become due or the day on which the right to sue accrues (as the case may be) shall be excluded in computing the periods of limitation prescribed by this section.

In the absence of any express agreement among the co-sharers and of any order by the Settlement-officer under the North-Western Provinces Land-revenue Act, 1873, section 65, clause (*g*), the

Board may from time to time, with the previous sanction of the Local Government, make rules for fixing the dates on which profits shall be divisible by the lambardárs.

95. No Courts other than Courts of revenue shall take cognizance of any dispute or matter on which any application of the nature mentioned in this section might be made: and such applications shall be heard and determined in the said Courts in manner provided under this Act, and not otherwise:—

Applications cognizable by revenue Courts only.

(*a*) Application to determine the nature and class of a tenant's tenure, under section 10.

(*b*) Application by a landholder, or his agent, to compel a patwárí to produce his accounts relating to land.

(*c*) Application to resume rent-free grants under section 30, or to assess to rent land previously held rent-free.

(*d*) Application from a landholder to eject a tenant under section 35, or to have a notice of ejectment issued and served under section 38.

(*e*) Applications made by a tenant under section 39.

(*f*) Application from a landholder, under section 40, for assistance to eject a tenant.

(*g*) Application from a tenant or landholder to determine the value of any standing crop, or ungathered products of the earth, belonging to the tenant and being on the land at the time of his ejectment, under section 42.

(*h*) Application by a landholder to determine rent payable for land used by a tenant for the purpose of tending or gathering in the crop, under section 42.

(*i*) Application by a landholder or tenant for assistance in the division or appraisement of a standing crop, under section 43.

(*j*) Application by a landholder or tenant to determine compensation for improvements of land.

(*k*) Application by a tenant for leave to deposit rent.

(*l*) Application for enhancement or determination of rent.

(*m*) Application for compensation for wrongful dispossession.

(*n*) Application for the recovery of the occupancy of any land of which a tenant has been wrongfully dispossessed.

(*o*) Application for abatement of rent.

(*p*) Application for leases or counterparts, and for the determination of the rates of rent at which such leases or counterparts are to be delivered.

(*q*) Application under section 7 to have the holding of an ex-proprietary tenant divided off.

(*r*) Application under section 22A to survey land.

(*s*) Application under section 33A to have a notice of relinquishment declared invalid.

(*t*) Application to take out of deposit any amount deposited under section 55A.

For the purposes of the Court-fees Act, 1870, applications under clauses (*c*), (*l*), (*m*), (*n*), (*o*) and (*p*) of this section shall be deemed to be plaints in suits.

95A. When any order has been made on an application under this Act, no process for the execution of such order shall be issued on an application made after the lapse of one year from the date of such order, except when special provision is otherwise made in this Act.

Limitation of process of execution on applications.

96. (*a*) All applications under section 95 shall be made in the district in which the land, crops or products referred to is or are situate.

Points of procedure relating to applications under section 95.

(*b*) All orders passed on applications under section 95 shall be proved in the same manner, and when proved shall have the same effect, as if they were judgments of the civil Courts.

(*c*) In cases wherein a specific sum of money is adjudged to be due, or any costs or damages are awarded, all such orders may be executed by any process in use for the recovery of an arrear of revenue or rent.

(*d*) In cases wherein possession of immoveable property is adjudged, the officer making the award may deliver over possession in the same manner, and with the same power, in regard to contempts, resistance and the like, as may be lawfully exercised by the civil Courts in execution of their own decrees.

(*e*) Applications under clauses (*m*) and (*n*) of section 95 shall not be brought after six months from the date of the wrongful dispossession.

96A. All suits and applications under this Act may, with the consent of the parties, be referred to arbitration under section 220 to section 231 (both inclusive) of the North-Western Provinces Land-revenue Act, 1873.

Reference to arbitration.

97. The Local Government may invest any officer with the powers of an Assistant Collector of the first or second class under this Act, and may at any time withdraw such powers.

Power to invest officers with Assistant Collector's powers, and withdraw them.

98. Assistant Collectors of either class shall have, as such, power to try suits and applications of the following descriptions:—

Suits and applications cognizable by Assistant Collectors.

(*a*) suits for arrears of rent or the money equivalent of rent on account of land, or on account of any rights of pasturage, forest rights, fisheries or the like;

(*b*) suits for compensation for withholding receipts for rent paid, under section 48;

(*c*) suits to contest the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in exercise of the said powers, or for compensation for wrongful acts or omissions of a distrainer;

(*d*) suits by lambardárs for arrears of Government-revenue, payable through them by the co-sharers whom they represent, and for village-expenses and other dues, for which the co-sharers may be responsible to the lambardár;

(*e*) suits by muáfídárs or assignees of the Government-revenue for arrears of revenue due to them as such;

(*f*) suits by taluqdárs or other superior proprietors for arrears of revenue due to them as such;

(*g*) applications by a landholder, or by an agent employed by a landholder, to compel the production of accounts by patwárís;

(*h*) applications by a tenant or landholder to determine the value of any standing crops or ungathered products of the earth, and being on the land at the time of his ejectment, under section 42;

(*i*) applications by a landholder to determine the amount of rent payable by a tenant using land for the purpose of tending or gathering in crops, under section 42;

(*j*) applications by a landholder or a tenant for assistance in the division or appraisement of standing crops, under section 43;

(*k*) applications by tenants for leave to deposit rent;

(*l*) suits under section 93, clause (*k*), to recover arrears of revenue.

(*m*) applications under section 22A to survey land.

99. Assistant Collectors of the first class, in addition to the suits and applications specified in section 98, shall have power to try suits and applications of the following descriptions:—

Additional suits and applications triable by Assistant Collectors, first class.

(*a*) suits to eject a tenant for any act or omission detrimental to the land in his occupation, or inconsistent with the purpose for which the land was let;

(*b*) suits to cancel a lease for any breach of any condition binding on the tenant;

(*bb*) suits for compensation for, or to prohibit, any act, omission or breach mentioned in clause (*a*) or clause (*b*);

(*c*) suits for the recovery of any over-payment of rent or for compensation, under section 48 or section 49;

(*d*) suits by co-sharers for their shares of the profits of a mahál or any part thereof, after payment of the Government-revenue and village-expenses, or for a settlement of accounts;

(*e*) applications by a landholder to eject a tenant, under section 35;

(*f*) applications under section 39 by a tenant contesting notice of ejectment;

(*g*) applications by a landholder under section 40, for assistance to eject a tenant on whom notice of ejectment has been served;

(*h*) applications for compensation for wrongful dispossession;

(*i*) applications by a landholder or tenant to determine the amount to be paid as compensation for improvements;

(*j*) applications to recover the occupancy of any land from which a tenant has been wrongfully dispossessed by the landholder;

(*k*) applications under section 30 for the resumption of rent-free grants or for the assessment to rent of land hitherto held rent-free;

(*l*) applications under section 7 to have the holding of an ex-proprietary tenant divided off;

(*m*) applications under section 33 A to have a notice of relinquishment declared invalid;

(*n*) applications to take out of deposit amounts deposited under section 55A.

100. In addition to the powers specified in sections 98 and 99, an Assistant Collector of the first class, specially empowered by Government in this behalf, shall have power to try the following applications:

Additional applications triable by Assistant Collector, first class, with special powers.

(*a*) applications for enhancement or determination of rent;

(*b*) applications for abatement of rent;

(*c*) applications for leases or counterparts, and the determination of the rates of rent at which such leases or counterparts are to be delivered;

(*d*) applications to determine the nature or class of a tenant's tenure.

101. The Collector of the District, or any Assistant Collector in charge of a sub-division of a district, may make over any case, or class of cases, for inquiry and decision, from his own file, to any of his subordinates competent to deal with such case or class of cases under the provisions of this Act.

Power to make over cases.

102. Collectors of Districts, and Assistant Collectors in charge of sub-divisions of districts, may, respectively, withdraw any case or class of cases from any officers subordinate to them, and may deal with such case or class of cases themselves, or refer it for disposal to any other such Revenue-officer competent to deal with the same under the provisions of this Act.

Power to withdraw cases.

103. The Collector of the District may exercise—

Powers exercisable by Collector of District.

(*a*) all powers given by this Act to Collectors of Districts,

(*b*) all powers which by this Act are conferred, or can be conferred, on Assistant Collectors.

The Local Government may invest any officer in charge of a sub-division of a district with all or any of the powers conferred by this Act on a Collector of a District.

Investment of officer in charge of sub-division with powers of Collector of District.

In conferring powers under this Act, the Local Government may empower persons specially by name, or classes of officials generally by their official titles.

Mode of conferring powers.

CHAPTER VI.

PROCEDURE IN SUITS UP TO JUDGMENT.

104. Suits under this Act shall be instituted in the district in which the subject of the suit, or some part thereof, is situate,

Place of instituting suits.

and all such suits shall be commenced by presenting to the Court a plaint, which shall contain—

Plaint.

(*a*) the name, description and place of abode of the plaintiff;

(*b*) the name, description and place of abode of the defendant, so far as they can be ascertained;

(*c*) the subject-matter of the claim, and its amount or value computed according to the Court-fees Act, 1870; and

(*d*) the date on which the right to sue accrued.

105. For the purpose of suing or being sued under this Act, the managers of maháls, whether held under the Court of Wards or under direct management, shall be deemed to be landholders.

Managers of maháls to be, for purpose of litigation, deemed landholders.

106. No co-sharer in an undivided property shall, in that character, be entitled separately to sue a tenant under this Act, unless he is authorized to receive from such tenant the whole of the rent payable by such tenant; but nothing in this section shall affect any local custom or any special contract.

Suits by co-sharers in undivided property.

107. The plaint shall be presented by the plaintiff, or by an agent duly authorized on his behalf, who has personal knowledge of the facts of the case, or by an agent accompanied by a person who has such knowledge.

Plaint by whom presented.

The plaint shall be subscribed and verified at the foot by the plaintiff or his agent in the manner following, or to the like effect:—

Verification of plaint.

"I, *A. B.*, the plaintiff named in the above plaint, do declare that what is stated therein is true to the best of my knowledge and belief."

If the plaint contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be punishable according to the law for the punishment of giving or fabricating false evidence.

False averment.

108. If the plaintiff rely in support of his claim on any document in his possession, he shall deliver the same to the Court at the time of presenting his plaint.

Document relied on by plaintiff to be presented with plaint.

Unless such document be so delivered, or its non-production be sufficiently excused, or unless the Court see fit to extend the time for producing the same, it shall not afterwards be admitted.

Admission afterwards.

109. If the plaintiff require the production of any document in the possession or power of the defendant, he may, at the time of presenting his plaint, deliver to the Court a description of the document, in order that the defendant may be required to produce the same.

Procuring production of document in possession of defendant.

110. If the suit be for the recovery of an arrear of rent or revenue, or of a share of profits or village-expenses, or other dues under section 93, the plaint shall specify the name of the village and estate, and of the pargana or other local division in which the land is situate:

Plaint in suits for arrears of rent.

and, if the suit be for an arrear of rent alleged to be due from any tenant, the plaint shall also specify the quantity of land, and (where fields have been numbered in a Government-survey) the number of each field, and yearly rent of the land; the amount (if any) received on account of the year for which the claim is made; and in all cases coming under this section the plaint shall specify the amount in arrear, and the time in respect of which it is alleged to be due.

111. If the suit be for the ejectment of a tenant from any land, the plaint shall describe (as circumstances may require) the extent, situation and designation of the land; and, if necessary for its identification, shall set forth its boundaries.

Plaint in suits for ejectment.

112. If the plaint do not contain the several particulars hereinbefore required to be specified therein, or be not subscribed and verified as hereinbefore required, the Court may, at its discretion, return it to the plaintiff, or allow it to be amended.

Return or amendment of plaint.

112A. The Court may, on or before the first hearing upon the application of either party, and on such terms as the Court thinks just, order that the name of any party, whether as plaintiff or as defendant, improperly joined, be struck out;

Court may dismiss or add parties.

and the Court may at any time, either upon or without such application, and on such terms as the Court thinks just, order that any plaintiff be made a defendant, or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

No person shall be added as a plaintiff without his own consent thereto.

Consent of person added as plaintiff.

All parties whose names are so added as defendants shall be served with a summons in manner hereinafter mentioned, and the proceedings as against them shall be deemed to have begun only on the service of such summons:

Defendants added to be served.

Provided that, when a defendant dies and the suit is continued against his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted against the deceased defendant.

112B. Where a defendant is added, the plaint, if previously filed, shall, unless the Court directs otherwise, be amended in such manner as may be necessary, and an amended copy of the summons shall be served on the new defendant and the original defendants.

When defendant added, plaintiff to amend.

112C. All objections for want of parties, or for joinder of parties who have no interest in the suit, or for mis-joinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing, and any such objection not so taken shall be deemed to have been waived by the defendant.

Time for taking objections as to non-joinder or mis-joinder of parties.

112D. If the plaint be admitted, the plaintiff shall present as many copies on plain paper of the plaint as there are defendants, unless the Court, by reason of the length of the plaint, or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief or remedy required in the suit, in which case he shall present such statements.

Procedure on admitting plaint.

Concise statements.

113. If the plaint be in proper form, the Court, except as otherwise hereinafter specially provided, shall direct the issue of a summons to the defendant,

Issue of summons.

and if the plaintiff require the personal attendance of the defendant, and satisfy the Court that such attendance is necessary, or the Court of its own accord require such attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons.

Order for personal attendance or appearance by agent.

If the plaintiff or the Court does not require the personal attendance of the defendant, the summons shall order the defendant to appear either personally or by an agent duly authorized on his behalf, who has personal knowledge of the subject, or is accompanied by a person who has such personal knowledge.

114. The day to be specified in the summons shall be fixed with reference to the state of the file and the distance that the defendant may be or be supposed to be at the time from the place where the Court is held,

Fixing of day to be specified in the summons.

and the summons shall order the defendant to produce any document in his possession or power of which the plaintiff demands inspection, or upon which the defendant relies in support of his defence.

Order to produce documents.

It shall also direct him to bring with him his witnesses, if they are willing to attend without issue of process,

Order to bring witnesses.

and it shall be in the form (D) contained in the first schedule hereto annexed, or to the like effect.

Form of summons.

It shall be accompanied with one of the copies or concise statements mentioned in section 112 D.

Copy or statement annexed to summons.

115. The summons shall be served by delivering a copy thereof to the defendant personally when practicable;

Mode of serving summons.

or, if the copy cannot be delivered to the defendant personally, by affixing copy of the summons to some conspicuous part of his usual residence, and also affixing a copy of the same in the Court.

116. If the summons be served by delivering a copy to the defendant personally, the Názir shall endorse on the summons the fact of such service.

Endorsement on summons.

If personal service be not effected, the Názir shall endorse on the summons the reason of not serving it personally, and how it has been served.

117. If the usual residence of the defendant be in another district, the summons shall be sent by the public post to the Collector of such district, who shall issue the summons, and return the same, after service, with the prescribed endorsement, to the officer by whom it was transmitted to him.

Service of summons in another district.

117A. If the defendant resides out of British India, and has no agent in British India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post, if there be postal communication between such place and the place where the Court is situate.

Service when defendant resides out of British India and has no agent to accept service.

117B. If there be a British Resident or Agent of Government in or for the territory in which the defendant resides, the summons may be sent to such Resident or Agent by post or otherwise for the purpose of being served upon the defendant; and if the Resident or Agent return the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be conclusive evidence of such service.

Service through British Resident or Agent of Government.

Deposit of cost of serving summons or warrant.

118. The amount of the cost of serving the summons, or, if a warrant be issued as provided in the next following section, of serving the warrant,

shall in all cases be deposited in Court by the plaintiff within such time before the issue of such summons or warrant as is fixed by the Court issuing the process.

If the said amount be not so deposited (except where the Court in exercise of the discretion reserved to it in section 91 allows the summons to be served gratis), the case shall be struck out of the list of pending suits;

Effect of failure to deposit.

but in such case the plaintiff may present another plaint at any time within the period allowed by the rules herein contained for the limitation of suits.

119. (*a*) If in any suit against a tenant for the recovery of an arrear of rent, or in any suit for the recovery of an arrear of revenue, or a share of profits or village-expenses or other dues, the plaintiff desires a warrant of arrest to be issued against the defendant, such defendant being resident within the district in which the suit is instituted, the plaintiff shall present, with his plaint, an application for the issue of such warrant.

Procedure when plaintiff desires issue of warrant of arrest.

(*b*) When such application is presented, the Court shall examine the plaintiff or his agent, and inspect the documents adduced by him in support of his claim; and if *primâ facie* it appear to the Court that the claim is well founded, and that, if a summons be issued, the defendant will abscond instead of appearing to answer the claim, the Court may issue a warrant for his arrest.

(*c*) The Court shall fix a reasonable time for the return of the warrant, and the officer entrusted with the service thereof shall, at the time of arresting the defendant, deliver to him one of the copies or concise statements mentioned in section 112D and a notice requiring him, if he contest the claim, to bring with him any document upon which he relies in support of his defence.

(*d*) Every warrant issued and notice delivered under this section shall be respectively in the forms (E) and (F) in the first schedule hereto annexed, or to the like effect.

120. If a defendant be arrested under the warrant of arrest, he shall be brought with all convenient speed before the Court.

Procedure after arrest of defendant.

121. When a defendant is brought before the Court under warrant, the Court shall, with all convenient speed, proceed to try the case in the manner hereinafter provided,

Procedure when defendant is brought before Court under warrant.

and if the suit cannot be at once adjudicated, the Court may, if it think fit, require the defendant to give security for his appearance whenever the same may be required at any time whilst the suit is pending, or until execution of the final decree which may be passed thereon,

and may commit him to the civil jail to be there detained until he furnishes such security or deposits such sum as the Court orders.

The security-bond shall be in the form (G) contained in the first schedule hereto annexed, or to the like effect.

Form of security-bond.

122. If the defendant cannot be arrested under the warrant, the Court, on the application of the plaintiff, shall either postpone the case for such period as to it seems proper, in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, or shall forthwith issue a proclamation, to be affixed in its own office and at the residence of the defendant, appointing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of the notice, at the residence of the defendant.

Procedure when defendant cannot be arrested under warrant.

If the defendant appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding section.

123. If it appear to the Court that the arrest of the defendant was applied for without reasonable cause, the Court may, in its decree, award to him such sum not exceeding one hundred rupees as it may deem a reasonable compensation for any injury or loss which he has sustained by reason of such arrest, or of his detention in jail during the pendency of the suit.

Compensation for arrest applied for without reasonable cause.

124. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial as hereinafter provided, neither of the parties appear in person or by an agent, the case may be struck off, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules herein contained for the limitation of suits.

Consequence of neither party appearing on day fixed.

125. If on any such day only the defendant appears, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the plaintiff's right to the relief which he claims, in which case the Court shall proceed to give judgment for the plaintiff upon such admission without costs:

Judgment by default.

Judgment upon admission of claim.

Provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

Proviso.

126. If on any such day the plaintiff only appear, the Court, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff, and any documentary or other evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day for the attendance of any witness the plaintiff may wish to call, or may pass judgment *ex parte* against the defendant.

If plaintiff only appear, Court may proceed *ex parte*.

127. If the defendant appear on any subsequent day to which the hearing of the suit is postponed under the last preceding section, the Court may, upon such conditions, if any, as to costs or otherwise as it thinks proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

If defendant appear on adjourned hearing, Court may allow him to be heard in answer.

128. (*a*) No appeal shall lie from a judgment passed *ex parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance.

No appeal from judgment *ex parte* or by default;

(*b*) But in all such cases, if the party against whom judgment has been given appears, either in person or by agent, if a plaintiff, within fifteen days from the date of the Court's decree, and, if a defendant, within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shows sufficient cause for his previous non-appearance, and satisfies the Court that there has been a failure of justice, the Court may, upon such terms as to costs or otherwise as it thinks proper, revive the suit and alter or rescind the judgment according to the justice of the case.

but Court may revive suit and alter or rescind judgment.

(*c*) But no judgment shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

Adverse party to be summoned.

129. When both parties appear in person or by agent on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason to be recorded by the Court, the Court shall proceed to examine such of the parties as may be present, and either party or his agent may cross-examine the other party or his agent.

Examination.

130. If either of the parties be not bound to attend personally, any agent by whom he appears, or any person accompanying such agent, may be examined and cross-examined in like manner as the party himself would have been if he had attended personally.

Examination and cross-examination of agents.

131. At the time of the examination, the defendant may, if he think fit, file a written statement in his defence.

Defendant may file written statement.

Such written statement shall be subscribed and verified in the manner hereinbefore provided for subscribing and verifying plaints, and if it contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be punishable according to the law for the punishment of giving or fabricating false evidence.

Verification of written statement.

False averment.

132. The examination of the parties or their agents, or such other persons as aforesaid, shall be according to the law for the time being in force relative to the examination of witnesses in the civil Courts.

Mode of examination.

The substance of the examination shall be reduced to writing in the mother-tongue of the presiding officer, and shall be filed with the record.

133. If either of the parties produce a witness on such day, the presiding officer may take the evidence of such witness.

Witness produced may be examined.

134. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the first hearing of the suit:

Document relied on by defendant to be produced at first hearing.

and unless such document be so delivered, or its non-production be sufficiently excused, or unless the presiding officer see fit to extend the time for delivering the same, it shall not afterwards be admitted.

135. If after the examination required by section 129, and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Court shall make its decree accordingly.

Decree after examination, if no further evidence is required.

136. If on such examination as aforesaid either party is absent and his agent is unable to answer any material question relating to the case which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the case to a future day, and direct that the party whose agent was unable to answer as aforesaid shall attend in person on such day;

Party to attend in person when his agent is unable to answer.

and if such party fails to appear in person on the day appointed, the Court may pass judgment as in case of default, or make such other order as it deems proper in the circumstances of the case.

Judgment or order if he fail to appear.

137. If on such examination as aforesaid it appear that the parties are at issue on any question upon which it is necessary to hear further evidence, the Court shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit; and the trial shall take place on that day, unless there be sufficient reason for adjourning it, which reason shall be recorded by the Court.

Procedure when parties at issue on question requiring evidence.

138. The parties shall produce their witnesses on the day of trial, and if either party require assistance to procure the attendance of a witness on such day, either to give evidence or to produce a document, he shall apply to the Court in sufficient time before the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Court shall thereupon issue a summons requiring such witness to attend.

Parties to produce witnesses or procure attendance by summons.

139. The law and rules for the time being in force relating to the evidence of witnesses, for procuring the attendance of witnesses and the production of documents, and for the examination, remuneration and punishment of witnesses, whether parties to the case or not, in cases before the civil Courts, shall, except so far as may be inconsistent with the provisions herein contained, apply to suits under this Act.

Provisions regarding attendance, examination, &c., of witnesses.

140. If on the day fixed for the trial of any issue neither of the parties appear, the case may be struck off, with liberty to the plaintiff to bring a fresh suit.

Case to be struck off if neither party appears.

If on any such day one only of the parties appear, the issue may be tried and determined in the absence of the other party, upon such evidence as may be then before the Court.

Trial of issue *ex parte*.

141. When suits under this Act are instituted or defended by agents employed in the collection of rent or management of land, in the name and on the behalf of the landholders by whom they are so employed, all the provisions of this Act, by which the personal appearance or attendance of parties to a suit is or may be required, shall be applicable to such agents;

Provisions to apply when suits are instituted or defended on behalf of landholders by agents.

and anything which by this Act is required or permitted to be done by a party in person may be done by any such agent as aforesaid.

Processes served on any such agent shall be as effectual for all purposes in relation to the suit as if the same had been served on the landholder in person:

Processes served on such agents.

and all the provisions of this Act relative to the service of processes on a party to the suit shall be applicable to the service of processes on such agent.

142. A female plaintiff or defendant shall not be required to attend in person, if she is of a rank or class which, according to the custom and manners of the country, would render it improper for her to appear in public.

Personal attendance of female plaintiff or defendant when not required.

143. Any party to a suit may employ an authorized agent to conduct the case on his behalf:

Parties may employ agents.

but the employment of such agent shall not excuse the personal attendance of the plaintiff or defendant, in cases where his personal attendance is required by the summons, or any order of the Court;

Personal attendance when not excused.

and no fee for any agent shall be charged as part of the costs of suit in any case under this Act, unless the Court certifies that, under the circumstances of the case, such fee is proper to be allowed.

Fee for agents not chargeable as costs.

144. The Court may in any case grant time to the plaintiff or defendant to proceed in the prosecution or defence of a suit,

Court may grant time or adjourn hearing.

and may also, from time to time, in order to the production of further evidence, or for other sufficient reason to be recorded by the Court, adjourn the hearing of any case to such day as to it may seem fit.

145. The presiding officer may, at any stage of a case, cause a local enquiry and report respecting the matter in dispute to be made by any officer subordinate to him, or by any other officer of Government, with the consent of the authority to whom such officer is subordinate, or may himself proceed to the spot and make such local enquiry in person.

Court may cause local enquiry and report, or may itself enquire.

The provisions of the law for the time being in force relative to local inquiries by Amíns or Commissioners, under orders of the civil Courts, shall apply to any local inquiry made by any officer under this section,

Provisions applied to such inquiry.

and, so far as they are applicable, to inquiries made by the presiding officer of the Court in person.

In the latter case the presiding officer, after completing the inquiry, shall record such observations as appear to him appropriate, and the observations so recorded shall form part of the proceedings in the suit.

Record in case of inquiry by Court.

146. The defendant in any suit under this Act may pay into Court such sum of money as he thinks a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and such sums shall be paid to the plaintiff.

Defendant may pay admitted debt and costs into Court.

If the defendant deposit less than the sum claimed and the plaintiff elect to proceed in the case, and ultimately recover no further sum than has been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

Plaintiff chargeable with subsequent costs if he proceed and recover no further sum.

147. No interest shall be allowed to a plaintiff on any sum paid by the defendant into the Court from the date of such payment, whether such sum be in full of the plaintiff's claim, or fall short thereof.

No interest to plaintiff after date of deposit by defendant.

148. When, in any suit between a landholder and a tenant under this Act, the right to receive the rent of the land or tenure cultivated or held by the tenant is disputed on the ground that some third person has actually and in good faith received and enjoyed such rent before and up to the time when the right to sue accrued, such third person may be made a party to the suit, and the question of such receipt and enjoyment of the rent by such third person may be enquired into, and the suit shall be decided according to the result of such enquiry:

In suits where right to receive rent is disputed, third person who has received it may be made a party.

Provided that the decision of the Court shall not affect the right of either party entitled to the rent of such land to establish his title by suit in the civil Court, if instituted within one year from the date of the decision.

Saving of right to sue in civil Court to prove title to rent.

149. Whenever a decree is given for the ejectment of a tenant, or the cancelment of his lease, on account of any act or omission by which the land in his occupation has been damaged, or which is inconsistent with the purpose for which the land has been let, the Court may, if it think fit, allow him to repair such damage within one month from the date of the decree, or order him to pay such compensation, within such time, or make such other order in the case, as the Court thinks fit,

and if such damage be so repaired, or compensation be paid, or order obeyed, the decree shall not be executed.

Court may allow tenant to repair damage caused by certain acts or omissions.

150. Every judgment under this Chapter shall be pronounced in open Court.

Delivery of judgment.

151. The judgment shall be written in the mother-tongue of the presiding officer, and shall contain the reasons for the same, and shall be dated and signed by the presiding officer at the time it is pronounced:

Its language and contents.

Provided that, where his mother-tongue is not English, the judgment may be written in English, if he is able to write a clear and intelligible decision in that language.

When it may be in English.

151A. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion.

To direct payment of costs.

151B. Except as hereinbefore provided, the Court shall have full power to give and apportion costs of every suit in any manner it thinks fit; and the fact that the Court has no jurisdiction to try the case is no bar to the exercise of such power; but if the Court directs that the costs of any suit shall not follow the event, the Court shall state its reasons in writing.

Power of Court as to costs.

151C. The Court may direct that the costs payable to one party by another shall be set off against sums admitted or found in the suit to be due from the former to the latter.

Costs may be set off.

151D. Except as hereinbefore provided, the Court may give interest at any rate not exceeding six per cent. per annum, on any sum decreed or found to be due, or on costs.

Power to give interest.

152. Every officer invested with powers under this Act may hold a Court for hearing and determining suits under this Act in any place within the limits of the district to which he is appointed.

Power to hold Court in any place within district.

Every hearing shall be in open Court, and the parties to the suit or their authorized agents shall have due notice to attend in such place.

CHAPTER VII.

PROCEDURE IN EXECUTION OF DECREES IN SUITS.

153. If the decree be for the ejectment of any tenant from land occupied by him, the decree shall be executed by giving the possession or occupancy of the land to the person entitled by the decree thereto.

Mode of executing decree for ejectment of tenant.

If any opposition is made to the execution of the order for giving such possession or occupancy, by the party against whom the order is made, the Magistrate, on the application of the Collector of the District or Assistant Collector, shall give effect to the same.

Magistrate to give it effect in case of opposition.

154. If the decree be for the payment of arrears of rent or revenue, or of money, and the defendant has been committed to jail, or appear in Court pursuant to the conditions of any security-bond given under

Power to order detention in, or commitment to, civil jail in certain cases.

section 121, the Collector of the District or Assistant Collector may order that he be detained in, or committed to, the civil jail, unless he immediately pays into Court the amount of the decree with costs, or otherwise complies with the terms of the decree.

155. If the judgment-debtor has given security for his appearance, and is not present when judgment is pronounced, and the surety fails to deliver him into custody when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the amount due by the debtor had been passed against the surety.

Process against surety on failure to deliver judgment-debtor into custody.

156. (*a*). A writ of execution may be issued against either the person or the property of a judgment-debtor;

Process of execution against person or property, but not both.

but process shall not be issued simultaneously against both person and property.

(*b*). Such writ may be issued on the oral application of the judgment-creditor or his agent, made at the time the decree is passed, or, thereafter, upon the written application of the judgment-creditor or his agent.

Applications on which it may issue.

(*c*). Writ of execution against the person or moveable property of a debtor shall be in the form (II) or (I) contained in the first schedule hereto annexed, or to the like effect.

Form of writ of execution.

157. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor;

Execution against moveable property.

but, if the creditor is unable to furnish such list, he may apply for a general attachment of the debtor's effects, to the amount of the judgment and costs.

In either case, the property to be seized shall be pointed out to the officer entrusted with execution of the process, by the creditor or his agent:

Provided that no implements of husbandry, or cattle actually employed in agriculture, or tools of artisans, or necessary wearing apparel of the judgment-debtor, his wife or children, shall be attached under this section.

Articles exempted from attachment.

158. Every writ of execution shall bear date on the day on which it is signed by the Collector of the District or Assistant Collector, and shall continue in force for such period as he may direct (not being more than sixty days) calculated from such date.

Date and duration of writs.

159. Second and successive writs of execution may be issued by order of the Collector of the District or Assistant Collector on the application of the judgment-creditor, after the expiration of the period fixed for the continuance in force of a previous warrant.

Second and successive writs.

160. Process of execution shall not be issued upon any judgment, without previous notice to the party against whom execution is applied for, if, when application for the issue of the process is made, a period of more than one year has elapsed from the date of the judgment, or from the date of the last previous application for execution.

After one year execution not to issue without notice to party concerned.

161. Execution on a judgment shall not issue against the heir or other representative of a deceased party, unless notice to appear and be heard has been previously served on such heir or other representative.

Execution not to issue against heir or representative of deceased party without notice.

162. No process of execution shall be issued on a judgment under this Act, when the application for the issue of such process is made after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred rupees;

No process of execution after three years, unless judgment be for sum exceeding 500 rupees.

in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the civil Court.

Regulation of period in such case.

163. If a writ issues for taking any person in execution, the officer charged with the execution of the writ shall bring him with all convenient speed before the Collector of the District or Assistant Collector.

Procedure in execution of writ against person.

If such person does not then deposit in Court the full amount specified in the writ,

or make such arrangement for the payment of the same as is satisfactory to the judgment-creditor,

or satisfy the Collector of the District or Assistant Collector that he has no present means of paying the same amount,

the Collector of the District or Assistant Collector shall send him to the civil jail, there to remain for such time as may be directed by a warrant addressed to the keeper of the jail, unless in the meanwhile he pays the full amount for the payment of which he is liable under the decree:

Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed three months when the amount decreed (exclusive of costs) does not exceed fifty rupees,

Limit of imprisonment.

or six months when such amount does not exceed five hundred rupees,

or two years in any other case.

164. (*a.*) Any person once discharged from jail shall not be imprisoned a second time under the same judgment.

No person to be imprisoned a second time under same judgment.

(*b.*) If the amount due under the decree does not exceed one hundred rupees, the Collector of the District or Assistant Collector may declare him absolved from further liability under that decree, and such liability shall thereupon be extinguished.

When further liability extinguished.

(*c.*) In other cases the discharge shall not extinguish the liability of the discharged person under the decree, or exempt any property belonging to him from attachment in execution of the same.

When not extinguished.

165. Every person applying for the issue of a warrant of arrest under section 119, or suing out process of execution against the person of any judgment-debtor, shall deposit in Court, when the warrant issues, diet-money for thirty days at such rate not exceeding two annas per diem, as the Collector of the District or Assistant Collector may direct, unless for any special reason he directs that deposit be made at a higher rate, which shall not exceed four annas per diem.

Diet-money to be deposited at time of issue of warrant.

166. Payment of diet-money at the same rate shall be made previously to the commencement of each succeeding month of the imprisonment, on failure of which the party confined shall be discharged.

Effect of non-payment of diet-money in advance during imprisonment.

167. All diet-money spent in providing subsistence for any prisoner shall be added to the costs in the suit,

Diet-money spent to be costs in suit.

and any diet-money not so spent shall be returned to the person who deposited the same.

Refund of remainder.

168. In executing a writ of execution against the moveable property of a debtor liable under this Act, the officer charged with the execution of the writ shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation, specifying the day upon which the sale is intended to be held, together with a copy of the said list, at the intended place of sale and at the residence of the debtor.

Procedure in executing writ against moveable property.

A copy of the said proclamation and list shall be sent to the Collector of the District or Assistant Collector, and shall be affixed in his office,

169. No moveable property taken in execution under this Act shall be sold before the expiration of ten days next after the day on which such property is so taken,

Time to elapse before sale of moveable property.

Until such sale the property shall be deposited in some fit place, or it may remain in custody of some fit person approved by the officer executing the writ.

Custody meanwhile.

The provisions of sections 74 to 78 (both inclusive), so far as the same are applicable, shall apply to sales under this section.

Provisions applied to sale.

170. No irregularity in publishing or conducting a sale of any moveable property under an execution shall vitiate such sale.

Sale not vitiated by irregularity.

But any person injured by such irregularity may recover compensation for such injury by suit in the civil Court:

Right to sue for compensation.

Provided that such suit be brought within one year from the date of sale.

Limitation.

171. In the execution of any decree for the payment of arrears of rent or revenue, or of money, under this Act, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor, except the materials of buildings actually occupied by a debtor who is an agriculturist.

In executing decrees [illegible] when execution may be applied for against immoveable property.

172. If the immoveable property against which execution is applied for be other than a mahál, or share of a mahál, process shall be issued in the same manner as for the attachment and sale of moveable property: and the provisions of sections 168, 169 and 170 shall be applicable.

Process when the immoveable property is not a mahál.

In the event of the sale of such property being completed, possession thereof shall be given to the auction-purchaser by the Collector of the district in which such property is situate.

Possession to be given to auction-purchaser.

173. When such property is a mahál, or a share of a mahál, the decree shall be sent for execution to the Collector of the District in which such property is situate,

Procedure when it is a mahál.

and if the judgment-debtor satisfies the Collector of the District that there is reasonable ground to believe that the amount of the judgment-debt may be raised by mortgage of the property, or by letting it on lease, or by disposing by private sale of a portion of the property or any other property belonging to the judgment-debtor, the Collector of the District may, on the application of the judgment-debtor, postpone the sale for such period as the Collector of the District thinks proper to enable the judgment-debtor to raise the amount,

and if the judgment-debtor satisfies his creditor, the execution shall be stayed, and the Collector of the District shall report the fact to the Court by which the decree was made.

174. If the judgment-debtor obtaining a postponement of the sale fails to satisfy his creditor within the period so fixed, or, if the judgment-debtor does not apply for, or applies for but does not obtain, a postponement of the sale, and the Collector of the District considers that the sale of the mahál or share is inexpedient, and that satisfaction of the decree may be made by means of a temporary alienation of the property,

Procedure where judgment-debtor fails to satisfy creditor within further time, or Collector thinks sale inexpedient.

the Collector of the District shall cause an accurate rent-roll of the property to be prepared, and ascertain the annual income derivable therefrom.

If, in the opinion of the Collector of the District, such income is sufficient to pay off the judgment-debt with interest at six per cent. per annum, within any period not exceeding fifteen years from the date of the decree, he may transfer the property to the judgment-creditor, or if the judgment-creditor refuse to take it, to some other person, or he may hold it under his own management, for such period not exceeding fifteen years, as may be sufficient for the recovery of the debt with interest as aforesaid, and on such conditions as to the payment of such debt and interest as he deems expedient.

Power to transfer property to judgment-creditor.

Power to hold property under management.

Orders passed under this section and section 173 shall be subject to revision by the Commissioner of the Division and the Board, but shall not be open to appeal to the civil Court.

174A. When the property of a judgment-debtor which is transferred or held under management under section 174 includes any sír-land of such debtor, he shall, until such property is restored to him, be treated as an ex-proprietary tenant of such sír-land under section 7.

Proprietor to be treated as ex-proprietary tenant of sír-land.

175. If in the opinion of the Collector of the District the recovery of the debt under section 174 is impossible, or if the sale of the property appear to him advisable on other grounds, he shall report, through the Commissioner of the Division, the case for orders to the Board.

Report of case to Board.

176. On the receipt of such report, the Board may make, or cause to be made, such further endeavours for the recovery of the debt under the provisions of section 174, as to it may seem practicable.

Procedure on receipt of report.

177. If it appear to the Board that the debt cannot be recovered under section 174, or if the sale of the property appear to it advisable on other grounds, it shall order the property to be sold, in which case the sale shall be made under the rules in force for the sale of land for arrears of land-revenue, but without prejudice to the incumbrances (if any) to which such property may be subject.

Power to order sale of property.

178. If, before the day fixed for any sale of any property under this Act, a third party appear before the Collector of the District or Assistant Collector, and claim a right or interest to or in any of the property, he shall examine such party or his agent, according to the law for the time being in force relative to the examination of witnesses,

Examination of third party claiming interest in property.

and, if he see sufficient reason for so doing, may stay the sale of such property.

Stay of sale.

179. The Collector of the District or Assistant Collector may adjudicate upon such claim, and make such order as he thinks fit between the claimant and the plaintiff and defendant in the original suit.

Adjudication of such claims.

In trying such claim, the Collector of the District or Assistant Collector shall be guided by the rules contained in this Act, so far as they may be applicable.

Rules applied.

180. If the claimant fail to establish his right to the property taken in execution, the Collector of the District or Assistant Collector may, at the time of disposing of the case, order him to pay to the judgment-creditor the costs of the proceedings on the claim, and also such sum as the Collector or Assistant Collector thinks sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement of the sale of the property.

Compensation awardable against claimant failing to establish right.

181. (*a.*) No appeal shall lie from any order passed under section 179 or section 180 by the Collector of the District.

No appeal from order under section 179 or 180.

(*b.*) But the party against whom the same is passed may institute a suit in the Civil Court to establish his right at any time within one year from the date of the order:

Right to sue in civil Court.

(*c.*) Provided that, if the order be for the sale of the property taken in execution, and the property is moveable the suit shall not be for the recovery of such property, but shall be for compensation from the judgment-creditor by whom it was brought to sale.

Proviso.

CHAPTER VIII.

APPEAL, REHEARING AND REVIEW.

(A).—From Decrees in Suits.

182. In suits under this Act, tried and decided by a Collector of a District or an Assistant Collector of the first class, his judgment shall be final.

Judgment of Collector of District or Assistant Collector of first class when final.

183. All decisions of the Assistant Collector of the second class in suits mentioned in section 93 shall be appealable to the Collector of the District, whose order thereon shall be final.

Appeal from decision of Assistant Collector of second class.

184. The petition of appeal shall be presented to the Collector of the District within thirty days from the date of the decree.

Time for presentation.

185. The Collector of the District may either dismiss the petition or may fix a day for hearing the appeal, and in that case he shall cause notice of the same to be served on the respondent in the manner hereinbefore prescribed for the service of summons.

Procedure on appeal.

If, on the day fixed for hearing the appeal, or any other day to which the hearing may be adjourned, the appellant does not appear in person or by an agent, the appeal may be dismissed for default.

If the appellant appears and the respondent does not appear in person or by an agent, the appeal may be heard *ex parte*.

186. If an appeal be dismissed for default of prosecution, the appellant may, within fifteen days from the date of the dismissal, apply to the Collector of the District to re-admit the appeal,

Re-admission of appeal.

and if it be proved to the satisfaction of the Collector of the District that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Collector of the District may re-admit the appeal.

187. After hearing the appeal, the Collector of the District shall give judgment in the manner hereinbefore prescribed for giving judgment in original suits.

Judgment in appeal.

Rehearing of suits not open to appeal.

188. In suits in which the judgment of the Collector of the District or Assistant Collector is final, as provided in section 182, he may, upon the application of either party, if preferred within thirty days from the date of the decision, order the rehearing of a suit, upon the ground of the discovery of new evidence or matter material to the issue of the case, which the applicant had no knowledge of, or could not produce, at the time of trial.

Appeal to District Judge.

189. Notwithstanding anything contained, in sections 182 and 183 an appeal shall lie to the District Judge from the decision of the Collector of the District or Assistant Collector of the first class, in all suits mentioned in section 93,

in which the amount or value of the subject-matter exceeds one hundred rupees, or

in which the proprietary title to land has been determined between parties making conflicting claims thereto:

Appeal to High Court.

Provided that, where the amount or value of the subject-matter of the suits exceeds five thousand rupees, the appeal shall lie to the High Court.

Rules as to time of presentation, &c., to apply.

190. The rules for the time being in force in regard to the time within which appeals from the decisions of civil Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals to the District Judge or High Court under this Act.

Special appeal to High Court from District Judge.

191. The decisions of District Judges passed in regular appeal under this Act shall be open to special appeal to the High Court, in the same manner, and subject to the same rules, as the decisions of District Judges passed in regular appeal are open to special appeal under the Code of Civil Procedure and the Indian Limitation Act, 1877.

(B).—From Orders on Applications or relating to the Execution of Decrees.

(1) Assistant Collectors of the Second Class.

Appeal from Assistant Collector of second class.

192. An appeal to the Collector of the District shall lie from all orders passed under this Act by an Assistant Collector of the second class.

(2) Assistant Collectors of the First Class.

Appeal from orders of Assistant Collectors of first class on certain applications.

193. An appeal to the Commissioner of the Division shall lie from all orders passed by an Assistant Collector of the first class,

(*a*) on applications under section 99, where the amount or value of the subject-matter exceeds one hundred rupees,

(*b*) on applications under section 100.

Appeal from other orders of Assistant Collector of first class.

194. An appeal to the Collector of the District shall lie from all other orders passed under this Act by an Assistant Collector of the first class, except—

(*a*) orders on applications mentioned in section 99;

(*b*) orders on applications mentioned in section 99;

(*c*) orders passed in the course of a suit and relating to the trial thereof.

Final orders of Assistant Collector of first class.

195. The orders of an Assistant Collector of the first class on the following applications shall be final, subject to revision by the Commissioner of the Division or the Board—

(*a*) applications mentioned in section 98;

(*b*) applications mentioned in section 99 where the amount or value of the subject-matter does not exceed one hundred rupees.

(3) Collector of the District.

Appeal from certain orders of Collector of District.

196. An appeal to the Commissioner of the Division shall lie from orders passed by the Collector of the District,

(*a*) under section 99, when the amount or value of the subject-matter exceeds one hundred rupees,

(*b*) under section 100.

In all other cases orders under this Act passed by the Collector of the District shall be final, subject to revision by the Commissioner of the Division or the Board.

(4) Commissioner of the Division.

Finality of orders of Commissioner of Division.

197. Save as provided by section 198, the orders of the Commissioner of the Division on appeals shall be final, subject to revision by the Board.

Appeal to Board from his decisions on appeals against orders on applications mentioned in section 100.

198. An appeal from the decisions of the Commissioner of Division on appeals against orders passed by the Collector of the District or Assistant Collector on the applications mentioned in section 100 shall lie to the Board, except where the Commissioner of the Division dismisses the appeal.

In such case the provisions of section 199 shall apply.

Power of Board to call for cases and pass orders thereon.

199. The Board may at any time call for any case (other than a suit mentioned in section 189) which has come before any Commissioner of a Division, or any Court subordinate to him, and pass such orders thereon, consistent with this Act, as the Board thinks fit.

Time for appealing.

200. No appeal shall be brought to the Collector of the District after the expiration of thirty days, or to the Commissioner of the Division after the expiration of sixty days, or to the Board of Revenue after ninety days, from the date of the order complained of.

Admission of appeals after prescribed period.

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

No appeal shall lie against an order under this section admitting an appeal.

(5) Review.

Power of Board to review its orders.

201A. The Board may review and may rescind, alter or confirm any order made by itself, or by a single member, on the application of one of the parties to the case, if preferred within ninety days from the passing of the order.

Reviewing of applications not open to appeal.

201B. In the case of any application in which the order of the Commissioner, Collector of the District or Assistant Collector is final, as provided in sections 195, 196 and 197, such Commissioner, Collector or Assistant Collector, as the case may be, may, upon the petition of either party, if presented within thirty days from the date of the decision, review his order upon the ground of the discovery of new evidence or matter material to the issue of the case which the applicant had no knowledge of or could not produce at the time of trial.

CHAPTER IX.

MISCELLANEOUS.

Time to be excluded in computing limitation period.

202. In computing the period of limitation prescribed for any suit under this Act, the day on which the right to sue accrued shall be excluded.

In computing the period of limitation prescribed for any appeal under this Act, the day on which the judgment or order complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

Rule as to last day for presentation or deposit, when Court is closed on such day.

203. Whenever a Court is closed on the last day of any period provided in this Act for the presentation of any memorandum of appeal, or for the deposit or payment of any money in or into court, the day on which the Court re-opens shall be deemed to be such last day.

Power to state case involving point of law for opinion of District Judge.

204. (*a.*) If in any suit instituted, or on any application made, under this Act, it appears to the presiding officer that any question in issue involving a point of law is more proper for the decision of a civil Court, such officer, if a Collector of a District, or the Collector of the District on the representation of such officer, may cause a case to be stated for the opinion of the District Judge, who shall hear the case in such manner as nearly as may be as is prescribed for the hearing of cases by the High Court by section 619 of the Code of Civil Procedure.

(*b.*) If the District Judge finds that the case is insufficiently stated, he may return it to the Collector of the District for amendment.

(*c.*) Subject to any limits of value or time provided by law for cases falling under the Code of Civil Procedure, an appeal shall lie from the judgment of the District Judge to the High Court.

(*d.*) The District Judge shall return the case with the opinion of the civil Court to the Collector of the District, and the revenue Courts shall decide the suit or application in accordance with such opinion.

(*e.*) The costs attending such case shall be dealt with as costs in the suit or on the application in the revenue Court.

Power to refer to High Court questions as to jurisdiction.

205. (*a.*) If in any suit instituted, or on any appeal presented, in a civil or revenue Court, the Judge or presiding officer doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

(*b.*) On any such reference being made, the High Court may order the Judge or presiding officer, either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit or appeal.

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

Procedure where objection that suit was instituted in wrong Court was not taken in Court of first instance.

206. In all suits instituted in any civil or revenue Court, in which an appeal lies to the District Judge or High Court, an objection that the suit was instituted in the wrong Court shall not be entertained by the appellate Court, unless such objection was taken in the Court of first instance; but the appellate Court shall dispose of the appeal as if the suit had been instituted in the right Court.

Procedure where such objection was taken in Court of first instance.

207. If in any such suit such objection was taken in the Court of first instance, but the appellate Court has before it all the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the right Court.

Procedure where, in such cases, the appellate Court has not materials for determining the suit.

208. If in any such suit the appellate Court has not before it the materials necessary for the determination of the suit, it shall proceed under the provisions of the Code of Civil Procedure relating to appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken by the Court of first instance, it may direct its order either to the Court in which the suit was instituted, or to any other Court competent to entertain the suit,

and the objection that the order of a subordinate appellate Court has been directed to a Court which was not competent to entertain the suit shall not be taken on special appeal.

Power to refer party to civil Court.

208A. If, in any suit or application pending before a Revenue Court exercising original, appellate or revisional jurisdiction under this Act, it appears to such Court that any question in issue is more proper for decision by a civil Court, such Revenue Court may, by order in writing, require any party to such suit or application to institute, within such time as it may appoint in this behalf, a suit in the civil Court with a view to obtaining a decision of such question; and, if he fails to comply with such requisition, shall decide such question against him.

If he institutes such suit, the Revenue Court shall dispose of the suit or application pending before it in accordance with the final decision of the civil Court of first instance or appeal (as the case may be) upon such question.

Suits by co-sharer against lambardár for share of profits.

209. In any suit brought by a co-sharer against a lambardár for a share of the profits, the Court may award to the plaintiff not only a share of the profits actually collected, but also a sum equal to the plaintiff's share in the profits which, through gross negligence or misconduct, the lambardár has omitted to collect.

Tenant's power to implead persons claiming through landholder.

210. In any application made by a tenant against a landholder to recover possession of a holding, the plaintiff may join as a defendant any other person in possession of the holding, who may claim title through the landholder.

Landholder's power to implead persons claiming through tenant.

In any suit instituted, or application made, by a landholder to eject a tenant, the plaintiff may join as a defendant any other person in possession of the holding, who may claim title through the tenant.

Power of Local Government to make rules.

211. The Local Government may from time to time make rules consistent with this Act—

(*a*) for the guidance of officers in determining, under sections 13, 14, 15, 17, 18 and 20, the rent payable by tenants,

(*b*) for the guidance of officers assessing rent under section 30.

(*c*) as to the dates on which instalments of rent shall fall due,

(*d*) as to the procedure to be followed on all applications under section 95.

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

Power of Board to make rules.

The Board, with the previous sanction of the Local Government, may from time to time make rules, consistent with the provisions herein contained, for the guidance of all persons in matters connected with the enforcement of this Act.

Instalments when to be deemed in arrear.

212. When the Local Government has made a rule fixing the date on which any instalment of rent shall fall due, no such instalment shall, for the purposes of this Act, be deemed to be in arrear unless it remains unpaid after the date fixed by such rule.

THE FIRST SCHEDULE.

FORM A. (*See Section 51.*)

I, *A. B.*, of , solemnly declare that I did personally [*or* by my agent *C. D.*], on the day of , tender payment to *E. F.* of the sum of Rs. as and for the whole amount due from me on account of rent from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the sum so tendered, and to give a receipt in full for the same, and I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount I owe the said *E. F.*, and I hereby apply for leave to pay the same accordingly.

FORM B. (*See Section 52.*)

Court of the Collector of , dated the day of

To *E. F.* &c.

WITH reference to the written declaration of *A. B.*, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you, or to your duly authorized agent, on application.

[This is to be written on a copy of the declaration in Form A made by the person paying the money into Court.]

FORM C. (*See Section 69.*)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of distrained property.

A. B., Distrainer.

[*Name, description and address of the owner of the property.*]

WHEREAS the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required, either to pay the said sum to the said *A. B.*, or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 188 .

FORM D. (*See Section 114.*)

FORM OF SUMMONS TO DEFENDANT.

No. (*of suit*) dated

In the Court of

A. B., Plaintiff.

[*Name, description and address of plaintiff.*]

C. D., Defendant.

[*Name, description and address of Defendant.*]

WHEREAS the said *A. B.* has brought a claim against you in this Court for , you are hereby required to appear in person in this Court on the day of [*if not specially required to appear in person, state,* "in person, or by an agent who has personal knowledge of the subject or who shall be accompanied by a person who has such knowledge"] to answer the above-named plaintiff, and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence. You will also bring with you your witnesses, if they are willing to attend without issue of process.

FORM E. (*See section 119.*)

FORM OF WARRANT OF ARREST.

No. (*of suit*) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

WHEREAS the plaintiff in this suit has obtained an order from the Court for the arrest of the defendant, you are hereby commanded to bring the defendant before the Court on or before the day of to be dealt with according to law.

Dated this day of 188 .

FORM F. (*See section 119.*)

FORM OF NOTICE TO ACCOMPANY SUCH WARRANT.

In the Court of

A. B., Plaintiff.

[*Name, description and address of plaintiff.*]

C. D., Defendant.

[*Name, description and address of defendant.*]

WHEREAS the said *A. B.* has brought a claim against you in this Court for (*here specify particulars of claim as given in the plaint*) and has obtained a warrant for your arrest, you are hereby required, unless you admit the claim, to bring with you to the Court all documents on which you may intend to rely in support of your defence.

FORM G. (*See section 121.*)

FORM OF SECURITY-BOND FOR APPEARANCE OF DEFENDANT.

WHEREAS *A. B.*, plaintiff, has instituted a suit in the Court of the Collector of against *C. D.*, defendant, and the said *C. D.* has been required to give security for his appearance at any time when called on while the suit is pending and until execution of the decree, I, *E. F.*, hereby declare myself surety for the said *C. D.'s* appearance as aforesaid, and in case of his making default in such appearance, I engage to pay any sum for the payment of which the said *C. D.* may be liable under the decree. *If the suit be for the delivery of papers or accounts, specify some sum to be fixed by the Collector.*

FORM H. (*See section 156.*)

WRIT OF EXECUTION AGAINST THE PERSON.

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

WHEREAS the said *C. D.* was directed by a decree of this Court, under date the day of 188 , to pay to *A. B.* the sum of and for costs of suit, amounting to , and whereas the said *C. D.* has omitted to pay the same, you are hereby commanded to apprehend the said *C. D.*, and to bring him with all convenient speed before this Court to be dealt with according to law.

FORM I. (*See section 156.*)

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.

C. D., Defendant.

To the Názir of the Court of the Collector of

WHEREAS *C. D.* was directed by a decree of this Court, under date the day of 188 , to pay to *A. B.* the sum of and for costs of suit, amounting to , and whereas the said *C. D.* has omitted to pay the same, you are hereby commanded to levy the said sum of , and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said *C. D.* as (is described in the list annexed and) [*if no list is furnished, these words to be omitted*] shall be pointed out to you by the judgment-creditor or his agent; and you are hereby ordered to sell such property of the said *C. D.*, on some convenient day, not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

THE SECOND SCHEDULE.

(*See section 1.*)

TERRITORIES EXEMPTED, IN THE FIRST INSTANCE, FROM THE OPERATION OF THE ACT.

I. The province of Kumaon and Garhwál.

II. The Tarai Parganas, comprising—Bázpúr, Káshípúr, Jaspúr, Rudarpúr, Gadarpúr, Kilpúrí, Nának-Mattha, and Bilheri.

III. The portion of the Mirzápúr District lying to the South of the Kaimor Range.

IV. The Family Domains of the Maháráját of Benares comprising the following parganas:—
Bhadohi and Kera Mangror in the Mirzapur District,
Kaswár Rájá in the Benares District.

V. The tract of country known as Jaunsar Báwar in the Dehra Dún District.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March, 1881, and is hereby promulgated for general information :—

ACT No. XIII OF 1881.

An Act to provide for the better government of Fort William.

WHEREAS it is expedient to give power to make rules for the better government of Fort William in Bengal and to provide for the establishment of a Court within the said Fort for the trial of persons charged with breaches of such rules; It is hereby enacted as follows :—

Preamble.

Short title.

1. This Act may be called "The Fort William Act, 1881;"

Commencement.

and it shall come into force on the first day of April, 1881.

But nothing herein contained shall be deemed to confer jurisdiction over any persons (other than artificers, labourers, sutlers and followers) to whom the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, 1869, is or are applicable.

"The Fort."

2. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define, for the purposes of this Act, the limits of Fort William in Bengal; and in this Act the expression "the Fort" means the area so defined.

Commander-in-Chief may make rules.

3. The Commander-in-Chief in India may, from time to time, with the sanction of the Governor General in Council, make rules, to be in force within the Fort, in regard to the matters specified in the schedule hereto annexed, and other matters of a like nature, and may by such rules prescribe, as penalties for the infringement thereof, fine which may extend to fifty rupees, or imprisonment for a term which may extend to four days, or both.

When a sentence of fine is passed under any such rule, the term for which the Court directs the offender to be imprisoned in default of payment of such fine may extend to, and shall not exceed, four days.

When any rule is made under this section, a copy thereof, in English and such other languages as the Governor General in Council may from time to time direct, shall be exhibited in such conspicuous places within the Fort as the officer commanding the Fort may from time to time direct.

Governor General in Council may invest officer with power to try breaches of rules.

4. The Governor General in Council may invest any commissioned officer in Her Majesty's Army with power to try persons charged with any infringement of the rules made under section three.

The officer so invested is hereinafter called the Fort Magistrate.

Procedure to be followed.

5. In all cases under this Act, the Fort Magistrate shall, except as herein otherwise provided, exercise within the Fort the powers, and, as nearly as may be, follow the procedure, conferred on, and prescribed for, a Presidency Magistrate by the Presidency Magistrates Act, 1877; and, subject to the power conferred by the High Courts Criminal Procedure Act, 1875, section 147, every finding, sentence or order of such Magistrate under this Act shall be final.

Power to arrest without warrant.

6. Any Police-officer, or any other person empowered in this behalf by the Governor General in Council, by name or as a member of a specified class, may arrest without warrant any person who in his sight commits an offence punishable under this Act.

Power to Police-officer to release on bail.

Every person so arrested shall be taken to the police-station within the Fort, and shall be detained there until he gives to the Police-officer in charge of such station a bond, with or without sureties, as such officer may require, for a sum not exceeding one hundred rupees, to appear before the Fort Magistrate at a time to be specified in such bond, or until he can be brought before such Magistrate.

Jurisdiction of Presidency Magistrates and prosecutions under other laws saved.

7. Nothing in this Act or in any rule made hereunder shall affect the jurisdiction of the Magistrates appointed under the Presidency Magistrates Act, 1877, or shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable to any other punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

Limitation of time for prosecutions under Act.

8. No prosecution for any offence under this Act shall be commenced after the expiration of three months next after such offence has been committed.

Validation of penalties heretofore imposed by Garrison Quarter Master.

9. All penalties heretofore imposed by the Garrison Quarter Master of the Fort for offences against garrison rules and regulations shall be deemed to have been imposed in accordance with law.

THE SCHEDULE.

(*See section 3.*)

(1). Throwing dirt or rubbish of any description into the drains or roads or anywhere but in the appointed places.

(2). Removing night-soil without a covering or at unauthorized hours.

(3). Camp-followers, servants and others not keeping the godowns they live in clean.

(4). Performing offices of nature in other than the appointed places.

(5). Bathing, or washing clothes or animals, in the *cunette* or other unauthorized places.

(6). Selling unwholesome articles of food, grain or drinks.

(7). Adulterating food or drinks.

(8). Making evacuations in unauthorized places.

(9). Rash or negligent driving.

(10). Picketting, training or breaking in animals.

(11). Causing obstruction by vehicles on the road.

(12). Exposing or hawking articles for sale about the roads and barracks, or within the Fort, without a Fort pass.

(13). Beating drums or tom-toms.

(14). Damaging lamps, posts, masonry or other Government-property in any part of the Fort.

(15). Disorderly behaviour in the public thoroughfares.

(16). Gambling.

(17). Spitting pán on any of the public staircases, gateways, walls and verandahs, or defacing in any way the walls of barracks, buildings or gateways.

(18). Throwing slops into the drains.

(19). Washing cooking-pots at the water-taps and wasting water.

(20). Cooking in unauthorized places.

(21). Hanging clothes to dry on the guns or masonry-work.

(22). Laying out clothes, accoutrements or stable-bedding after the authorized hours.

(23). Destroying the trees, bushes or plants, or climbing trees.

(24). Servants smoking hookahs in their masters' quarters or cook-houses, or keeping such quarters or cook-houses in an insanitary state.

(25). Trespassing on parade-grounds, or making footpaths across the grass-plots.

(26). Being drunk and incapable.

(27). Fighting, quarrelling and creating a disturbance, or making unnecessary noise of any kind.

(28). Affixing bills and papers on any walls in the Fort.

(29). Cutting grass or interfering with the grass-contractor.

(30). Declining to show a tin pass when called upon to do so.

(31). Being found in the garrison without a tin pass, or being in possession of a ticket belonging to another.

(32). Driving vehicles without lights or with insufficiently greased wheels.

(33). Swinging or sitting on the chain-fences.

(34). Interfering in any way with the guns, carriages or piles of shot and shell on the works, or with the packed ordnance.

(35). Mounting the ramparts or parapets or entering the embrasures without authority.

(36). Smuggling liquor into the Fort.

(37). Burning stable-litter or lighting fires except in authorized places and at authorized hours.

(38). Carrying lights except in closed lanterns, or letting off fireworks.

(39). Removing property of any kind or description from the Fort without written authority.

(40). Allowing animals of any sort to stray into the Fort, or to graze within the same.

(41). Slaughtering animals or exposing carcasses or offal within the Fort.

(42). Keeping dogs or poultry in unauthorized places.

(43). Buying, selling or receiving any portion of a soldier's kit.

(44). Disobedience of lawful authority in failing to attend to authorized instructions of the police or of the several sentries posted throughout the Fort.

(45). Occupying buildings of any kind without proper allotment.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March, 1881, and is hereby promulgated for general information:—

ACT No. XIV OF 1881.

An Act to amend Bengal Regulation VII of 1828.

Preamble.

WHEREAS it is expedient to amend Bengal Regulation VII of 1828 (*for amending the Provisions of Regulation XV of 1795, and for defining the Authority of the Rajah of Benares in the Mahâls therein referred to*) in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. Commencement of Act.

1. This Act may be called "The Benares Family Domains Act, 1881": And it shall come into force on such day as the Lieutenant-Governor of the North-Western Provinces may, by notification in the official Gazette, appoint in this behalf.

Repeal of certain portions of Bengal Regulation VII of 1828.

2. The following portions of Bengal Regulation VII of 1828 shall be repealed, namely:—

(*a*) in section 5, the words and figures "under the rules contained in Regulation XLI, 1795";

(*b*) in section 14, the words "under the Regulations," in both places in which they occur;

(*c*) in section 19, the words "before the Court of circuit";

(*d*) in section 20, the proviso.

New section substituted for section 3 of same Regulation.

3. In the same Regulation, for section 3, the following shall be substituted, namely:—

Superintendence of mahâls vested in Commissioner.

"**3.** The superintendence of the said mahâls shall be vested in the Commissioner of the Benares Division, hereinafter called 'the Superintendent.'

"The Lieutenant-Governor of the North-Western Provinces may, from time to time, appoint a Deputy Superintendent of the said mahâls, and confer upon him all or any of the powers of the Superintendent, to be exercised by him subject to the general control of the Superintendent."

Amendment of same Regulation, section 7.

4. In the same Regulation, section 7, for the last twenty-two words, the following shall be substituted, namely:—

"The orders thus passed by the Superintendent shall be subject to appeal to, and revision by, the Board of Revenue, whose order thereon shall be final, unless altered or set aside by the said Lieutenant-Governor."

Amendment of same Regulation, section 9.

5. In the same Regulation, section 9, for the words "the Regulations at present in force within the Province of Benares" the words "the enactments for the time being in force in the North-Western Provinces" shall be substituted, and after the word "applicable" the words "and the Local Government with the concurrence of the Mahárájá may direct" shall be inserted.

Clause added to section 10 of same Regulation.

6. To section 10 of the same Regulation the following clause shall be added, namely:—

"The Mahárájá may delegate to one or more of his officers the exercise of all or any of the powers vested in him under this section in the whole or any part of the said mahâls."

Amendment of same Regulation, section 11.

7. In the same Regulation, section 11, for the words and figures "Regulation XI, 1822," the words "the enactments for the time being in force in the North-Western Provinces" shall be substituted.

Amendment of same Regulation, section 12.

8. In the same Regulation, section 12, for the words "Boards of Revenue" the words "Commissioners of Divisions and the Board of Revenue" shall be substituted;

and, for the words "towards the Board" the words "towards the Commissioner" shall be substituted.

Amendment of same Regulation, section 13.

9. In the same Regulation, section 13, for the words "Governor General in Council" the words "Board of Revenue" shall be substituted.

Amendment of, and addition to, same Regulation, section 16.

10. In the same Regulation, section 16, for the words "a Native Commissioner shall be maintained by the Rajah in each of the pergunnahs referred to in Regulation XV, 1795," the following shall be substituted, namely:—"A Native Commissioner, or two or three Native Commissioners, as the said Lieutenant-Governor may, from time to time, direct, shall be maintained by the Mahárájá."

And to the same section the following shall be added, namely :—

"The local limits of the jurisdiction of the Native Commissioners shall be determined by the Mahárájá, and may be altered by him from time to time."

11. In the same Regulation, section 21, for the words and figures "contained in Regulation XXIII of 1814" to the end of the section, the following shall be substituted, namely :—"prescribed by the said Lieutenant-Governor under section 22 of this Regulation."

Amendment of same Regulation, section 21.

12. For sections 22 to 26, both inclusive, of the same Regulation, the following sections shall be substituted, that is to say :—

Sections substituted for sections 22 to 26 of same Regulation.

"22. The said Lieutenant-Governor may, from time to time, make rules consistent with this Regulation—

Power to make rules.

"(*a*) to regulate the procedure and powers of the Native Commissioners, and to determine the cases in which, the mode in which, and the authority to or by which, the orders and decisions of such Commissioners shall be subject to appeal or revision, and

"(*b*) to regulate, in matters not hereinbefore provided for, the administration of the Family Domains in so far as it is entrusted to the Mahárájá;

"such rules shall, when published in the local Gazette, have the force of law:

"Provided that no such rule shall be so published until the opinion of the Mahárájá thereon has been taken and considered by the Lieutenant-Governor.

"In matters not otherwise provided for by the rules made under clause (*a*), the Code of Civil Procedure shall apply.

"23. If, in any suit instituted or appeal presented under this Regulation in any Court, the Judge or presiding officer doubts whether he has jurisdiction, he may refer the matter to the Board of Revenue; and, on any such reference being made, the said Board may order the Judge or presiding officer either to proceed with the case, or to return the plaint or appeal for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit or appeal.

Procedure in case of doubt as to Judge's jurisdiction.

"The order of the said Board on any such reference shall be final.

"24. Except as provided by or under this Regulation, or any other enactment for the time being in force,

Operation of general Acts.

"(*a*) the administration of the Family Domains, in so far as it is entrusted to the Mahárájá, shall be regulated by the principles and spirit of the enactments for the time being in force in the North-Western Provinces, and

"(*b*) the administration of the said Domains, in so far as it has not been so entrusted, shall be regulated by those enactments.

"25. In this Regulation, unless there is something repugnant in the subject or context,—

Interpretation-clause.

"'Board of Revenue' means the Board of Revenue of the North-Western Provinces, or such officer or officers as may hereafter be lawfully appointed to exercise, within the Province of Benares, the powers of such Board.

'Board of Revenue.'

"'Regulations' includes Acts for the time being in force in the North-Western Provinces."

'Regulations.'

13. All orders heretofore passed by the Governor General in Council, or the Lieutenant-Governor of the North-Western Provinces, or any other authority, regarding revisions of settlement or other matters connected with the revenue-administration of the tracts of territory mentioned in the preamble to Bengal Regulation VII of 1828, shall be deemed to have been passed in accordance with law; and no order or decision purporting to have been passed by any civil or revenue authority under the provisions of that Regulation shall be called in question in any Court.

Validation of past orders, &c.

14. In the Scheduled Districts Act, 1874, first schedule, Part IV; and in the Laws Local Extent Act, 1874, sixth schedule, Part IV, the following shall be repealed, that is to say :—

Parts of Acts XIV and XV of 1874 repealed.

"V. The Family Domains of the Mahárájá of Benares comprising the following parganas :—

"Bhadohi and Kheyra Mángror in the Mirzapur District.

"Kaswá Rájá in the Benares District."

15. In the Laws Local Extent Act, 1874, section 8, after clause (*j*), the following shall be inserted, namely :—

Clause added to Act XV of 1874, s. 8.

"(*jj*) extend to Pargana Bhadohi or Pargana Kera Mangror in the Mirzapur District, or to Pargana Kaswár Rájá in the Benares District, any law not now in force therein."

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March, 1881, and is hereby promulgated for general information :—

ACT No. XV OF 1881.

THE FACTORIES ACT, 1881.

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   Local extent.
   Commencement.
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6. Age of employment.
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8. Child to be allowed holidays.
9. Not to be employed in two factories on same day.
10. Not to be engaged in certain dangerous work.
11. Register of children in a factory.

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12. Fencing.

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13. Notice to be given of accidents.
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15. Penalties.
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18. Power to make rules.
19. Crown factories.

An Act to regulate labour in Factories.

WHEREAS it is expedient to regulate labour in factories; It is hereby enacted as follows :—

Preamble.

Preliminary.

1. This Act may be called "The Indian Factories Act, 1881."

Short title.

It applies to the whole of British India, and shall come into force on the first day of July, 1881.

Local extent. Commencement.

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

Interpretation-clause.

"factory" means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) wherein is carried on, for not less than four months in the whole in any one year, any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and

"factory."

(*a*) wherein steam, water or other mechanical power is used in aid of any such process; and

(*b*) wherein not less than one hundred persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and

every part of a factory shall be deemed to be a factory, except any part used exclusively as a dwelling :

"child" means a person under the age of twelve years :

"child."

"mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which the motion of the first moving power is communicated to any machine :

"mill-gearing."

a child who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein within the meaning of this Act.

"employed."

Inspectors and certifying Surgeons.

3. The Local Government may in its discretion, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to such Inspectors, and may suspend or dismiss any person so appointed.

Inspectors.

In default of such appointment, the Magistrate of the district shall, in virtue of his office, be Inspector of all factories (if any) in the District.

Such Inspectors shall be deemed public servants within the meaning of the Indian Penal Code; and shall be officially subordinate to such authority as the Local Government may, from time to time, indicate in this behalf.

4. An Inspector of factories may, within the local limits for which he is appointed,

Powers of Inspector.

(*a*) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;

(*b*) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any person as such Inspector may deem necessary for carrying out the provisions of this Act;

(*c*) order that any person shall not be employed in a factory when he has reason to believe that such employment would be in contravention of this Act—

until the age of such person has been certified, in the manner hereinafter provided, to be above seven years; or,

for more than the time allowed by this Act for the employment of children, until his age has been so certified to be above twelve years.

5. The Civil Surgeon or such other person practising medicine or surgery as the Local Government may, from time to time, appoint in this behalf for any local area (hereinafter called the certifying surgeon) shall, at the request of any person employed or desirous of being employed in a factory situate in such local area, or of the parent or guardian of such person, examine such person and grant him a certificate, stating whether his age, as nearly as it can be ascertained from such examination, is above or below seven years, or twelve years, as the case may be.

Certifying surgeons.

Children.

6. No child shall be employed in any factory, if he is under the age of seven years.

Age of employment.

7. No child shall be actually employed in any factory more than nine hours in any one day.

Hours of employment for children.

And no child shall be employed in any factory on any day without an interval, or intervals, amounting in the whole to at least an hour, being allowed to him for food and rest.

The times at which such intervals shall be allowed, and the length of each interval, shall be fixed by the Local Government for each factory, after ascertaining, as far as possible, the existing practice in such factory and the wishes of the occupier thereof.

The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the District in which the factory is situate, showing the times at which such intervals shall be allowed and the length of each interval.

A child shall not be deemed to be employed within the meaning of the first clause of this section during any interval allowed for food or rest.

8. Every occupier of a factory in which children are employed shall, before the beginning of each month, fix not less than four days in such month on which no child shall be employed in such factory, and shall forthwith give notice of the days so fixed to such officer as the Local Government may, from time to time, appoint in this behalf.

Child to be allowed holidays.

An occupier of a factory may, with the previous sanction of the Inspector, substitute, for any day fixed under this section, another day in the same month.

No child shall be employed in such factory on a day fixed under this section, unless when another day has been substituted for such day as herein-before provided, in which event no child shall be employed in such factory on the day so substituted.

9. No occupier of a factory shall employ therein on any day any child who has to his knowledge already been employed on the same day in any other factory.

Not to be employed in two factories on same day.

10. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

Not to be engaged in certain dangerous work.

11. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may, from time to time, prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

Register of children in a factory.

Fencing.

12 (*a*). Every fly-wheel directly connected with a steam-engine, or water-wheel or other mechanical power in any part of a factory, and every part of a steam-engine or water-wheel,

Fencing.

(*b*) every hoist or teagle near which any person is liable to pass or be employed, and

(*c*) every other part of the machinery or mill-gearing of a factory which may, in the opinion of the local Inspector, be dangerous if left unfenced, and which he may have ordered to be fenced,

shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order under clause (*c*) may be set aside, on appeal or otherwise, by the Local Government or such authority as it may appoint in this behalf.

Notices.

13. When any accident occurs in a factory causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during forty-eight hours after the occurrence of the accident, the occupier of such factory, or, in his absence, his principal agent in the management of such factory, shall send such notice of such accident to such authorities in such form and within such time as the Local Government may, from time to time, by rule, direct.

Notice to be given of accidents.

14. Every person shall, within one month after he begins to occupy a factory, send to the local Inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the person (if any) under whom the business of the factory is to be carried on.

Person beginning to occupy factory to give notice.

Penalties.

15. Any person who, in breach of this Act, or of any order or rule made hereunder—

Penalties.

(*a*) employs any child in any factory;

(*b*) neglects to set up or maintain the notice required by section seven or to fix the days referred to in section eight;

(*c*) allows any child to perform the work forbidden by, or to work in contravention of, section ten;

(*d*) neglects to keep a register in manner prescribed under section eleven;

(*e*) neglects to fence any machinery or mill-gearing in any factory; or

(*f*) neglects to give any notice,

shall be punished with fine which may extend to two hundred rupees:

Provided that—

1st, no prosecution under this section shall be instituted except by, or with the previous sanction of, the local Inspector; and

2nd, no person shall be liable under this section to more than one penalty for any one description of offence committed on the same day, except where two or more children are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each child so employed.

Only one penalty for same kind of offence on one day.

16. Where an act or omission would, if a person were under seven or twelve years of age, be an offence punishable under this Act, and such person is, in the opinion of the Court, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

Burden of proof as to age.

A declaration in writing by a certifying Surgeon that he has personally examined a person employed in a factory, and believes him to be under or over the age set forth in such declaration, shall, for the purposes of this Act, be admissible as evidence of the age of that person.

Certifying Surgeon's declaration in writing.

17. Every occupier of a factory shall be deemed primarily liable for any breach therein of the provisions of this Act; but he may discharge himself from such liability by proof to the satisfaction of the local Inspector, before prosecution therefor, that such breach was committed by some other person without his knowledge or consent; and the person committing such breach shall be liable therefor.

Occupier primarily liable for breaches of Act.

Miscellaneous.

18. The Local Government may, from time to time, make rules consistent with this Act to provide for—

Power to make rules.

(*a*) the fencing of machinery and mill-gearing in factories;

(*b*) the inspection of factories;

(*c*) the manner in which appeals under this Act shall be presented and heard; and

(*d*) otherwise carrying out the provisions of this Act.

Such rules shall be published in the official Gazette, and shall thereupon have the force of law.

19. This Act shall apply to factories belonging to the Crown; provided that, in case of any public emergency, the Governor General in Council or the Local Government may, by an order in writing, exempt any such factory from this Act to such extent and during such period as the Governor General in Council or the Local Government, as the case may be, thinks fit.

Crown factories.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March, 1881, and is hereby promulgated for general information :—

ACT No. XVI OF 1881.

An Act to empower the Government to remove or destroy obstructions in fairways, and to prevent the creation of such obstructions.

Preamble.

WHEREAS it is expedient to empower the Government to remove or destroy obstructions to navigation in fairways leading to ports in British India, and to prevent the creation of such obstructions; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Obstructions in Fairways Act, 1881;" and it shall come into force at once.

But nothing herein contained shall apply to vessels belonging to Her Majesty or hired by Her Majesty or by the Secretary of State for India in Council.

Local Government empowered to remove or destroy obstruction in fairway.

2. Whenever, in any fairway leading to any port in British India, any vessel is sunk, stranded or abandoned or any fishing-stake, timber or other thing is placed or left, the Local Government of the part of British India in which such port is situate may, if in its opinion such thing is, or is likely to become, an obstruction or danger to navigation,

(*a*) cause such thing or any part thereof to be removed ; or,

(*b*) if such thing is of such a description or so situate that, in the opinion of the Local Government, it is not worth removing, cause the same or any part thereof to be destroyed.

Government entitled to expenses incurred in removing obstruction.

3. Whenever anything is removed under section two, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be decided by the Magistrate of the District or Presidency Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties; and such decision shall be final.

Dispute concerning such expenses.

Notice of removal to be given by Local Government.

4. The Local Government shall, whenever anything is removed under section two, publish in the local official Gazette a notification containing a description of such thing, and the time at which and the place from which the same was so removed.

Things removed may, in certain cases, be sold.

5. If after publishing such notification, such thing is unclaimed, or

if the person claiming the same fails to pay the amount due for the said expenses and any customs duties or other charges properly incurred by the Local Government in respect thereof,

the Local Government may sell such thing by public auction, if it is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

Proceeds how applied.

6. On realizing the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

Provided that he makes the claim within one year from the date of the sale.

"Vessel" to include tackle, cargo, &c.

7. For the purposes of this Act, the term "vessel" shall be deemed to include also every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel, and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded as a common fund.

Power to make rules to regulate and prohibit the placing of obstructions in fairways.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*, make rules to regulate or prohibit in any fairway leading to a port in British India, the placing of fishing-stakes, the casting or

throwing of ballast, rubbish, or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause, or be likely to cause, obstruction or danger to navigation.

Penalty for breach of such rules.

9. Whoever is guilty of any act or omission in contravention of the rules made under section eight, may be tried for such offence in any district or Presidency-town in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Compensation payable in certain cases for damage caused under this Act.

10. Whenever the maintenance or creation of an obstruction in any fairway has become lawful by long usage or otherwise, and such obstruction is removed or destroyed under section two, or its creation is regulated or prohibited under section eight, any person having a right to maintain or create such obstruction shall be entitled to receive from the Secretary of State for India in Council reasonable compensation for any damage caused to him by such removal, destruction, regulation or prohibition.

Every dispute arising concerning the right to such compensation, or the amount thereof, shall be determined according to the law for the time being in force relating to like disputes in the case of land needed for public purposes and not otherwise; and for the purposes of such law the fairway from or in which such obstruction was removed or destroyed, or in which its creation was regulated or prohibited, shall be deemed to be a part of the Presidency-town or district in which the port to which such fairway leads is situate.

Certain action of the Government previous to passing of this Act to be deemed to have been taken hereunder.

11. Whenever any obstruction in a fairway leading to a port in British India has been removed or destroyed, or whenever the creation of any such obstruction has been regulated or prohibited, by an order of the Governor General in Council or a Local Government, previous to the passing of this Act, such removal, destruction, regulation or prohibition shall be deemed to have been effected under this Act.

Saving of other powers possessed by Government.

12. Nothing herein contained shall be deemed to prevent the exercise by the Government of any other powers possessed by it in this behalf.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 2, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March, 1881, and is hereby promulgated for general information:—

ACT No. XV OF 1881.

THE FACTORIES ACT, 1881.

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An Act to regulate labour in Factories.

Preamble.

WHEREAS it is expedient to regulate labour in factories; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Indian Factories Act, 1881."

Local extent. Commencement.

It applies to the whole of British India, and shall come into force on the first day of July, 1881.

Interpretation-clause.

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

"factory:"

"factory" means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) wherein is carried on, for not less than four months in the whole in any one year, any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and

(*a*) wherein steam, water or other mechanical power is used in aid of any such process; and

(*b*) wherein not less than one hundred persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and

every part of a factory shall be deemed to be a factory, except any part used exclusively as a dwelling:

"child."

"child" means a person under the age of twelve years:

"mill-gearing:"

"mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which the motion of the first moving power is communicated to any machine:

"employed."

a child who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein within the meaning of this Act.

Inspectors and certifying Surgeons.

3. The Local Government may in its discretion, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to such Inspectors, and may suspend or dismiss any person so appointed.

Inspectors.

In default of such appointment, the Magistrate of the district shall, in virtue of his office, be Inspector of all factories (if any) in the District.

Such Inspectors shall be deemed public servants within the meaning of the Indian Penal Code; and shall be officially subordinate to such authority as the Local Government may, from time to time, indicate in this behalf.

4. An Inspector of factories may, within the local limits for which he is appointed,

Powers of Inspector.

(*a*) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;

(*b*) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any person as such Inspector may deem necessary for carrying out the provisions of this Act;

(*c*) order that any person shall not be employed in a factory when he has reason to believe that such employment would be in contravention of this Act—

until the age of such person has been certified, in the manner hereinafter provided, to be above seven years; or,

for more than the time allowed by this Act for the employment of children, until his age has been so certified to be above twelve years.

5. The Civil Surgeon or such other person practising medicine or surgery as the Local Government may, from time to time, appoint in this behalf for any local area (hereinafter called the certifying surgeon) shall, at the request of any person employed or desirous of being employed in a factory situate in such local area, or of the parent or guardian of such person, examine such person and grant him a certificate, stating whether his age, as nearly as it can be ascertained from such examination, is above or below seven years, or twelve years, as the case may be.

Certifying surgeons.

Children.

6. No child shall be employed in any factory, if he is under the age of seven years.

Age of employment.

7. No child shall be actually employed in any factory more than nine hours in any one day.

Hours of employment for children.

And no child shall be employed in any factory on any day without an interval, or intervals, amounting in the whole to at least an hour, being allowed to him for food and rest.

The times at which such intervals shall be allowed, and the length of each interval, shall be fixed by the Local Government for each factory after ascertaining, as far as possible, the existing practice in such factory and the wishes of the occupier thereof.

The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the District in which the factory is situate, showing the times at which such intervals shall be allowed and the length of each interval.

A child shall not be deemed to be employed within the meaning of the first clause of this section during any interval allowed for food or rest.

8. Every occupier of a factory in which children are employed shall, before the beginning of each month, fix not less than four days in such month on which no child shall be employed in such factory, and shall forthwith give notice of the days so fixed to such officer as the Local Government may, from time to time, appoint in this behalf.

Child to be allowed holidays.

An occupier of a factory may, with the previous sanction of the Inspector, substitute, for any day fixed under this section, another day in the same month.

No child shall be employed in such factory on a day fixed under this section, unless when another day has been substituted for such day as hereinbefore provided, in which event no child shall be employed in such factory on the day so substituted.

9. No occupier of a factory shall employ therein on any day any child who has to his knowledge already been employed on the same day in any other factory.

Not to be employed in two factories on same day.

10. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

Not to be engaged in certain dangerous work.

11. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may, from time to time, prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

Register of children in a factory.

Fencing.

12 (*a*). Every fly-wheel directly connected with a steam-engine, or water-wheel or other mechanical power in any part of a factory, and every part of a steam-engine or water-wheel,

Fencing.

(*b*) every hoist or teagle near which any person is liable to pass or be employed, and

(*c*) every other part of the machinery or mill-gearing of a factory which may, in the opinion of the local Inspector, be dangerous if left unfenced, and which he may have ordered to be fenced,

shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order under clause (*c*) may be set aside, on appeal or otherwise, by the Local Government or such authority as it may appoint in this behalf.

Notices.

13. When any accident occurs in a factory causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during forty-eight hours after the occurrence of the accident, the occupier of such factory, or, in his absence, his principal agent in the management of such factory, shall send such notice of such accident to such authorities in such form and within such time as the Local Government may, from time to time, by rule, direct.

Notice to be given of accidents.

14. Every person shall, within one month after he begins to occupy a factory, send to the local Inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the person (if any) under whom the business of the factory is to be carried on.

Person beginning to occupy factory to give notice.

Penalties.

15. Any person who, in breach of this Act, or of any order or rule made hereunder—

Penalties.

(*a*) employs any child in any factory;

(*b*) neglects to set up or maintain the notice required by section seven or to fix the days referred to in section eight;

(*c*) allows any child to perform the work forbidden by, or to work in contravention of, section ten;

(*d*) neglects to keep a register in manner prescribed under section eleven;

(*e*) neglects to fence any machinery or mill-gearing in any factory; or

(*f*) neglects to give any notice,

shall be punished with fine which may extend to two hundred rupees:

Provided that—

1st, no prosecution under this section shall be instituted except by, or with the previous sanction of, the local Inspector; and

2nd, no person shall be liable under this section to more than one penalty for any one description of offence committed on the same day, except where two or more children are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each child so employed.

Only one penalty for same kind of offence on one day.

16. Where an act or omission would, if a person were under seven or twelve years of age, be an offence punishable under this Act, and such person is, in the opinion of the Court, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

Burden of proof as to age.

A declaration in writing by a certifying Surgeon that he has personally examined a person employed in a factory, and believes him to be under or over the age set forth in such declaration, shall, for the purposes of this Act, be admissible as evidence of the age of that person.

Certifying Surgeon's declaration in writing.

17. Every occupier of a factory shall be deemed primarily liable for any breach therein of the provisions of this Act; but he may discharge himself from such liability by proof to the satisfaction of the local Inspector, before prosecution therefor, that such breach was committed by some other person without his knowledge or consent; and the person commit ing such breach shall be liable therefor.

Occupier primarily liable for breaches of Act.

Miscellaneous.

18. The Local Government may, from time to time, make rules consistent with this Act to provide for—

Power to make rules.

(*a*) the fencing of machinery and mill-gearing in factories;

(*b*) the inspection of factories;

(*c*) the manner in which appeals under this Act shall be presented and heard; and

(*d*) otherwise carrying out the provisions of this Act.

Such rules shall be published in the official Gazette, and shall thereupon have the force of law.

19. This Act shall apply to factories belonging to the Crown; provided that, in case of any public emergency, the Governor General in Council or the Local Government may, by an order in writing, exempt any such factory from this Act to such extent and during such period as the Governor General in Council or the Local Government, as the case may be, thinks fit.

Crown factories.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March, 1881, and is hereby promulgated for general information :—

ACT No. XVI OF 1881.

An Act to empower the Government to remove or destroy obstructions in fairways, and to prevent the creation of such obstructions.

WHEREAS it is expedient to empower the Government to remove or destroy obstructions to navigation in fairways leading to ports in British India, and to prevent the creation of such obstructions; It is hereby enacted as follows :—

Preamble.

1. This Act may be called "The Obstructions in Fairways Act, 1881;" and it shall come into force at once.

Short title.

Commencement.

But nothing herein contained shall apply to vessels belonging to Her Majesty or hired by Her Majesty or by the Secretary of State for India in Council.

2. Whenever, in any fairway leading to any port in British India, any vessel is sunk, stranded or abandoned or any fishing-stake, timber or other thing is placed or left, the Local Government of the part of British India in which such port is situate may, if in its opinion such thing is, or is likely to become, an obstruction or danger to navigation,

Local Government empowered to remove or destroy obstruction in fairway.

(*a*) cause such thing or any part thereof to be removed ; or,

(*b*) if such thing is of such a description or so situate that, in the opinion of the Local Government, it is not worth removing, cause the same or any part thereof to be destroyed.

3. Whenever anything is removed under section two, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal.

Government entitled to expenses incurred in removing obstruction.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be decided by the Magistrate of the District or Presidency Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties; and such decision shall be final.

Dispute concerning such expenses.

4. The Local Government shall, whenever anything is removed under section two, publish in the local official Gazette a notification containing a description of such thing, and the time at which and the place from which the same was so removed.

Notice of removal to be given by Local Government.

5. If after publishing such notification, such thing is unclaimed, or

Things removed may, in certain cases, be sold.

if the person claiming the same fails to pay the amount due for the said expenses and any customs duties or other charges properly incurred by the Local Government in respect thereof,

the Local Government may sell such thing by public auction, if it is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

6. On realizing the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

Proceeds how applied.

Provided that he makes the claim within one year from the date of the sale.

7. For the purposes of this Act, the term "vessel" shall be deemed to include also every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel, and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded as a common fund.

"Vessel" to include tackle, cargo, &c.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*, make rules to regulate or prohibit in any fairway leading to a port in British India, the placing of fishing-stakes, the casting or

Power to make rules to regulate and prohibit the placing of obstructions in fairways.

throwing of ballast, rubbish, or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause, or be likely to cause, obstruction or danger to navigation.

Penalty for breach of such rules.

9. Whoever is guilty of any act or omission in contravention of the rules made under section eight, may be tried for such offence in any district or Presidency-town in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Compensation payable in certain cases for damage caused under this Act.

10. Whenever the maintenance or creation of an obstruction in any fairway has become lawful by long usage or otherwise, and such obstruction is removed or destroyed under section two, or its creation is regulated or prohibited under section eight, any person having a right to maintain or create such obstruction shall be entitled to receive from the Secretary of State for India in Council reasonable compensation for any damage caused to him by such removal, destruction, regulation or prohibition.

Every dispute arising concerning the right to such compensation, or the amount thereof, shall be determined according to the law for the time being in force relating to like disputes in the case of land needed for public purposes and not otherwise; and for the purposes of such law the fairway from or in which such obstruction was removed or destroyed, or in which its creation was regulated or prohibited, shall be deemed to be a part of the Presidency-town or district in which the port to which such fairway leads is situate.

Certain action of the Government previous to passing of this Act to be deemed to have been taken hereunder.

11. Whenever any obstruction in a fairway leading to a port in British India has been removed or destroyed, or whenever the creation of any such obstruction has been regulated or prohibited, by an order of the Governor General in Council or a Local Government, previous to the passing of this Act, such removal, destruction, regulation or prohibition shall be deemed to have been effected under this Act.

Saving of other powers possessed by Government.

12. Nothing herein contained shall be deemed to prevent the exercise by the Government of any other powers possessed by it in this behalf.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY MAY 28, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th May, 1881, and is hereby promulgated for general information:—

ACT NO. XVII OF 1881.

An Act to give effect to the Convention between the Governors General of British India and Portuguese India regarding their respective systems of moneys, weights and measures.

Preamble.

WHEREAS by the fifth article of a Treaty of Commerce and Extradition executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it was provided that the High Contracting Parties should use their best endeavours to establish between their respective systems of moneys, weights and measures the harmony desirable for the development of commercial relations between their respective dominions:

And whereas by the same article it was further provided that the detailed measures to be adopted should form the subject of a separate Convention between the Governors General of British India and Portuguese India, to be executed within two years from the date when the said Treaty came into force:

And whereas the said Treaty came into force on the fifteenth day of January, 1880:

And whereas, in pursuance of the said recited article, the Convention set forth in the schedule hereto annexed has been made:

It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Portuguese Convention Act, 1881."

Local extent.

It extends to the whole of British India.

Commencement and continuance.

It shall come into force at once, and shall remain in force until the expiration of one year from the date of any notice which may be given under the fourteenth clause of the said Convention.

Provisions of Convention enacted.

2. The provisions of the said Convention, so far as they are binding upon the Government of British India, shall be deemed to have the force of law.

Act XXIII of 1870 to apply to coin and bullion made and brought for coinage to mint under Convention.

3. The provisions of the Indian Coinage Act, 1870, or any other law for the time being in force relating to coinage and the mint, shall, so far as they are consistent with the said Convention, apply to all coin made, and bullion brought for coinage to the mint, under the said Convention, as if such coin and bullion were respectively made and brought for coinage to the mint under the said Act.

THE SCHEDULE.

Whereas, by the fifth article of a Treaty of Commerce and Extradition executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it is provided that the High Contracting Parties shall use their best endeavours to establish between their respective systems of moneys, weights and measures the harmony desirable for the development of commercial relations between their respective dominions; and whereas by the same article it is further provided that the detailed measures to be adopted shall form the subject of a separate Convention between the Governors General of British India and

Portuguese India, to be executed within two years from the date when the said Treaty comes into force; and whereas the said Treaty came into force on the fifteenth day of January, 1880:

In pursuance of the said article, the following Convention has been made:—

1. The Governor General of Portuguese India shall adopt, in the Portuguese possessions in India, the monetary system of British India, for the time being in force, provided that the coins shall have on one side the effigy of the King of Portugal, with the legend *Ludovicus I, Portugaliæ et Algarbiorum Rex*, around it, or such other effigy and legend as the said Governor General may from time to time desire, and on the other side the value of each coin, the year of the Christian era, and the words *India Portugueza*.

2. Subject to the provisions of clause 7, so long as this Convention remains in force, the following coins and no others shall be struck for Portuguese India:—

Silver.—Rupee, weighing 180 grains troy;

Half-rupee, weighing 90 grains troy;

Quarter-rupee, weighing 45 grains troy;

Eighth of a rupee, weighing 22½ grains troy.

The standard fineness of the said silver coins shall be eleven-twelfths of fine silver and one-twelfth of alloy, subject to a remedy not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee ...	Five thousandths.	Two thousandths.
Half-rupee ...		
Quarter-rupee...	Seven thousandths.	Three thousandths.
Eighth of a rupee	Ten thousandths.	

Copper.—Half *tanga*, weighing 200 grains troy, and corresponding with the double pice or half-anna of British India;

Quarter *tanga*, weighing 100 grains troy, and corresponding with the pice of British India;

Eighth of a *tanga*, weighing 50 grains troy, and corresponding with the half-pice of British India;

Real, or twelfth of a *tanga*, corresponding with the pie of British India;

In the making of copper coins, a remedy shall be allowed not exceeding one-fortieth in weight.

The value in copper of one Portuguese rupee will be sixteen Portuguese *tangas*, sixty-four quarter *tangas* or pices, or one hundred and ninety-two *reaes* or pies.

3. The Portuguese silver and copper coins established by this Convention shall be issued by the authority of the Government of Portuguese India, and shall be coined on behalf of the said Government by the Government of British India, and by no other agency whatever.

The Governor General of Portuguese India engages that, while this Convention continues in force, no coins other than those established by this Convention shall be coined in or imported into Portuguese India.

4. With the view of obtaining in the shortest possible time the desired uniformity of coinage throughout the respective Indian possessions of the High Contracting Parties, the Governor General of British India engages that the Government of British India shall—

(*a*) forego, for the period of three years from the date on which this Convention comes into force, all duty or other charge for melting, cutting, refining or recoining any coin of the existing Portuguese Indian silver currency tendered for recoinage into Portuguese Indian coin;

(*b*) deliver, for the period of five years from the date of this Convention, copper coins of the Portuguese copper currency established by this Convention in exchange for copper coins of the existing Portuguese Indian copper currency which may be brought to the said Mint for the purpose of such exchange, at the value represented by such last-mentioned coins in the existing Portuguese currency. The relative representative value of the old and new coin to be thus exchanged on equal terms, and without charge for manufacture, shall, if the Governor General of Portuguese India so desires, be determined, once for all, by a mixed commission appointed in the manner provided in the sixteenth article of the above-cited Treaty;

(*c*) advance to the Governor General of Portuguese India, in the Portuguese currency established by this Convention, such sums in such denominations of coin, and in such instalments (if any), as the said Governor General of Portuguese India may require: provided—

1*stly*.—That the amount of such advances outstanding at any time shall not exceed in the whole ten lákhs of rupees.

2*ndly*.—That an interval of two months shall be allowed for compliance with any such requisition, and that no such advance shall be made after the expiration of eighteen months from the date on which this Convention comes into force.

3*rdly*.—That every such advance shall be, within two months, repaid in coin of the existing Portuguese Indian currency, equivalent thereto in intrinsic value ascertained upon assay at Her Majesty's Mint, or in copper coin of the existing Portuguese Indian currency valued as prescribed in clause (*b*).

5. The Governor General of British India engages that the Government of British India shall,—

(*a*) on presentation by or on behalf of the Governor General of Portuguese India of any silver bullion or coin at the Mint at Bombay, or at such other Mint as the said Government from time to time appoints, deliver to the said Governor General or his agent, after such interval as in the judgment of the Mint Master is necessary for the process of coinage, the produce of such silver bullion or coin, in the silver coin established by this Convention, subject, always, to the same duty, charges, fees and regulations as are for the time being in force for the conversion into British Indian currency of bullion and coin, presented at the said Mint: provided that, save as provided in clause 4, the said Government shall not be bound thus to deliver more than four lákhs of rupees in any one year;

(*b*) coin for the Governor General of Portuguese India the copper coins established by this Convention, to such amounts and in such denominations as the said Governor General may require, upon payment of the value inscribed upon such coins in the silver coin established by this Convention or in British Indian rupees: provided that, saving as engaged in clause 4, the said Government shall not be bound thus to coin more than twenty thousand rupees' worth of such coin in any one year.

In lieu of any seignorage or profits which the Portuguese Government might otherwise claim on account of the coinage on their behalf provided by this clause, the Governor General of British India engages to pay the Governor General of Portuguese India an indemnity of four thousand rupees per annum, commencing from the first day of November, one thousand eight hundred and eighty-three, and continuing as long as this Convention remains in force.

6. All silver and copper Portuguese coins, coined under the provisions of this Convention, shall, while this Convention remains in force, be legal tender in payment or on account throughout British India to the same extent, and subject to the same exceptions in the case of coin which has been called in, or is under weight, or has been clipped, filed or defaced, as in the case of the corresponding silver and copper coins issued by the authority of the Government of British India for the time being in British India.

All silver and copper coin which has been issued by the authority of the Government of British India shall, to the said same extent and subject to the same exceptions, be a legal tender in payment or on account throughout Portuguese India.

7. The Governor General of Portuguese India agrees that, if at any time while this Convention continues in force the Government of British India should recall the whole body of British Indian coin corresponding to any description of Portuguese coin issued under this Convention, or change the monetary system of British India, he will, if requested by such Government so to do, recall all Portuguese coin of that description, or change in like manner, as the case may be, the monetary system of Portuguese India: provided that the expense incurred in recalling such coin or making such change shall be defrayed by the Government of British India.

8. When any silver coin, purporting to have been issued under the provisions of this Convention, is tendered to any officer of the Government of British India, authorized by that Government to act under this clause, and is deemed by such officer to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, he may, by himself or another (subject to the rules which the said Government prescribes in this behalf), cut or break such coin and return the pieces to the person tendering the same, and the loss caused by such cutting and breaking shall be borne by such person.

9. When any such silver coin which has been called in is tendered to any officer of the Government of British India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola; but the expense thus incurred shall, except when such coin has been recalled under clause 7, be borne by the Portuguese Government.

10. In like manner, when any British Indian coin which has been called in is tendered to any officer of the Government of Portuguese India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola, and the expense so incurred shall be borne by the Government of British India.

11. The Governor General of Portuguese India engages to appoint an officer who will receive, while this Convention continues in force, from any person tendering the coin next hereinafter mentioned, all silver coin issued under this Convention which may have lost, by reasonable wearing, more than two per cent., and shall pay for the same at the rate of one rupee per tola.

12. Nothing in this Convention shall be held to limit the powers of His Most Faithful Majesty the King of Portugal and the Algarves to establish at any time such system of paper currency as he may deem fit.

The Governor General of Portuguese India has the power for the present to issue the following paper money:—

Five-rupee notes, payable in copper.	
Ten-rupee notes, payable in silver.	
Twenty	ditto.
Fifty	ditto.
One hundred	ditto.
Five hundred	ditto.

The amount of paper money issued will never be above four per cent. of the value of the money in circulation, the Portuguese India Government notes being guaranteed by the Portuguese Government and payable to the bearer.

13. The Governor General of Portuguese India engages that, whenever the Government of British India exercises in respect of British India generally, or of all the territories adjacent to Portuguese India, the powers conferred on it under a certain Act of the Governor General of British India in Council, called "The Indian Weights and Measures of Capacity Act, 1871," then he, the said Governor General of Portuguese India, will enforce throughout Portuguese India provisions similar to those of that Act.

14. This Convention shall come into force on the first day of November, one thousand eight hundred and eighty, and shall remain in force until the expiration of a year counting from the

day on which one or other of the Contracting Parties shall have given notice to the other of its intention to put an end to it: provided that no such notice shall be given until four years after the date on which the Convention comes into force.

15. The Governor General of Portuguese India undertakes that, in the event of this Convention being put an end to under clause 14 or otherwise, no coins resembling any of the coins struck under this Convention shall be struck in or imported into Portuguese India, or shall be struck under the authority of, or with the sanction of, His Most Faithful Majesty in any other place.

Done at Pangim on the twelfth day of April, one thousand eight hundred and eighty.

(Sd.) CAETANO ALDRE. D'ALMEIDA ALBUQUERQUE,
Governor General of Portuguese India.

Done at Calcutta on the eighteenth day of March, one thousand eight hundred and eighty.

(Sd.) LYTTON,
Viceroy and Governor General of British India.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY JUNE 4, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th May, 1881, and is hereby promulgated for general information:—

ACT NO. XVII OF 1881.

An Act to give effect to the Convention between the Governors General of British India and Portuguese India regarding their respective systems of moneys, weights and measures.

Preamble.

WHEREAS by the fifth article of a Treaty of Commerce and Extradition executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it was provided that the High Contracting Parties should use their best endeavours to establish between their respective systems of moneys, weights and measures the harmony desirable for the development of commercial relations between their respective dominions:

And whereas by the same article it was further provided that the detailed measures to be adopted should form the subject of a separate Convention between the Governors General of British India and Portuguese India, to be executed within two years from the date when the said Treaty came into force:

And whereas the said Treaty came into force on the fifteenth day of January, 1880:

And whereas, in pursuance of the said recited article, the Convention set forth in the schedule hereto annexed has been made:

It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Portuguese Convention Act, 1881."

Local extent.

It extends to the whole of British India.

Commencement and continuance.

It shall come into force at once, and shall remain in force until the expiration of one year from the date of any notice which may be given under the fourteenth clause of the said Convention.

Provisions of Convention enacted.

2. The provisions of the said Convention, so far as they are binding upon the Government of British India, shall be deemed to have the force of law.

Act XXIII of 1870 to apply to coin and bullion made and brought for coinage to mint under Convention.

3. The provisions of the Indian Coinage Act, 1870, or any other law for the time being in force relating to coinage and the mint, shall, so far as they are consistent with the said Convention, apply to all coin made, and bullion brought for coinage to the mint, under the said Convention, as if such coin and bullion were respectively made and brought for coinage to the mint under the said Act.

THE SCHEDULE.

Whereas, by the fifth article of a Treaty of Commerce and Extradition executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it is provided that the High Contracting Parties shall use their best endeavours to establish between their respective systems of moneys, weights and measures the harmony desirable for the development of commercial relations between their respective dominions; and whereas by the same article it is further provided that the detailed measures to be adopted shall form the subject of a separate Convention between the Governors General of British India and

Portuguese India, to be executed within two years from the date when the said Treaty comes into force; and whereas the said Treaty came into force on the fifteenth day of January, 1880:

In pursuance of the said article, the following Convention has been made:—

1. The Governor General of Portuguese India shall adopt, in the Portuguese possessions in India, the monetary system of British India, for the time being in force, provided that the coins shall have on one side the effigy of the King of Portugal, with the legend *Ludovicus I, Portugaliæ et Algarbiorum Rex*, around it, or such other effigy and legend as the said Governor General may from time to time desire, and on the other side the value of each coin, the year of the Christian era, and the words *India Portugueza*.

2. Subject to the provisions of clause 7, so long as this Convention remains in force, the following coins and no others shall be struck for Portuguese India:—

Silver.—Rupee, weighing 180 grains troy;

Half-rupee, weighing 90 grains troy;

Quarter-rupee, weighing 45 grains troy;

Eighth of a rupee, weighing 22½ grains troy.

The standard fineness of the said silver coins shall be eleven-twelfths of fine silver and one-twelfth of alloy, subject to a remedy not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee ...	Five thousandths.	Two thousandths.
Half-rupee ...		
Quarter-rupee...	Seven thousandths.	Three thousandths.
Eighth of a rupee	Ten thousandths.	

Copper.—Half *tanga*, weighing 200 grains troy, and corresponding with the double pice or half-anna of British India;

Quarter *tanga*, weighing 100 grains troy, and corresponding with the pice of British India;

Eighth of a *tanga*, weighing 50 grains troy, and corresponding with the half-pice of British India;

Real, or twelfth of a *tanga*, corresponding with the pie of British India;

In the making of copper coins, a remedy shall be allowed not exceeding one-fortieth in weight.

The value in copper of one Portuguese rupee will be sixteen Portuguese *tangas*, sixty-four quarter *tangas* or pices, or one hundred and ninety-two *reaes* or pies.

3. The Portuguese silver and copper coins established by this Convention shall be issued by the authority of the Government of Portuguese India, and shall be coined on behalf of the said Government by the Government of British India, and by no other agency whatever.

The Governor General of Portuguese India engages that, while this Convention continues in force, no coins other than those established by this Convention shall be coined in or imported into Portuguese India.

4. With the view of obtaining in the shortest possible time the desired uniformity of coinage throughout the respective Indian possessions of the High Contracting Parties, the Governor General of British India engages that the Government of British India shall—

(*a*) forego, for the period of three years from the date on which this Convention comes into force, all duty or other charge for melting, cutting, refining or recoining any coin of the existing Portuguese Indian silver currency tendered for recoinage into Portuguese Indian coin;

(*b*) deliver, for the period of five years from the date of this Convention, copper coins of the Portuguese copper currency established by this Convention in exchange for copper coins of the existing Portuguese Indian copper currency which may be brought to the said Mint for the purpose of such exchange, at the value represented by such last-mentioned coins in the existing Portuguese currency. The relative representative value of the old and new coin to be thus exchanged on equal terms, and without charge for manufacture, shall, if the Governor General of Portuguese India so desires, be determined, once for all, by a mixed commission appointed in the manner provided in the sixteenth article of the above-cited Treaty;

(*c*) advance to the Governor General of Portuguese India, in the Portuguese currency established by this Convention, such sums in such denominations of coin, and in such instalments (if any), as the said Governor General of Portuguese India may require: provided—

1*stly*.—That the amount of such advances outstanding at any time shall not exceed in the whole ten lákhs of rupees.

2*ndly*.—That an interval of two months shall be allowed for compliance with any such requisition, and that no such advance shall be made after the expiration of eighteen months from the date on which this Convention comes into force.

3*rdly*.—That every such advance shall be, within two months, repaid in coin of the existing Portuguese Indian currency, equivalent thereto in intrinsic value ascertained upon assay at Her Majesty's Mint, or in copper coin of the existing Portuguese Indian currency valued as prescribed in clause (*b*).

5. The Governor General of British India engages that the Government of British India shall,—

(*a*) on presentation by or on behalf of the Governor General of Portuguese India of any silver bullion or coin at the Mint at Bombay, or at such other Mint as the said Government from time to time appoints, deliver to the said Governor General or his agent, after such interval as in the judgment of the Mint Master is necessary for the process of coinage, the produce of such silver bullion or coin, in the silver coin established by this Convention, subject, always, to the same duty, charges, fees and regulations as are for the time being in force for the conversion into British Indian currency of bullion and coin, presented at the said Mint: provided that, save as provided in clause 4, the said Government shall not be bound thus to deliver more than four lákhs of rupees in any one year;

(*b*) coin for the Governor General of Portuguese India the copper coins established by this Convention, to such amounts and in such denominations as the said Governor General may require, upon payment of the value inscribed upon such coins in the silver coin established by this Convention or in British Indian rupees: provided that, saving as engaged in clause 4, the said Government shall not be bound thus to coin more than twenty thousand rupees' worth of such coin in any one year.

In lieu of any seignorage or profits which the Portuguese Government might otherwise claim on account of the coinage on their behalf provided by this clause, the Governor General of British India engages to pay the Governor General of Portuguese India an indemnity of four thousand rupees per annum, commencing from the first day of November, one thousand eight hundred and eighty-three, and continuing as long as this Convention remains in force.

6. All silver and copper Portuguese coins, coined under the provisions of this Convention, shall, while this Convention remains in force, be legal tender in payment or on account throughout British India to the same extent, and subject to the same exceptions in the case of coin which has been called in, or is under weight, or has been clipped, filed or defaced, as in the case of the corresponding silver and copper coins issued by the authority of the Government of British India for the time being in British India.

All silver and copper coin which has been issued by the authority of the Government of British India shall, to the said same extent and subject to the same exceptions, be a legal tender in payment or on account throughout Portuguese India.

7. The Governor General of Portuguese India agrees that, if at any time while this Convention continues in force the Government of British India should recall the whole body of British Indian coin corresponding to any description of Portuguese coin issued under this Convention, or change the monetary system of British India, he will, if requested by such Government so to do, recall all Portuguese coin of that description, or change in like manner, as the case may be, the monetary system of Portuguese India: provided that the expense incurred in recalling such coin or making such change shall be defrayed by the Government of British India.

8. When any silver coin, purporting to have been issued under the provisions of this Convention, is tendered to any officer of the Government of British India, authorized by that Government to act under this clause, and is deemed by such officer to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, he may, by himself or another (subject to the rules which the said Government prescribes in this behalf), cut or break such coin and return the pieces to the person tendering the same, and the loss caused by such cutting and breaking shall be borne by such person.

9. When any such silver coin which has been called in is tendered to any officer of the Government of British India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola; but the expense thus incurred shall, except when such coin has been recalled under clause 7, be borne by the Portuguese Government.

10. In like manner, when any British Indian coin which has been called in is tendered to any officer of the Government of Portuguese India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola, and the expense so incurred shall be borne by the Government of British India.

11. The Governor General of Portuguese India engages to appoint an officer who will receive, while this Convention continues in force, from any person tendering the coin next hereinafter mentioned, all silver coin issued under this Convention which may have lost, by reasonable wearing, more than two per cent., and shall pay for the same at the rate of one rupee per tola.

12. Nothing in this Convention shall be held to limit the powers of His Most Faithful Majesty the King of Portugal and the Algarves to establish at any time such system of paper currency as he may deem fit.

The Governor General of Portuguese India has the power for the present to issue the following paper money:—

Five-rupee notes, payable in copper.	
Ten-rupee notes, payable in silver.	
Twenty	ditto.
Fifty	ditto.
One hundred	ditto.
Five hundred	ditto.

The amount of paper money issued will never be above four per cent. of the value of the money in circulation, the Portuguese India Government notes being guaranteed by the Portuguese Government and payable to the bearer.

13. The Governor General of Portuguese India engages that, whenever the Government of British India exercises in respect of British India generally, or of all the territories adjacent to Portuguese India, the powers conferred on it under a certain Act of the Governor General of British India in Council, called "The Indian Weights and Measures of Capacity Act, 1871," then he, the said Governor General of Portuguese India, will enforce throughout Portuguese India provisions similar to those of that Act.

14. This Convention shall come into force on the first day of November, one thousand eight hundred and eighty, and shall remain in force until the expiration of a year counting from the

day on which one or other of the Contracting Parties shall have given notice to the other of its intention to put an end to it: provided that no such notice shall be given until four years after the date on which the Convention comes into force.

15. The Governor General of Portuguese India undertakes that, in the event of this Convention being put an end to under clause 14 or otherwise, no coins resembling any of the coins struck under this Convention shall be struck in or imported into Portuguese India, or shall be struck under the authority of, or with the sanction of, His Most Faithful Majesty in any other place.

Done at Pangim on the twelfth day of April, one thousand eight hundred and eighty.

(Sd.) CAETANO ALDRE. D'ALMEIDA ALBUQUERQUE,
Governor General of Portuguese India.

Done at Calcutta on the eighteenth day of March, one thousand eight hundred and eighty.

(Sd.) LYTTON,
Viceroy and Governor General of British India.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY JUNE 11, 1881.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th May, 1881, and is hereby promulgated for general information:—

ACT NO. XVII OF 1881.

An Act to give effect to the Convention between the Governors General of British India and Portuguese India regarding their respective systems of moneys, weights and measures.

Preamble.

WHEREAS by the fifth article of a Treaty of Commerce and Extradition executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it was provided that the High Contracting Parties should use their best endeavours to establish between their respective systems of moneys, weights and measures the harmony desirable for the development of commercial relations between their respective dominions:

And whereas by the same article it was further provided that the detailed measures to be adopted should form the subject of a separate Convention between the Governors General of British India and Portuguese India, to be executed within two years from the date when the said Treaty came into force:

And whereas the said Treaty came into force on the fifteenth day of January, 1880:

And whereas, in pursuance of the said recited article, the Convention set forth in the schedule hereto annexed has been made:

It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Portuguese Convention Act, 1881."

Local extent.

It extends to the whole of British India.

Commencement and continuance.

It shall come into force at once, and shall remain in force until the expiration of one year from the date of any notice which may be given under the fourteenth clause of the said Convention.

Provisions of Convention enacted.

2. The provisions of the said Convention, so far as they are binding upon the Government of British India, shall be deemed to have the force of law.

Act XXIII of 1870 to apply to coin and bullion made and brought for coinage to mint under Convention.

3. The provisions of the Indian Coinage Act, 1870, or any other law for the time being in force relating to coinage and the mint, shall, so far as they are consistent with the said Convention, apply to all coin made, and bullion brought for coinage to the mint, under the said Convention, as if such coin and bullion were respectively made and brought for coinage to the mint under the said Act.

THE SCHEDULE.

Whereas, by the fifth article of a Treaty of Commerce and Extradition executed at Lisbon on the twenty-sixth day of December, 1878, and ratified on the sixth day of August, 1879, between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it is provided that the High Contracting Parties shall use their best endeavours to establish between their respective systems of moneys, weights and measures the harmony desirable for the development of commercial relations between their respective dominions; and whereas by the same article it is further provided that the detailed measures to be adopted shall form the subject of a separate Convention between the Governors General of British India and

Portuguese India, to be executed within two years from the date when the said Treaty comes into force; and whereas the said Treaty came into force on the fifteenth day of January, 1880:

In pursuance of the said article, the following Convention has been made:—

1. The Governor General of Portuguese India shall adopt, in the Portuguese possessions in India, the monetary system of British India, for the time being in force, provided that the coins shall have on one side the effigy of the King of Portugal, with the legend *Ludovicus I, Portugaliæ et Algarbiorum Rex*, around it, or such other effigy and legend as the said Governor General may from time to time desire, and on the other side the value of each coin, the year of the Christian era, and the words *India Portugueza*.

2. Subject to the provisions of clause 7, so long as this Convention remains in force, the following coins and no others shall be struck for Portuguese India:—

Silver.—Rupee, weighing 180 grains troy;

Half-rupee, weighing 90 grains troy;

Quarter-rupee, weighing 45 grains troy;

Eighth of a rupee, weighing 22½ grains troy.

The standard fineness of the said silver coins shall be eleven-twelfths of fine silver and one-twelfth of alloy, subject to a remedy not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee ...	Five thousandths.	Two thousandths.
Half-rupee ...		
Quarter-rupee...	Seven thousandths.	Three thousandths.
Eighth of a rupee	Ten thousandths.	

Copper.—Half *tanga*, weighing 200 grains troy, and corresponding with the double pice or half-anna of British India;

Quarter *tanga*, weighing 100 grains troy, and corresponding with the pice of British India;

Eighth of a *tanga*, weighing 50 grains troy, and corresponding with the half-pice of British India;

Real, or twelfth of a *tanga*, corresponding with the pie of British India;

In the making of copper coins, a remedy shall be allowed not exceeding one-fortieth in weight.

The value in copper of one Portuguese rupee will be sixteen Portuguese *tangas*, sixty-four quarter *tangas* or pices, or one hundred and ninety-two *reaes* or pies.

3. The Portuguese silver and copper coins established by this Convention shall be issued by the authority of the Government of Portuguese India, and shall be coined on behalf of the said Government by the Government of British India, and by no other agency whatever.

The Governor General of Portuguese India engages that, while this Convention continues in force, no coins other than those established by this Convention shall be coined in or imported into Portuguese India.

4. With the view of obtaining in the shortest possible time the desired uniformity of coinage throughout the respective Indian possessions of the High Contracting Parties, the Governor General of British India engages that the Government of British India shall—

(*a*) forego, for the period of three years from the date on which this Convention comes into force, all duty or other charge for melting, cutting, refining or recoining any coin of the existing Portuguese Indian silver currency tendered for recoinage into Portuguese Indian coin;

(*b*) deliver, for the period of five years from the date of this Convention, copper coins of the Portuguese copper currency established by this Convention in exchange for copper coins of the existing Portuguese Indian copper currency which may be brought to the said Mint for the purpose of such exchange, at the value represented by such last-mentioned coins in the existing Portuguese currency. The relative representative value of the old and new coin to be thus exchanged on equal terms, and without charge for manufacture, shall, if the Governor General of Portuguese India so desires, be determined, once for all, by a mixed commission appointed in the manner provided in the sixteenth article of the above-cited Treaty;

(*c*) advance to the Governor General of Portuguese India, in the Portuguese currency established by this Convention, such sums in such denominations of coin, and in such instalments (if any), as the said Governor General of Portuguese India may require: provided—

1*stly*.—That the amount of such advances outstanding at any time shall not exceed in the whole ten lákhs of rupees.

2*ndly*.—That an interval of two months shall be allowed for compliance with any such requisition, and that no such advance shall be made after the expiration of eighteen months from the date on which this Convention comes into force.

3*rdly*.—That every such advance shall be, within two months, repaid in coin of the existing Portuguese Indian currency, equivalent thereto in intrinsic value ascertained upon assay at Her Majesty's Mint, or in copper coin of the existing Portuguese Indian currency valued as prescribed in clause (*b*).

5. The Governor General of British India engages that the Government of British India shall,—

(*a*) on presentation by or on behalf of the Governor General of Portuguese India of any silver bullion or coin at the Mint at Bombay, or at such other Mint as the said Government from time to time appoints, deliver to the said Governor General or his agent, after such interval as in the judgment of the Mint Master is necessary for the process of coinage, the produce of such silver bullion or coin, in the silver coin established by this Convention, subject, always, to the same duty, charges, fees and regulations as are for the time being in force for the conversion into British Indian currency of bullion and coin, presented at the said Mint: provided that, save as provided in clause 4, the said Government shall not be bound thus to deliver more than four lákhs of rupees in any one year;

(*b*) coin for the Governor General of Portuguese India the copper coins established by this Convention, to such amounts and in such denominations as the said Governor General may require, upon payment of the value inscribed upon such coins in the silver coin established by this Convention or in British Indian rupees: provided that, saving as engaged in clause 4, the said Government shall not be bound thus to coin more than twenty thousand rupees' worth of such coin in any one year.

In lieu of any seignorage or profits which the Portuguese Government might otherwise claim on account of the coinage on their behalf provided by this clause, the Governor General of British India engages to pay the Governor General of Portuguese India an indemnity of four thousand rupees per annum, commencing from the first day of November, one thousand eight hundred and eighty-three, and continuing as long as this Convention remains in force.

6. All silver and copper Portuguese coins, coined under the provisions of this Convention, shall, while this Convention remains in force, be legal tender in payment or on account throughout British India to the same extent, and subject to the same exceptions in the case of coin which has been called in, or is under weight, or has been clipped, filed or defaced, as in the case of the corresponding silver and copper coins issued by the authority of the Government of British India for the time being in British India.

All silver and copper coin which has been issued by the authority of the Government of British India shall, to the said same extent and subject to the same exceptions, be a legal tender in payment or on account throughout Portuguese India.

7. The Governor General of Portuguese India agrees that, if at any time while this Convention continues in force the Government of British India should recall the whole body of British Indian coin corresponding to any description of Portuguese coin issued under this Convention, or change the monetary system of British India, he will, if requested by such Government so to do, recall all Portuguese coin of that description, or change in like manner, as the case may be, the monetary system of Portuguese India: provided that the expense incurred in recalling such coin or making such change shall be defrayed by the Government of British India.

8. When any silver coin, purporting to have been issued under the provisions of this Convention, is tendered to any officer of the Government of British India, authorized by that Government to act under this clause, and is deemed by such officer to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, he may, by himself or another (subject to the rules which the said Government prescribes in this behalf), cut or break such coin and return the pieces to the person tendering the same, and the loss caused by such cutting and breaking shall be borne by such person.

9. When any such silver coin which has been called in is tendered to any officer of the Government of British India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola; but the expense thus incurred shall, except when such coin has been recalled under clause 7, be borne by the Portuguese Government.

10. In like manner, when any British Indian coin which has been called in is tendered to any officer of the Government of Portuguese India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola, and the expense so incurred shall be borne by the Government of British India.

11. The Governor General of Portuguese India engages to appoint an officer who will receive, while this Convention continues in force, from any person tendering the coin next hereinafter mentioned, all silver coin issued under this Convention which may have lost, by reasonable wearing, more than two per cent., and shall pay for the same at the rate of one rupee per tola.

12. Nothing in this Convention shall be held to limit the powers of His Most Faithful Majesty the King of Portugal and the Algarves to establish at any time such system of paper currency as he may deem fit.

The Governor General of Portuguese India has the power for the present to issue the following paper money:—

Five-rupee notes, payable in copper.	
Ten-rupee notes, payable in silver.	
Twenty	ditto.
Fifty	ditto.
One hundred	ditto.
Five hundred	ditto.

The amount of paper money issued will never be above four per cent. of the value of the money in circulation, the Portuguese India Government notes being guaranteed by the Portuguese Government and payable to the bearer.

13. The Governor General of Portuguese India engages that, whenever the Government of British India exercises in respect of British India generally, or of all the territories adjacent to Portuguese India, the powers conferred on it under a certain Act of the Governor General of British India in Council, called "The Indian Weights and Measures of Capacity Act, 1871," then he, the said Governor General of Portuguese India, will enforce throughout Portuguese India provisions similar to those of that Act.

14. This Convention shall come into force on the first day of November, one thousand eight hundred and eighty, and shall remain in force until the expiration of a year counting from the

day on which one or other of the Contracting Parties shall have given notice to the other of its intention to put an end to it: provided that no such notice shall be given until four years after the date on which the Convention comes into force.

15. The Governor General of Portuguese India undertakes that, in the event of this Convention being put an end to under clause 14 or otherwise, no coins resembling any of the coins struck under this Convention shall be struck in or imported into Portuguese India, or shall be struck under the authority of, or with the sanction of, His Most Faithful Majesty in any other place.

Done at Pangim on the twelfth day of April, one thousand eight hundred and eighty.

(Sd.) CAETANO ALDRE. D'ALMEIDA ALBUQUERQUE,
Governor General of Portuguese India.

Done at Calcutta on the eighteenth day of March, one thousand eight hundred and eighty.

(Sd.) LYTTON,
Viceroy and Governor General of British India.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th June, 1881, and is hereby promulgated for general information:—

ACT No. XVIII OF 1881.

THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881.

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119. Interest on arrears.

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SCHEDULE—ENACTMENTS REPEALED.

An Act to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows :—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Land-revenue Act, 1881":

Local extent.

It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces, except those specified in Part VI of the first schedule of the Scheduled Districts Act, 1874:

Commencement.

And it shall come into force on such day as the Chief Commissioner, with the previous sanction of the Governor General in Council, may direct by notification in the local official Gazette.

Enactments repealed.

2. On and from such day the enactments mentioned in the schedule hereto annexed, so far as they relate to the territories to which this Act extends, and all other rules, regulations and enactments relating to the settlement and collection of the land-revenue in such territories, shall be repealed.

Pending proceedings.

3. All proceedings relating to matters dealt with by this Act and, when this Act comes into force, pending before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

Interpretation-clause.

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

"Assistant Commissioner":

(1) "Assistant Commissioner" includes also "Extra Assistant Commissioner":

"Legal Practitioner":

(2) "Legal Practitioner" means an advocate, vakíl or attorney of any High Court, a pleader, mukhtár or revenue-agent:

"Village-cess":

(3) "Village-cess" means any cess which a person resident or holding lands in a village pays or renders to the proprietors as such of the village, and includes service rendered or things furnished as well as money paid:

"Recognized agent":

(4) "Recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in such proceeding and also belonging to any class which the Chief Commissioner may, from time to time, by notification in the official Gazette, declare in this behalf:

"Agricultural year":

(5) "Agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified District or Districts, from time to time, appoint:

"Sír-land":

(6) "Sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement of the local area in which such land is situate; and (*b*) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; and (*c*) waste land which has been broken up by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years; and (*d*) in Sambalpúr, includes also "bhogra" land.

Explanation.—Land which has, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been for a period of six consecutive years unoccupied by such proprietor is not sír-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sír-rights:

"Mahál":

(7) "Mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of this Act, to be a mahál:

"Village":

(8) "Village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Málguzár":

(9) "Málguzár" means a person who, under the provisions of this Act, has accepted, or is to be deemed to have accepted, the assessment of a mahál, and includes his representatives and assigns; and also any person with whom a settlement has been made before this Act comes into force, and his representatives and assigns:

"Málik-makbúzá":

(10) "Málik-makbúzá" means any person owning one or more plots of land assessed with revenue in a mahál; but it does not include a málguzár or inferior proprietor:

"Lambardár":

(11) "Lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

"Sub-lambardár":

(12) "Sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with the superior proprietors:

"Mukaddam":

(13) "Mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

"Tenant":

(14) "Tenant" means a person who holds land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person; but it does not include a farmer, mortgagee or thekadár of proprietary rights.

Explanation.—An inferior proprietor is not, as such, a tenant:

"Rent":

(15) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

"Absolute occupancy-tenant":

(16) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before this Act comes into force, or after such a settlement but before this Act comes into force, was recorded, by order of a Revenue or Settlement officer, in respect of such land, as an "absolute occupancy-raiyat," or in terms equivalent thereto:

"Record-of-rights."

(17) "Record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before this Act comes into force.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

Chief Controlling Revenue-authority.

5. The Chief Commissioner shall, subject to the control of the Governor General in Council, be the Chief Controlling Revenue-authority.

Revenue-officers.

6. Besides the Chief Commissioner, there shall be the following classes of Revenue-officers (namely):—

(*a*) Commissioners, who, subject to the control of the Chief Commissioner, shall be the Chief Revenue-authorities within their respective divisions:

(*b*) Deputy Commissioners, who, subject to the control of the Commissioner, shall be the Chief Revenue-authorities within their respective districts:

(*c*) Assistant Commissioners, who shall be subordinate to, and under the control of, the Deputy Commissioners of the districts to which they are respectively attached;

(*d*) Tahsíldárs, who, subject to the control of the Deputy Commissioner, shall be the Chief Executive Revenue-authorities in the tahsíls to which they are respectively attached:

(*e*) Náib Tahsíldárs, who shall be subordinate to the Tahsíldárs of the tahsíls to which they are respectively attached.

Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.

7. Subject to the control of the Governor General in Council, the Chief Commissioner shall appoint, and may suspend or remove, Commissioners, Deputy Commissioners and Assistant Commissioners.

Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

8. The Chief Commissioner shall appoint, and may suspend or remove, Tahsíldárs; and may also make rules for regulating the appointment, duties, suspension and removal of Náib Tahsíldárs.

Persons holding office when Act comes into force.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the territories to which this Act extends when this Act comes into force shall be deemed to have been appointed hereunder.

Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.

10. The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed, but subject, in the case of an additional Commissioner or additional Deputy Commissioner, to the like sanction.

The Chief Commissioner may invest any additional Commissioner, Deputy Commissioner or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár, as the case may be.

Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.

11. The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

Officers transferred to retain powers with which they were invested.

12. Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was, under any provision of this Act, invested by the Chief Commissioner in the district or tahsíl from which he is transferred.

Provision for discharge of duties of Deputy Commissioner dying or being disabled.

13. When a Deputy Commissioner dies or is disabled from performing his duties, such officer as the Chief Commissioner may by rule direct shall take executive charge of his district, and shall be deemed to be a Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor

takes charge of his office, or until the person so disabled resumes charge of his office.

14. The Chief Commissioner may, from time to time, by notification in the official Gazette, alter the limits of any district or tahsíl, create new districts or tahsíls and abolish existing districts or tahsíls.

Chief Commissioner may alter limits of district or tahsíl.

15. The Chief Commissioner may, subject to the control of the Governor General in Council, invest any Revenue-officer with any of the following powers:—

Power to invest Revenue-officers,—

for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure on a Civil Court;

with power conferred by Code of Civil Procedure;

power to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty conferred or imposed on him by this Act;

with power to delegate powers.

and, subject to the like control, may determine the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made in this Act shall be disposed of.

16. Subject to any rules which the Chief Commissioner may make in this behalf, a Deputy Commissioner may—

Power of Deputy Commissioner to distribute work.

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner, or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

17. The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him and having power to dispose of the same.

Power of superior Revenue-authorities to withdraw and transfer cases.

18. All Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power of Revenue-officers to enter on land, &c.

19. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue-officers in cases for which a procedure is not prescribed by this Act, and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue-officers.

Power to make rules to regulate procedure.

20. All appearances before, applications to, and acts to be done before, any Revenue-officer under this Act may be made or done—

Persons by whom appearances and applications may be made before and to Revenue-officers.

(*a*) by the parties themselves; or,

(*b*) with the permission of the officer, by their recognized agents or any legal practitioner:

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

Obligation of parties to attend in person.

21. The fees of a legal practitioner or recognized agent shall not be allowed as costs before any Revenue-officer unless such officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

Legal practitioner's or agent's fees not allowed unless for special reasons.

22. An appeal shall lie against every decision or order under this Act—

Appeals.

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner, except an Assistant Commissioner exercising the powers of a Deputy Commissioner,—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal,—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division,—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed.

23. No appeal shall lie—

Limitation of appeals.

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the provisions of the Indian Limitation Act, 1877, shall apply.

24. Any Commissioner or Deputy Commissioner may at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, any Revenue-officer subordinate to him, call for and examine the record of any case pending before, or disposed of by, such officer, and may pass such order in reference thereto as he thinks fit:

Powers of revision of Commissioner and Deputy Commissioner.

Provided that he shall not under this section modify or reverse any order affecting any question of right between private persons, without having given to the parties interested reasonable notice to appear and be heard in support of such order.

25. The Chief Commissioner may at any time call for and examine the record of any case pending before, or disposed of by, any Revenue-officer, and may pass such order in reference thereto as he thinks fit:

Powers of revision of Chief Commissioner.

Provided that no order affecting any question of right between private persons shall be passed under this section unless the Chief Commissioner has given the parties interested an opportunity of being heard.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm orders passed by himself or by any of his predecessors in office:

Review of orders.

Provided as follows—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is immediately subordinate:

(2) no order shall be modified or reversed unless reasonable notice has been given to the parties interested to appear and be heard in support of such order:

(3) no order against which an appeal has been preferred shall be reviewed while such appeal is pending:

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings; and no application for the review of such an order shall be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within such period.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any Revenue-officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SURVEY AND SETTLEMENT.

CHAPTER III.

PRELIMINARY.

27. Whenever it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he shall publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for making the survey.

Notification of revenue-survey.

Effect thereof.

28. When any local area is to be settled, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement, and in such notification shall—

Notification of settlement.

(*a*) define the local area to be settled;

(*b*) specify the operations which are to be carried out in the settlement;

and may from time to time, with the like sanction, amend, alter or cancel such notification.

Power to amend notification.

Every such notification, amendment, alteration and cancellation shall be published in the local official Gazette.

29. The Chief Commissioner may, from time to time, appoint one or more officers (hereinafter called Settlement-officers) to make the settlement of such area; and when he appoints more than one such officer, he shall appoint one of them (hereinafter called the Chief Settlement-officer) to control such settlement; and all other officers appointed for the purposes of such settlement shall be subordinate to the Chief Settlement-officer.

Power to appoint Settlement-officers;

The Chief Commissioner may suspend or remove any officer appointed under this section.

and to suspend and remove them.

30. During the progress of the settlement of any local area, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may, from time to time, direct.

Settlement-officer may be invested with powers of Deputy Commissioner.

31. The provisions of section eleven and sections fifteen to twenty-six, both inclusive, shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, the expression "Settlement-officer" being read for the expressions "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer," for the expression "Deputy Commissioner," wherever those expressions occur:

Certain provisions of Chapter II applied to Settlement-officers.

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order:

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

32. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council,

Appointment of Settlement-Commissioner;

(*a*) appoint a Settlement-Commissioner, and transfer to him, within any local area under settlement, all or any of the powers which the Commissioner of the division, if the land to be settled were wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

(*b*) delegate to the Settlement-Commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

Delegation to him of Chief Commissioner's powers.

33. When any local area is under settlement, the Chief Commissioner may invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section four of the Central Provinces Courts' Act, 1865, and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner described in the same Act, sections twelve, nineteen and twenty, for the trial, in the first instance, of any of the following classes of suits instituted within such area (namely) :—

Power to invest Settlement-officers with Civil Court powers.

(*a*) suits for arrears of rent due on account of any right of pasturage, forest-rights, fisheries or the like;

(*b*) suits by lambardárs for arrears of revenue payable through them by the proprietors whom they represent;

(*c*) suits by proprietors for their share of the profits of an estate or any part thereof after payment of the revenue and village-expenses, or for a settlement of accounts;

(*d*) suits by muáfidárs or assignees of revenue for arrears of revenue owing to them as such muáfidárs or assignees;

(*e*) suits by superior proprietors for arrears of revenue due to them as such superior proprietors;

(*f*) suits by proprietors and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents, or against the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession;

(*g*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the record-of-rights, and of which Civil Courts can take cognizance;

(*h*) suits relating to land, or the rent, profits or occupation of land.

34. When the Chief Commissioner invests any subordinate Settlement-officer with the powers of a Civil Court for the trial of any of the suits mentioned in section thirty-three, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner described in the Central Provinces Courts' Act, 1865, sections twelve, nineteen and twenty, with reference to proceedings before, or decrees and orders of, such Settlement-officer in such suits.

Chief Settlement-officer to have powers of Deputy Commissioner.

35. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section thirty-three in such local area, the Chief Commissioner may, with respect to all or to any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid, by Assistant Commissioners or Tahsildárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer, and not to the Deputy Commissioner of the district.

Appeals in suits specified in section 33 when to lie to Chief Settlement-officer.

36. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section thirty-three, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts:

Division of civil work between Settlement-officers and ordinary Courts.

Provided that no proceedings which have been inadvertently or erroneously taken before the Civil Court shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before a Settlement-officer.

37. Nothing in section thirty-one shall apply to suits and appeals or other proceedings instituted before, or determined by, Settlement-officers in pursuance of powers conferred upon them under section thirty-three, thirty-four or thirty-five.

Provisions of section 31 not to apply to certain suits.

38. Except as provided in sections thirty-three, thirty-four and thirty-five, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade, shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Civil Court of such grade, and no appeal shall lie under the provisions of section twenty-two from such decrees or orders.

Appeal, reference and revision.

39. Every settlement notified under section twenty-eight shall be deemed to be in progress until the Chief Commissioner, by notification in the official Gazette, declares that it is completed.

Duration of settlement operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease; and all suits and applications pending before such officers shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the Division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs.

Cases pending at close of settlement-operations.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

40. When any local area is under settlement, the Settlement-officer shall make lists of all lands in such area which appear to him to have no lawful owner, and shall thereupon issue a notification declaring his intention to demarcate such lands as the property of the Government and inviting every person having claims to or over them to present in his Court, within three months from the date of the notification, a petition in writing setting forth such claims and the respective grounds thereof.

Settlement-officer to invite claims to lands appearing to have no owner.

41. Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one;

Application of Act XXIII of 1863.

the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

the Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

claims to or over the land comprised in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

42. Whenever a claim to the exercise or enjoyment of any right (not amounting to the right of exclusive possession) in, to or over, any land comprised in such notification is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863, section seven, the Settlement-officer may assign to the claimant as his property a definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant; and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

Procedure when limited right over land established.

Maháls.

43. The Settlement-officer may declare any local area to be a mahál.

Power to form maháls.

Excluded Lands.

44. For the purpose of excluding from all or any of the operations of the settlement any town or any land from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land;

Settlement-officer may exclude any town or land from settlement operations.

Provided that no land in respect of which land-revenue is payable at the date of the notification issued under section twenty-eight shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks.

45. When any local area is under settlement, the Settlement-officer may order all persons who have proprietary rights in the land comprised in such area to erect boundary-marks of such description and at such places as he thinks necessary in order to define the limits of the maháls, fields or other lands in their possession, or to repair boundary-marks already existing; and may fix a reasonable time for obeying his order;

Erection of new, and repair of existing, boundary-marks.

and if his order is not obeyed within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

46. On every mahál a definite and separate sum shall be assessed as land-revenue; but the sum so assessed may be reduced in such manner and to such extent as the Chief Commissioner thinks fit, for any period not exceeding ten years from the date on which the assessment takes effect.

Separate sum to be assessed on every mahál.

Progressive assessments.

47. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer as to the principle on which land-revenue is to be assessed, and as to the sources of miscellaneous income to be taken into account in the assessment.

Matters as to which Chief Commissioner is to instruct Settlement-officer.

48. In assessing a mahál all land situate therein shall be taken into account except the following (that is to say) :—

What land taken into account in assessing mahál.

(*a*) land purchased free from revenue under any rules for the time being in force to regulate the sale of waste-lands;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force;

(*c*) land excluded from assessment under section forty-four;

(*d*) land in respect of which a claim to hold it free from revenue as against the Government is established under the provisions hereinafter contained;

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may, from time to time, exempt from assessment.

49. The assessment of every mahál shall be offered to the entire proprietary body of such mahál: provided that, when superior and inferior proprietary rights co-exist in the same mahál, the Settlement-officer may, subject to such rules as the Chief Commissioner may make in this behalf, determine whether the assessment shall be offered to the superior or to the inferior proprietors.

Assessment to whom to be offered.

Subject to such rules as the Chief Commissioner may make in this behalf, the Settlement-officer may determine the manner and proportion in which the proprietary profits of the mahál shall be allotted between the superior and the inferior proprietors.

When a proprietor has mortgaged his rights in any mahál, and the mortgagee has entered into possession, such mortgagee, so long as he is in possession, shall, for the purposes of this section, stand in the place of the mortgagor.

50. When in a mahál in which superior and inferior proprietors co-exist, the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, by which such inferior proprietors shall be bound to pay to the superior proprietors an annual revenue equal to the land-revenue with which the máhal is assessed and to the profits to which the superior proprietors are entitled under section forty-nine.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in any such mahál the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profits to which the superior

Power to give directions as to payment of certain profits of superior proprietors.

proprietors are entitled under section forty-nine, shall be paid by the inferior proprietors direct to such superior proprietors, or that such profits shall be collected as if they were land-revenue and shall be paid to the superior proprietors from the Government Treasury.

52. The Chief Commissioner may make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment; and no assessment shall be offered without the previous sanction of the Chief Commissioner.

Power to make rules for reporting assessment for sanction.

53. In making any offer of assessment the Settlement-officer shall state that it is made subject to confirmation by the Governor General in Council, and also to revision by the Chief Commissioner at any time before such confirmation is received.

Offers of assessment to be made subject to revision and confirmation.

54. It shall be in the option of the persons to whom an assessment is offered to accept or refuse the same.

Option to accept or refuse assessment.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may, from time to time, prescribe in this behalf, and deliver the same to the Settlement-officer.

Mode of acceptance.

55. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to make, sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

Proprietor not accepting in manner prescribed may be deemed to have accepted.

56. Whenever the assessment of a mahál has been accepted under this Act, the persons who have accepted it shall be bound to pay the amount thereof from such date and for such term as the Chief Commissioner may appoint in this behalf, or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect: Provided as follows:—

Effect of acceptance of assessment.

1st—any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

Assessment may be rescinded by Chief Commissioner;

2ndly—the Governor General in Council may rescind any assessment submitted to him for confirmation;

or by Governor General in Council.

3rdly—if all the málguzárs of a mahál, six months before the expiry of the term fixed under this section, apply in writing to the Deputy Commissioner stating that they are unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force.

Málguzárs may object to continuance of assessment beyond term of settlement.

57. Where there is but one class of proprietors in a mahál, and all refuse to accept in manner required by section fifty-four the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement for a period not exceeding thirty years from the date of such exclusion, and may either let the mahál in farm, or take it under direct management.

Procedure when assessment is refused.

58. If some of the proprietors consent, and some refuse, so to accept the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, exclude such recusant proprietors from settlement for a period not exceeding thirty years from the date of such exclusion, and either let their lands in farm or take such lands under direct management.

Procedure when only some proprietors accept assessment.

In other cases the assessment of the entire mahál shall be offered to the proprietors who consented to accept the assessment when originally offered, and if they refuse it the mahál shall be dealt with under the provisions of section fifty-seven.

When the recusant proprietors are excluded under this section, the lands of the proprietors who consented to accept the assessment originally offered shall be deemed to be a separate mahál, and shall be assessed as such; and such assessment shall be offered to the proprietors so consenting; and if the lands of the recusant proprietors are let in farm, the farm shall be first offered to the proprietors who consented to accept the assessment originally offered.

59. When an assessment is offered in a mahál in which both superior and inferior proprietors co-exist—

Procedure on refusal of assessment in village in which superior and inferior rights co-exist.

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse to accept as aforesaid the assessment offered, the assessment shall be offered to the proprietors of the other class; and if all such proprietors refuse the assessment, the Settlement-officer shall proceed as provided in section fifty-seven;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all had refused it or may deal with the mahál under section fifty-eight:

Provided that if, in the case contemplated by clause (*b*), the proprietors who consented to accept the assessment when originally offered refuse to accept it, such assessment shall be offered to the other class of proprietors.

60. If all or any of the inferior proprietors refuse any assessment offered under section fifty, the Settlement-officer may exclude them all from the sub-settlement, and assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.

Procedure on refusal of assessment by inferior proprietors.

61. Any proprietor excluded from settlement under section fifty-seven or section fifty-nine, clause (*a*), shall be entitled to receive from the Government an

Allowance to excluded proprietors.

annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent., or more than ten per cent., on the amount of the assessment offered to him by the Settlement-officer.

62. Any proprietor excluded from settlement or sub-settlement under sections fifty-seven to sixty, both inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant, and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Excluded proprietors to have occupancy-rights in their sír-land.

63. The aggregate amount of any allowance under section sixty-one, and of the difference between the rent fixed under section sixty-two and the rent which the excluded proprietor would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. on the amount of the assessment offered to him by the Settlement-officer.

Aggregate amount of allowance granted to, and deduction from rent allowed to, excluded proprietor.

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the málguzárs of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the málguzárs such percentage thereon, not exceeding twenty per cent., as may in his opinion be sufficient to compensate the said málguzárs for their responsibility in respect of the land-revenue, and to provide for the fees of lambardárs and mukaddams.

Sub-settlement with málik-makbúzás and other like holders of land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

Revenue payable under sub-settlement to be first charge on land.

66. When the whole of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion to the several holdings the amount with which such land is assessed under a settlement or sub-settlement.

Settlement-officer to apportion assessment over lands held in severalty;

When only part of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion such amount to the part held in common and the part held in severalty, and shall further apportion to the several holdings the amount to which they are liable under the former apportionment.

67. When by established custom the land held by each proprietor in any mahál is subject to periodical redistribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such redistribution according to such custom.

to redistribute land according to custom.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

68. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land comprised in each mahál.

Settlement-officer to ascertain proprietors;

69. The Settlement-officer shall ascertain the situation and determine the extent of all the land held as sír in each mahál.

to determine extent of sír-land;

70. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as to the granting of pattás, the ejectment of tenants, the realization and distribution of rents and other profits, the payment of land-revenue, village-expenses and other charges, and generally as to the control and management of the mahál; and shall decide all disputes and record all agreements regarding the matters mentioned in this section.

to decide disputes among shareholders regarding management of mahál;

71. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or málik-makbúzá shall be paid.

to determine through what lambardárs revenue shall be paid;

72. The Settlement-officer shall ascertain, and record for each mahál, the status of all tenants occupying land therein, the lands respectively held by them, the conditions on which they respectively hold such lands, and the rents (if any) payable by them respectively.

to ascertain status and rents of tenants.

73. The Settlement-officer shall investigate all claims against the Government to hold land free from revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free from revenue.

Enquiry into claims to hold free from revenue as against Government.

The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

Power of Chief Commissioner to make rules.

74. When any land not being land which any person is entitled to hold free from revenue as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the other málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land, and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Enquiry as to claims to hold free from revenue as against málguzárs.

Provided that no decision under this section shall exempt any land from the payment of revenue, when the mahál in which such land is comprised is sold for arrears of revenue.

The Chief Commissioner may make rules for the guidance of Settlement-officers in dealing with cases under this section.

Chief Commissioner may make rules for disposal of such cases.

75. When the Settlement-officer decides, under section seventy-three or section seventy-four, that land which has been held free from revenue, or at less than a full assessment, is

Time from which orders under sections 73 and 74 take effect.

liable to pay revenue, or to pay the same at enhanced rates, such decision shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of the revenue accruing due within any one or more of the last preceding twelve years shall be realized.

Settlement-officer to decide what village-cesses are leviable;

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

to determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

(*a*) the right of any lambardár, mukaddam, patwárí, village-watchman or other village-servant to any customary dues, or other remuneration, and his liability to render any customary service in return for such dues or remuneration;

(*b*) the rights of persons resident in the village or holding lands comprised in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

Procedure in cases under sections 68, 69, 70, 72 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter mentioned or referred to in sections sixty-eight, sixty-nine, seventy, seventy-two and seventy-seven, clauses (*b*), (*c*) and (*d*), the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahals, a record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter with regard to such mahál or group; and

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

Chief Commissioner may make rules regarding record-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested in the matters to which they refer.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a record-of-rights in manner hereinbefore prescribed, he shall, subject to any order passed by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

Effect of entries in record-of-rights.

82. When the record-of-rights is duly made and attested, all entries therein shall be presumed to be correct until the contrary is shown.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section seventy-eight, or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the record-of-rights as to any matter referred to in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Provided as follows:—

When any suit under this section is instituted for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit;

No persons by whom the record-of-rights was signed, and no persons claiming through or under them shall, without the previous sanction of the Chief Commissioner, institute any suit with a view to modify or set aside any entry relating to any matter mentioned in section seventy or section seventy-seven, clause (*b*), (*c*) or (*d*).

Revision of record-of-rights by Chief Commissioner.

84. After an assessment has been confirmed by the Governor General in Council, the Chief Commissioner shall not exercise in respect of any entry of the descriptions referred to in section eighty-three duly made in a record-of-rights prepared in connection with such assessment and duly attested, the power of revision conferred by sections twenty-five and thirty-one, unless it is proved that such entry was made inadvertently.

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct.

CHAPTER VII.

OF SETTLEMENTS MADE BEFORE THIS ACT COMES INTO FORCE.

Former settlements deemed to have been made under this Act.

86. Settlements made before this Act comes into force shall be deemed, so far as may be, to have been made hereunder; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements hereunder shall apply in like manner to proceedings taken and records prepared before this Act comes into force.

Effect of awards of proprietary rights at such settlements.

87. When a Settlement-officer or Settlement Court has, at any settlement made before this Act comes into force, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been expressly decided by him or it to be invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court.

The award at any such settlement of proprietary rights in land to a widow shall be deemed to confer on her those rights only which, in accordance with the personal law to which she is subject, she would enjoy in land inherited by her from her husband.

When suits for proprietary rights will lie in Civil Courts.

88. Any person whose claim to proprietary rights in any land was not expressly decided by such officer or Court may sue in a Civil Court to establish such claim; and if he can prove that, when proprietary rights in such land were awarded by such officer or Court to other persons, he was entitled to interests therein of the same nature as those upon consideration of which the award was made, the Civil Court may declare him entitled to a proprietary right of such nature and extent in the land as it may deem just.

Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

89. When at any settlement made before this Act comes into force málik-makbúzás have been declared entitled to a portion of the waste-lands comprised in any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the nature and extent of their interests therein and the conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER VIII.

OF THE COLLECTION OF LAND-REVENUE.

Power of Chief Commissioner to regulate payment of land-revenue.

90. Notwithstanding anything contained in the record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are payable when this Act comes into force.

"Arrear." "Defaulters."

91. When any sum payable under a settlement or sub-settlement is not paid within the time at which it is payable under section ninety, such sum shall be deemed to be an arrear; and all the persons with whom such settlement or sub-settlement was made, their representatives and assigns, shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act.

Realization of Revenue from Málguzárs.

Tahsíldár's statement of account to be conclusive evidence of arrear.

92. A statement of account, authenticated by the signature of the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.

Notice of demand.

93. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

Processes for recovery of arrears.

94. An arrear payable directly to Government may be recovered by any one or more of the following processes:—

(*a*) by arresting the defaulter and imprisoning him in the civil jail;

(*b*) by attaching and selling his moveable property;

(*c*) by attaching the mahál in respect of which the arrear has accrued or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same mahál, share or land under direct management;

(*d*) by transferring the share or land of any málguzár who has not paid such portion to any málguzár who has paid the same, or if every such málguzár declines to accept such share or land, to any person having a mortgage or charge upon the same, and who consents to accept it;

(*e*) by annulling the settlement of the mahál in respect of which the arrear has accrued, and taking such mahál under direct management or farming the same;

(*f*) by selling such mahál, or the share or land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has accrued:

Provided as follows:—

(1) the process mentioned in clause (*a*) shall not be issued against any female, minor, lunatic or idiot;

(2) the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) shall not be enforced without the previous sanction of the Chief Commissioner;

(3) no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing in respect of land whilst it is under attachment, or under charge of the Superintendent of Government Wards, or held under direct management, or let in farm in accordance with any of the provisions of this Act.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

Arrest and imprisonment for recovery of arrear.

95. The process mentioned in section ninety-four, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the Tahsíldár may order him to be taken before the Deputy Commissioner, or may keep him under personal restraint at the

tahsíl for a period not exceeding ten days, unless within such period the arrear is paid, and may then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

Imprisonment of defaulter in civil jail.

96. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid.

Procedure in sales of moveable property.

97. Attachments and sales of moveable property made under this chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court.

Management of mahál, share or land attached under section 94 (*c*).

98. After causing any attachment to be made under section ninety-four, clause (*c*), the Deputy Commissioner shall issue a proclamation declaring the attachment to be in force, and shall take the attached mahál, share or land under his own management, or place it under the management of any agent whom he may appoint for the purpose.

Effect of attachment.

99. During the continuance of an attachment under section ninety-eight, the defaulters shall be excluded from possession of the land attached, and the Deputy Commissioner or the agent appointed by him shall have all their rights to manage the land and to realize the rents and profits arising therefrom, and shall be bound by all their liabilities as málguzárs or proprietors to any subordinate proprietors or tenants of such land.

Profits of land how applied.

100. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue becoming due in respect of such land during the attachment; and next, to discharging the arrear for the recovery of which the attachment was made.

Attachment when to cease.

101. The attachment shall continue until the arrear is paid or realized from the profits of the land attached, or the Deputy Commissioner reinstates the defaulters in possession:

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

Transfer under section 94 (*d*).

102. When it is proposed to execute the process mentioned in section ninety-four, clause (*d*), the persons to whom the share or land in respect of which the arrear is due is to be transferred shall be required to pay such arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

Joint and several liability not affected by transfer.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the mahál for arrears accruing in respect of such mahál subsequently to the transfer of the share or land except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose share or land is transferred.

Procedure after receipt of sanction to annulment of settlement.

103. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession of the mahál, and either manage the mahál or any portion thereof himself or through an agent, or let the mahál or any portion thereof in farm for such term and on such conditions as the Chief Commissioner directs:

Provided that no management or farm under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

After the date of such proclamation no liabilities shall accrue under the settlement so annulled; but such annulment shall not affect anything done or any liability incurred under the settlement before such date.

Case of a portion of a mahál being managed or farmed.

104. When a portion only of the mahál is managed or let in farm under section one hundred and three, the rest of such mahál shall be separately resettled with the proprietors thereof for the remainder of the term of settlement.

Settlement on expiry of management or farm.

105. As soon as the management or farm of any mahál or portion thereof has come to an end, the Deputy Commissioner shall offer to the persons entitled under section forty-nine to an offer of assessment a new assessment of the land, on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the mahál; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such mahál or portion in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

Effect of annulment of settlement.

106. No leases, liens or other incumbrances created by the defaulters, or by any person through or under whom they claim, of, or upon any land managed or let in farm under this Act, shall, during such management or farm, be binding upon the Deputy Commissioner or Settlement-officer, his agent or lessee.

Saving of rights in sír-land.

107. No defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section ninety-four, clauses (*c*), (*d*) and (*e*); but every such defaulter shall, while such process is being enforced, be entitled to retain possession of, and liable to pay rent for, such land as if he were an absolute occupancy-tenant, at such rent as may be fixed by the Deputy Commissioner.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all leases, liens and other incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nothing in this section shall—

(*a*) affect the rights of any proprietor superior or inferior to the defaulters or of any málik-makbúzá or occupancy-tenant who does not derive his rights as such proprietor, málik-makbúzá or tenant from express contract with such defaulters, or any person through whom they claim; or

(*b*) apply to lands held under leases at fair rents for the erection thereon of dwelling-houses, places of worship or manufactories, or for working mines, minerals, coals and quarries, or for laying out and maintaining gardens and burial-grounds, or for constructing tanks and canals, so long as the lands continue to be used for the purposes specified in such leases respectively; or

(*c*) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by any law for the time being in force.

The Chief Commissioner may, from time to time, determine what rents shall be deemed to be fair rents within the meaning of this section.

Rules for sale of immoveable property.

109. When immoveable property is sold under this Act, the rules prescribed in sections 287, 288, 293 and 306 to 316, both inclusive, of the Code of Civil Procedure shall be followed, except in the following particulars (that is to say):—

(*a*) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(*b*) The proclamation directed by the said section 287 shall, when the sale is under clause (*f*), section ninety-four of this Act, declare that, subject to the provisions of section one hundred and eight, the full proprietorship, or superior or inferior proprietorship, as the case may be, is to be sold free from all leases, liens and other incumbrances, and the certificate mentioned in section 316 of the said Code shall contain a similar statement.

(*c*) The last two clauses of the said section 287 shall not apply.

(*d*) An appeal from any order under section 312 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the Division, and an appeal from the Commissioner's order on such appeal shall lie to the Chief Commissioner.

(*e*) The Deputy Commissioner may, from time to time, postpone any sale which he has proclaimed, reporting such postponement to the Commissioner of the Division.

(*f*) Section 309 of the said Code shall be read as if, after the words "for such payment," the words "and every sale of such property made after a postponement" were added.

(*g*) Section 313 of the said Code shall not apply to sales under section ninety-four, clause (*f*), of this Act.

(*h*) Section 316 of the said Code shall be read as if the words "The Deputy Commissioner shall place the purchaser in possession of the lands which he has purchased" were added thereto.

Pre-emption at sales.

110. In the course of a sale under section ninety-four, clause (*f*), if the property is knocked down to a stranger, the following persons may claim to take it at the sum last bid in the following order:—

(*a*) any málguzár who has paid the revenue which as between him and the other málguzárs is payable by him;

(*b*) if the superior proprietorship is sold, the inferior proprietor;

(*c*) if the inferior proprietorship is sold, the superior proprietor:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant undertakes to fulfil all the conditions of the sale binding on the purchaser.

Application of proceeds of sale of immoveable property.

111. The proceeds of every sale in execution of any process mentioned in section ninety-four shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear due to Government by the defaulter; and the surplus, if any, shall then be payable to him, or, where there are more defaulters than one, to such defaulters according to their respective shares in the property sold.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section ninety-three and of enforcing any process mentioned in section ninety-four shall be recoverable as part of the arrear in respect of which the notice was served and the process was issued.

Matters as to which Chief Commissioner may make rules.

113. The Chief Commissioner may make rules—

(*a*) for the guidance of Revenue-officers in issuing notices of demand under section ninety-three and executing the processes mentioned in section ninety-four;

(*b*) defining the classes of officers by whom the processes mentioned in section ninety-four, clauses (*a*) and (*b*), may be enforced;

(*c*) prescribing the agency by which any of the processes issued under section ninety-four shall be executed.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section ninety-two, when proceedings are taken under this Act for the recovery of an arrear, the person against whom such proceedings are taken may, if he denies that the arrear or any part thereof is due,

pay the same under protest made at the time of payment and duly signed by him or by his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Realization of Revenue by Málguzárs.

Limitation of right to set-off, &c., in suit for arrears.

115. In a suit for the recovery of an arrear of revenue not being revenue payable directly to Government, and in a suit brought by a lambardár to recover the amount of any revenue payable to Government through him, the defendant shall not, except with the permission of the Court,—

(*a*) set-off against the plaintiff's demand any sum of money recoverable by him from the plaintiff; or

(*b*) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

Recovery of arrear through Deputy Commissioner instead of by suit.

116. Any lambardár or sub-lambardár entitled to recover an arrear, or any málguzár to whom such an arrear is due under a sub-settlement, may, before instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of revenue payable directly to Government.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons who would be defendants if a suit were instituted for the recovery of such arrear, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section one hundred and fourteen in respect of an arrear as to which an order has been made under this section.

No person on whose account the Deputy Commissioner proceeds under this section to recover an arrear shall thereby be relieved of his responsibility for such arrear.

Saving of right of málguzár to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877, and no agreement made after this Act comes into force, shall bar the right of the málguzárs of any mahál assessed with land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment, has been held by any person without payment of revenue.

The Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. No suit for the recovery of revenue payable under a settlement or sub-settlement shall be instituted after three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

Interest on Arrears.

Interest on arrears.

119. Interest shall not be charged on an arrear of revenue unless the Chief Commissioner, by general or special order, so directs; provided that the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER IX.

OF REVENUE AND VILLAGE RECORDS.

Correction of record-of-rights.

120. Any entry in the record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion. Such correction may be made on one or more of the following grounds and on no others:—

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section eighty-three it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court, or on the order of a Revenue or Settlement officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

Revision of record in accordance with provision therein contained.

121. The Deputy Commissioner may revise a record-of-rights when such revision is provided for in such record.

Powers of Deputy Commissioner as to correction of entry or revision of record.

122. When the Deputy Commissioner takes proceedings for the correction of any entry in the record-of-rights or for the revision of such record-of-rights, he shall exercise, for the purpose of such correction or revision, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Power to direct that rule or custom entered in record-of-rights shall be enforced by Government.

123. The Chief Commissioner may, in his discretion, by notification in the official Gazette, direct that any specified rule, custom or condition duly entered in the record-of-rights of any specified village shall be enforced by the Government.

Punishment of violation of such rule or custom.

If any of the persons with whom a settlement or sub-settlement has been made, violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided by any law for the time being in force for such violation or neglect, recover from such person a penalty not exceeding two hundred rupees.

Suit to set aside proceedings under section 123.

124. Any person against whom proceedings have been taken under section one hundred and twenty-three may institute a suit against Government to set aside such proceedings on the ground that no rule, custom or condition was, in fact, violated or neglected. If the Court finds that no rule, custom or condition has been violated or neglected, it may by its order annul such proceedings, and direct that any penalty paid by the plaintiff be refunded; and may also award to him such costs as he has necessarily incurred in the proceedings, and such further sum as compensation as it thinks fit.

Powers of Chief Commissioner as to registration of changes after preparation of record-of-rights.

125. The Chief Commissioner may—

(*a*) direct that the mukaddam of each village shall, for the purpose of showing the changes occurring therein subsequently to the preparation of the record-of-rights, prepare, or, where there is a patwárí, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe;

(*b*) lay down the procedure to be followed in order to ascertain that a change has occurred in the village, and the nature of such change.

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the record-of-rights, and the Chief Commissioner may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained in this behalf.

Possession of proprietary rights to be notified.

126. All persons lawfully entering into possession of proprietary rights and interests in any land shall, within a reasonable time, give notice of such entry to the Tahsíldár of the tahsíl in which such land is situated.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

Notice to be given by guardian in case of minority or idiotcy.

If the person so entering is a minor, lunatic or idiot, the guardian or other person who has charge of his property shall give the notice required by this section.

Fine for neglect to give notice of possession.

127. Any person neglecting to give the notice required by section one hundred and twenty-six shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues.

Obligation to aid in preparation of village-papers.

128. All persons being in possession of proprietary rights in land shall, on being so required by the Deputy Commissioner, prepare, or cause to be prepared, such papers, and furnish such information, as may be required for the preparation of the village-papers prescribed under section one hundred and twenty-five.

Fees for recording changes;

129. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section one hundred and twenty-five, and may fix the amount of such fees.

from whom leviable.

All fees so leviable shall be levied from the person in whose favour the change is made.

Annual enquiry regarding land held free from revenue.

130. The Deputy Commissioner shall in each year make enquiry regarding all cases in which land has been granted by Government, conditionally or for a time, free, wholly or in part, from the payment of revenue.

Procedure on breach of conditions of grant.

If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the Division for the orders of the Chief Commissioner, who may direct that the land be assessed, or may pass such other order as he thinks fit.

Procedure on expiry of term of grant.

If it appears to the Deputy Commissioner that the term of any such grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold the land comprised in the grant, free from revenue, or at less than full revenue-rates, has died, he shall assess the same, and shall report his proceedings through the Commissioner of the Division for the sanction of the Chief Commissioner.

Inspection of revenue-records.

131. All records kept under this Act shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

CHAPTER X.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officers' powers.

132. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement-officers for the following purposes:—

(*a*) causing boundary-marks to be erected or repaired, and recovering the cost of such erection and repair;

(*b*) assessing land-revenue on lands which are liable to assessment, but have not been assessed;

(*c*) declaring any local area to be a mahál;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be readmitted;

(*e*) settling mahals in respect of which an application has been made under the third proviso to section fifty-six;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the málguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village-cesses which are levied when this Act comes into force, but have not been recorded at the settlement.

Purposes for which officers may be invested with Settlement-officers' powers.

133. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections forty, forty-one and forty-two; or,

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section fifty-six.

Cognizance of, and penalty for, offence of injuring boundary-marks.

134. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Náib Tahsíldár empowered by the Chief Commissioner in this behalf to pay to the officer making the order, in addition to any fine to which such person would be liable under section 434 of the Indian Penal Code, such sum, not exceeding fifty rupees, as may in the opinion of such officer be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, removal or damage.

Procedure when person injuring cannot be found.

135. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.

Partition of a mahál into two mahals.

136. Any málguzárs of a mahál who are not co-sharers with the other málguzárs of such mahál in any lands comprised in such mahál, except such lands as are under the law relating to partition for the *time being in force indivisible*, may apply to the Deputy Commissioner to make the lands held by them separately from such other málguzárs a separate mahál; and the Deputy Commissioner shall thereupon make such lands and the lands held separately by the remaining málguzárs separate mahals, and shall, with the previous sanction of the Commissioner, apportion between the two new mahals thus constituted the entire revenue assessed upon the original mahál.

CHAPTER XI.

VILLAGE-OFFICERS AND PATWÁRIS.

Power to make rules as to officers.

137. The Chief Commissioner may make rules regulating the appointment, remuneration, suspension and removal of lambardárs, sub-lambardárs and mukaddams:

Provided that, except with the previous sanction of the Governor General in Council, proprietors, other than málik-makbúzás, shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is assessed on their land, or which, when their land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessed on their land if it were subject to assessment.

In framing rules for the appointment under this section of lambardárs and sub-lambardárs for any mahál, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the record-of-rights of such mahál.

In every village in which there are resident málguzárs, one of such málguzárs shall be the mukaddam.

Duties of lambardárs.

138. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government Treasury so much of the land-revenue as may under section seventy-one be payable through him, either solely or jointly with other lambardárs or sub-lambardárs;

(*b*) to collect and pay to the mukaddam, or into the Government Treasury, as the Deputy Commissioner may direct, all sums of money payable through him, either solely or jointly with other lambardárs or sub-lambardárs, by the proprietors whom he represents, on account of the remuneration of the mukaddam, patwáris or village-watchmen, or on account of any expenses which the mukaddam is authorized to recover from the lambardárs or sub-lambardárs of his village;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

Lambardárs may recover fees and other charges from proprietors.

139. Together with the land-revenue, lambardárs and sub-lambardárs may recover from the proprietors whom they respectively represent—

(*a*) any remuneration to which they are entitled as such; and

(*b*) the sum which, under section one hundred and thirty-eight, they are bound to pay to mukaddams:

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

140. On the application of any málik-makbúzá or other like holder of land, or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, order that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid into the Government Treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made into the Government Treasury, such portion of the percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be so paid, and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of their fees and the other village-expenses.

Duties of mukaddams.

141. It shall be the duty of every mukaddam—

(*a*) to control and superintend the village-patwári and village-watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of his village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to report and, if possible, to prevent encroachments on the public paths and roadways in his village;

(*d*) to preserve such stations and marks erected in his village by Government-surveyors as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands, and for securing to persons entitled to cut wood and enjoy other privileges in the waste-lands of the village the rights to which they are entitled;

(*g*) to collect, or aid in the collection of, all payments due to Government in his village;

(*h*) to report all births and deaths taking place in his village.

The Chief Commissioner may make rules—

(1) adding to the list of duties which a mukaddam is required to perform under this section; and

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*) in respect of such village, and for apportioning such charges among such persons; and

(3) determining the officers to whom reports under this section shall be made.

Liabilities imposed by law on landholders to attach to mukaddams.

142. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act:

Provided that nothing herein contained shall discharge landholders, their managers or agents, or the like, from any liabilities imposed upon them by law.

Power of mukaddams to recover certain expenses incurred.

143. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties.

Chief Commissioner may make rules as to patwáris.

144. The Chief Commissioner may make rules—

(*a*) regulating the manner in which patwáris are to be selected; prescribing the conditions under which they may be appointed; and fixing the limits of their circles and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwári, when such persons are unable to act;

(*c*) prescribing the fines which may be imposed on patwáris and their substitutes for neglect of their duty, and stating the circumstances under which they may be suspended or removed:

Provided that, except with the previous sanction of the Governor General in Council, no proprietor shall be compelled to pay as remuneration to patwáris a sum exceeding six per cent. on the revenue for the time being assessed on his land, or which, when his land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

145. The Chief Commissioner may make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of making the settlement next before this Act comes into force, the maintenance of a patwári was made optional, and the persons settled with are unable to agree as to whether a patwári should be maintained, and for dealing with cases where no patwári is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwári.

Such rules may empower the Deputy Commissioner, in the latter class of cases—

(*a*) to impose fines not exceeding fifty rupees on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwáris in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwáris.

Nothing in the proviso to section one hundred and forty-four shall apply to patwáris so appointed.

Chief Commissioner may define duties of patwáris.

146. The Chief Commissioner may make rules prescribing the duties of patwáris—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

(*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwáris may demand in respect of the performance of such duties.

Patwáris' papers to be public documents.

All records and papers which patwáris are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, and to be the property of Government.

Patwáris to produce papers for inspection, and to allow copies to be made.

147. Patwáris shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep, and shall allow such persons to make copies of such records and papers.

148. All existing lambardárs, sub-lambardárs, mukaddams and patwáris shall, unless the Chief Commissioner in any specified case otherwise directs, be deemed to have been appointed under this Act.

Existing officers confirmed.

149. Any sums which lambardárs, sub-lambardárs, mukaddams and patwáris are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Lambardárs' and other officers' dues recoverable as arrears.

150. In each village of the district of Sambalpúr all persons holding sír-land, other than mukaddams, are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may make rules for the enforcement of this obligation.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

PART V.

CHAPTER XII.

MISCELLANEOUS.

151. Unless it is otherwise expressly provided in the records of a settlement or by the terms of a grant made by the Government, the right to all mines, minerals, coals and quarries, and to all fisheries in navigable rivers, and the right to extract sap from all palmyra and cocoanut trees, shall be deemed to belong to Government; and the Government shall have all powers necessary for the proper enjoyment of such rights:

Right to mines and quarries.

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such persons compensation for such infringement, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

152. Except as otherwise hereinbefore provided,—

Exclusive jurisdiction of Revenue-authorities.

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer is, by this Act, empowered to determine or dispose of; and in particular

Matters excepted from jurisdiction of Civil Courts.

(*b*) no Civil Court shall exercise jurisdiction over any of the following matters:—

(1) any matters provided for in sections forty, forty-one, forty-two and eighty-nine, as to waste-lands:

(2) the claim of any person to have an assessment offered to, or sub-settlement made with, him;

(3) the amount of revenue or rate to be assessed on any mahál, share or portion of a mahál under this or any other Act for the time being in force:

(4) questions as to the validity of any engagement with Government for the payment of land-revenue, or of any agreement entered into by superior or inferior proprietors in a settlement or sub-settlement:

(5) claims connected with or arising out of any process enforced on account of refusal to accept the assessment offered in a settlement or sub-settlement by the Settlement-officer or Deputy Commissioner:

(6) the amount of the allowance or rent fixed under section sixty-one or sixty-two:

(7) the redistribution according to established custom, by a Settlement-officer, of land comprised in a mahál:

(8) the formation of the record-of-rights,

the preparation, signing or attestation of any of the documents contained therein, or

the notification of settlement:

(9) any matters provided for or referred to in section seventy-three, seventy-four or one hundred and thirty as to lands held or claimed to be held free from revenue, except rights arising under any contract between the Government of India and grantees of land;

(10) claims connected with, or arising out of, the collection of revenue, or any process enforced on account of an arrear of revenue, or on account of any sum which is under this or any other Act realizable as revenue:

(11) claims to set aside, on any ground other than fraud, sales for arrears of revenue:

(12) corrections of entries or revisions of records under sections one hundred and twenty, one hundred and twenty-one and one hundred and twenty-two:

(13) claims to have a partition and apportionment made under section one hundred and thirty-six, and questions as to the distribution or apportionment under that section of the land or of the revenue of a mahál:

(14) claims to the office of patwári, lambardár, sub-lambardár or mukaddam, or in respect of any injury caused by exclusion therefrom, or to compel the performance of the duties thereof:

(15) claims to compel the performance of any duties imposed by this Act on any Revenue or Settlement officer.

In all the above cases jurisdiction shall rest with the Revenue-authorities only.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village-cess which has not been sanctioned by the Chief Commissioner and also either recorded at a settlement or under section one hundred and thirty-two, clause (*h*).

For what village-cesses suit lies.

154. Whenever, at any settlement made before this Act comes into force, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation.

Limitation of claims for compensation in case of waste-land demarcated as property of Government.

155. No Revenue or Settlement officer, and no person employed in any Revenue or Settlement office, shall, except with the express permission of the Chief Commissioner,—

Restriction on Revenue and Settlement officers trading and holding land.

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class of officers.

Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1866.

156. When any mahál is managed or let in farm under section fifty-seven or fifty-eight, or when either of the proclamations mentioned in sections ninety-eight and one hundred and three has been made, all sums due to the proprietor in respect of the mahál, share or land mentioned in any of the said sections shall be payable only to the Deputy Commissioner or Settlement-officer, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner or Settlement-officer, be credited to the person making the same in account with the Deputy Commissioner or Settlement-officer, his agent or lessee.

When mahál managed or farmed, or upon proclamation under section 98 or 103, rent payable to Deputy Commissioner.

Payment to proprietor in anticipation of due date.

157. When any land has been let in farm under the provisions of this Act, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of balances due by farmers.

158. All land-revenue due when this Act comes into force, and all penalties or other moneys payable to, or recoverable by, an officer of Government under this Act, shall be recovered from the persons from whom they are due and from the sureties (if any) of such persons as if such land-revenue, penalties or moneys were an arrear of revenue payable directly to Government due under this Act by such persons and their sureties.

Recovery of revenue due when Act comes into force; and of money payable under Act.

159. All proceedings taken before this Act comes into force for the collection of the land-revenue or the realization of arrears thereof shall be deemed to have been taken in accordance with law.

Past proceedings for collection of revenue legalized.

160. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may empower persons by name, or confer powers on classes.

161. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may vary or cancel orders.

162. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for carrying out its provisions, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or, when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

Chief Commissioner may make rules and attach penalty to breach thereof.

All powers to make rules conferred by this Act on the Chief Commissioner shall be exercised subject to the control of the Governor General in Council, and may be exercised from time to time as occasion requires.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the local official Gazette.

All such rules, when so published, shall have the force of law.

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

Number and year.	Title.	Extent of repeal.
Act XII of 1841.	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces of Bengal.	The whole.
Act XXXI of 1858.	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY JUNE 18, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th June, 1881, and is hereby promulgated for general information:—

ACT No. XVIII OF 1881.

THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881.

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SCHEDULE—ENACTMENTS REPEALED.

An Act to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Land-revenue Act, 1881":

Local extent.

It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces, except those specified in Part VI of the first schedule of the Scheduled Districts Act, 1874:

Commencement.

And it shall come into force on such day as the Chief Commissioner, with the previous sanction of the Governor General in Council, may direct by notification in the local official Gazette.

Enactments repealed.

2. On and from such day the enactments mentioned in the schedule hereto annexed, so far as they relate to the territories to which this Act extends, and all other rules, regulations and enactments relating to the settlement and collection of the land-revenue in such territories, shall be repealed.

Pending proceedings.

3. All proceedings relating to matters dealt with by this Act and, when this Act comes into force, pending before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

Interpretation-clause.

4. In this Act, unless there is something repugnant in the subject or context,—

"Assistant Commissioner":

(1) "Assistant Commissioner" includes also "Extra Assistant Commissioner":

"Legal Practitioner":

(2) "Legal Practitioner" means an advocate, vakíl or attorney of any High Court, a pleader, mukhtár or revenue-agent:

"Village-cess":

(3) "Village-cess" means any cess which a person resident or holding lands in a village pays or renders to the proprietors as such of the village, and includes service rendered or things furnished as well as money paid:

"Recognized agent":

(4) "Recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in such proceeding and also belonging to any class which the Chief Commissioner may, from time to time, by notification in the official Gazette, declare in this behalf:

"Agricultural year":

(5) "Agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified District or Districts, from time to time, appoint:

"Sír-land":

(6) "Sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement of the local area in which such land is situate; and (*b*) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; and (*c*) waste land which has been broken up by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years; and (*d*) in Sambalpúr, includes also "bhogra" land.

Explanation.—Land which has, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been for a period of six consecutive years unoccupied by such proprietor is not sír-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sír-rights:

"Mahál":

(7) "Mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of this Act, to be a mahál:

"Village":

(8) "Village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Málguzár":

(9) "Málguzár" means a person who, under the provisions of this Act, has accepted, or is to be deemed to have accepted, the assessment of a mahál, and includes his representatives and assigns; and also any person with whom a settlement has been made before this Act comes into force, and his representatives and assigns:

"Málik-makbúzá":

(10) "Málik-makbúzá" means any person owning one or more plots of land assessed with revenue in a mahál; but it does not include a málguzár or inferior proprietor:

"Lambardár":

(11) "Lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

"Sub-lambardár":

(12) "Sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with the superior proprietors:

"Mukaddam":

(13) "Mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

"Tenant":

(14) "Tenant" means a person who holds land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person; but it does not include a farmer, mortgagee or thekadár of proprietary rights.

Explanation.—An inferior proprietor is not, as such, a tenant:

"Rent":

(15) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

"Absolute occupancy-tenant":

(16) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before this Act comes into force, or after such a settlement but before this Act comes into force, was recorded, by order of a Revenue or Settlement officer, in respect of such land, as an "absolute occupancy-raiyat," or in terms equivalent thereto:

"Record-of-rights."

(17) "Record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before this Act comes into force.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

Chief Controlling Revenue-authority.

5. The Chief Commissioner shall, subject to the control of the Governor General in Council, be the Chief Controlling Revenue-authority.

Revenue-officers.

6. Besides the Chief Commissioner, there shall be the following classes of Revenue-officers (namely):—

(*a*) Commissioners, who, subject to the control of the Chief Commissioner, shall be the Chief Revenue-authorities within their respective divisions:

(*b*) Deputy Commissioners, who, subject to the control of the Commissioner, shall be the Chief Revenue-authorities within their respective districts:

(*c*) Assistant Commissioners, who shall be subordinate to, and under the control of, the Deputy Commissioners of the districts to which they are respectively attached:

(*d*) Tahsíldárs, who, subject to the control of the Deputy Commissioner, shall be the Chief Executive Revenue-authorities in the tahsíls to which they are respectively attached:

(*e*) Náib Tahsíldárs, who shall be subordinate to the Tahsíldárs of the tahsíls to which they are respectively attached.

Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.

7. Subject to the control of the Governor General in Council, the Chief Commissioner shall appoint, and may suspend or remove, Commissioners, Deputy Commissioners and Assistant Commissioners.

Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

8. The Chief Commissioner shall appoint, and may suspend or remove, Tahsíldárs; and may also make rules for regulating the appointment, duties, suspension and removal of Náib Tahsíldárs.

Persons holding office when Act comes into force.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the territories to which this Act extends when this Act comes into force shall be deemed to have been appointed hereunder.

Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.

10. The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed, but subject, in the case of an additional Commissioner or additional Deputy Commissioner, to the like sanction.

The Chief Commissioner may invest any additional Commissioner, Deputy Commissioner or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár, as the case may be.

Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.

11. The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

Officers transferred to retain powers with which they were invested.

12. Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was, under any provision of this Act, invested by the Chief Commissioner in the district or tahsíl from which he is transferred.

Provision for discharge of duties of Deputy Commissioner dying or being disabled.

13. When a Deputy Commissioner dies or is disabled from performing his duties, such officer as the Chief Commissioner may by rule direct shall take executive charge of his district, and shall be deemed to be a Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor

takes charge of his office, or until the person so disabled resumes charge of his office.

14. The Chief Commissioner may, from time to time, by notification in the official Gazette, alter the limits of any district or tahsíl, create new districts or tahsíls and abolish existing districts or tahsíls.

Chief Commissioner may alter limits of district or tahsíl.

15. The Chief Commissioner may, subject to the control of the Governor General in Council, invest any Revenue-officer with any of the following powers:—

Power to invest Revenue-officers,—

for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure on a Civil Court;

with power conferred by Code of Civil Procedure;

power to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty conferred or imposed on him by this Act;

with power to delegate powers.

and, subject to the like control, may determine the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made in this Act shall be disposed of.

16. Subject to any rules which the Chief Commissioner may make in this behalf, a Deputy Commissioner may—

Power of Deputy Commissioner to distribute work.

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner, or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

17. The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him and having power to dispose of the same.

Power of superior Revenue-authorities to withdraw and transfer cases.

18. All Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power of Revenue-officers to enter on land, &c.

19. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue-officers in cases for which a procedure is not prescribed by this Act, and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue-officers.

Power to make rules to regulate procedure.

20. All appearances before, applications to, and acts to be done before, any Revenue-officer under this Act may be made or done—

Persons by whom appearances and applications may be made before and to Revenue-officers.

(*a*) by the parties themselves; or,

(*b*) with the permission of the officer, by their recognized agents or any legal practitioner:

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

Obligation of parties to attend in person.

21. The fees of a legal practitioner or recognized agent shall not be allowed as costs before any Revenue-officer unless such officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

Legal practitioner's or agent's fees not allowed unless for special reasons.

22. An appeal shall lie against every decision or order under this Act—

Appeals.

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner, except an Assistant Commissioner exercising the powers of a Deputy Commissioner,—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal,—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division,—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed.

Limitation of appeals.

23. No appeal shall lie—

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the provisions of the Indian Limitation Act, 1877, shall apply.

24. Any Commissioner or Deputy Commissioner may at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, any Revenue-officer subordinate to him, call for and examine the record of any case pending before, or disposed of by, such officer, and may pass such order in reference thereto as he thinks fit:

Powers of revision of Commissioner and Deputy Commissioner.

Provided that he shall not under this section modify or reverse any order affecting any question of right between private persons, without having given to the parties interested reasonable notice to appear and be heard in support of such order.

25. The Chief Commissioner may at any time call for and examine the record of any case pending before, or disposed of by, any Revenue-officer, and may pass such order in reference thereto as he thinks fit:

Powers of revision of Chief Commissioner.

Provided that no order affecting any question of right between private persons shall be passed under this section unless the Chief Commissioner has given the parties interested an opportunity of being heard.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm orders passed by himself or by any of his predecessors in office:

Review of orders.

Provided as follows—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is immediately subordinate:

(2) no order shall be modified or reversed unless reasonable notice has been given to the parties interested to appear and be heard in support of such order:

(3) no order against which an appeal has been preferred shall be reviewed while such appeal is pending:

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings; and no application for the review of such an order shall be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within such period.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any Revenue-officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SURVEY AND SETTLEMENT.

CHAPTER III.

PRELIMINARY.

27. Whenever it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he shall publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for making the survey.

Notification of revenue-survey.

Effect thereof.

28. When any local area is to be settled, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement, and in such notification shall—

Notification of settlement.

(*a*) define the local area to be settled;

(*b*) specify the operations which are to be carried out in the settlement;

and may from time to time, with the like sanction, amend, alter or cancel such notification.

Power to amend notification.

Every such notification, amendment, alteration and cancellation shall be published in the local official Gazette.

29. The Chief Commissioner may, from time to time, appoint one or more officers (hereinafter called Settlement-officers) to make the settlement of such area; and when he appoints more than one such officer, he shall appoint one of them (hereinafter called the Chief Settlement-officer) to control such settlement; and all other officers appointed for the purposes of such settlement shall be subordinate to the Chief Settlement-officer.

Power to appoint Settlement-officers;

The Chief Commissioner may suspend or remove any officer appointed under this section.

and to suspend and remove them.

30. During the progress of the settlement of any local area, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may, from time to time, direct.

Settlement-officer may be invested with powers of Deputy Commissioner.

31. The provisions of section eleven and sections fifteen to twenty-six, both inclusive, shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, the expression "Settlement-officer" being read for the expressions "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer," for the expression "Deputy Commissioner," wherever those expressions occur:

Certain provisions of Chapter II applied to Settlement-officers.

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order:

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

32. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council,

Appointment of Settlement-Commissioner;

(*a*) appoint a Settlement-Commissioner, and transfer to him, within any local area under settlement, all or any of the powers which the Commissioner of the division, if the land to be settled were wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

(*b*) delegate to the Settlement-Commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

Delegation to him of Chief Commissioner's powers.

33. When any local area is under settlement, the Chief Commissioner may invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section four of the Central Provinces Courts' Act, 1865, and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner described in the same Act, sections twelve, nineteen and twenty, for the trial, in the first instance, of any of the following classes of suits instituted within such area (namely) :—

Power to invest Settlement-officers with Civil Court powers.

(*a*) suits for arrears of rent due on account of any right of pasturage, forest-rights, fisheries or the like ;

(*b*) suits by lambardárs for arrears of revenue payable through them by the proprietors whom they represent ;

(*c*) suits by proprietors for their share of the profits of an estate or any part thereof after payment of the revenue and village-expenses, or for a settlement of accounts ;

(*d*) suits by muáfidárs or assignees of revenue for arrears of revenue owing to them as such muáfidárs or assignees ;

(*e*) suits by superior proprietors for arrears of revenue due to them as such superior proprietors ;

(*f*) suits by proprietors and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents, or against the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession ;

(*g*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the record-of-rights, and of which Civil Courts can take cognizance ;

(*h*) suits relating to land, or the rent, profits or occupation of land.

34. When the Chief Commissioner invests any subordinate Settlement-officer with the powers of a Civil Court for the trial of any of the suits mentioned in section thirty-three, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner described in the Central Provinces Courts' Act, 1865, sections twelve, nineteen and twenty, with reference to proceedings before, or decrees and orders of, such Settlement-officer in such suits.

Chief Settlement-officer to have powers of Deputy Commissioner.

35. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section thirty-three in such local area, the Chief Commissioner may, with respect to all or to any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid, by Assistant Commissioners or Tahsíldárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer, and not to the Deputy Commissioner of the district.

Appeals in suits specified in section 33 when to lie to Chief Settlement-officer.

36. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section thirty-three, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts :

Division of civil work between Settlement-officers and ordinary Courts.

Provided that no proceedings which have been inadvertently or erroneously taken before the Civil Court shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before a Settlement-officer.

37. Nothing in section thirty-one shall apply to suits and appeals or other proceedings instituted before, or determined by, Settlement-officers in pursuance of powers conferred upon them under section thirty-three, thirty-four or thirty-five.

Provisions of section 31 not to apply to certain suits.

38. Except as provided in sections thirty-three, thirty-four and thirty-five, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade, shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Civil Court of such grade, and no appeal shall lie under the provisions of section twenty-two from such decrees or orders.

Appeal, reference and revision.

39. Every settlement notified under section twenty-eight shall be deemed to be in progress until the Chief Commissioner, by notification in the official Gazette, declares that it is completed.

Duration of settlement operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease ; and all suits and applications pending before such officers shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the Division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs.

Cases pending at close of settlement-operations.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

40. When any local area is under settlement, the Settlement-officer shall make lists of all lands in such area which appear to him to have no lawful owner, and shall thereupon issue a notification declaring his intention to demarcate such lands as the property of the Government and inviting every person having claims to or over them to present in his Court, within three months from the date of the notification, a petition in writing setting forth such claims and the respective grounds thereof.

Settlement-officer to invite claims to lands appearing to have no owner.

41. Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one ;

Application of Act XXIII of 1863.

the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act ;

the Settlement-officer shall exercise all the powers vested in the Collector by that Act ; and

claims to, or over the land comprised in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

42. Whenever a claim to the exercise or enjoyment of any right (not amounting to the right of exclusive possession) in, to or over, any land comprised in such notification is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863, section seven, the Settlement-officer may assign to the claimant as his property a definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant ; and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

Procedure when limited right over land established.

Maháls.

43. The Settlement-officer may declare any local area to be a mahál.

Power to form mahals.

Excluded Lands.

44. For the purpose of excluding from all or any of the operations of the settlement any town or any land from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land :

Settlement-officer may exclude any town or land from settlement operations.

Provided that no land in respect of which land-revenue is payable at the date of the notification issued under section twenty-eight shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks.

45. When any local area is under settlement, the Settlement-officer may order all persons who have proprietary rights in the land comprised in such area to erect boundary-marks of such description and at such places as he thinks necessary in order to define the limits of the mahals, fields or other lands in their possession, or to repair boundary-marks already existing ; and may fix a reasonable time for obeying his order ;

Erection of new, and repair of existing, boundary-marks.

and if his order is not obeyed within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

46. On every mahál a definite and separate sum shall be assessed as land-revenue ; but the sum so assessed may be reduced in such manner and to such extent as the Chief Commissioner thinks fit, for any period not exceeding ten years from the date on which the assessment takes effect.

Separate sum to be assessed on every mahál.

Progressive assessments.

47. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer as to the principle on which land-revenue is to be assessed, and as to the sources of miscellaneous income to be taken into account in the assessment.

Matters as to which Chief Commissioner is to instruct Settlement-officer.

48. In assessing a mahál all land situate therein shall be taken into account except the following (that is to say) :—

What land taken into account in assessing mahál.

(*a*) land purchased free from revenue under any rules for the time being in force to regulate the sale of waste-lands ;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force ;

(*c*) land excluded from assessment under section forty-four ;

(*d*) land in respect of which a claim to hold it free from revenue as against the Government is established under the provisions hereinafter contained ;

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may, from time to time, exempt from assessment.

49. The assessment of every mahál shall be offered to the entire proprietary body of such mahál : provided that, when superior and inferior proprietary rights co-exist in the same mahál, the Settlement-officer may, subject to such rules as the Chief Commissioner may make in this behalf, determine whether the assessment shall be offered to the superior or to the inferior proprietors.

Assessment to whom to be offered.

Subject to such rules as the Chief Commissioner may make in this behalf, the Settlement-officer may determine the manner and proportion in which the proprietary profits of the mahál shall be allotted between the superior and the inferior proprietors.

When a proprietor has mortgaged his rights in any mahál, and the mortgagee has entered into possession, such mortgagee, so long as he is in possession, shall, for the purposes of this section, stand in the place of the mortgagor.

50. When in a mahál in which superior and inferior proprietors co-exist, the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, by which such inferior proprietors shall be bound to pay to the superior proprietors an annual revenue equal to the land-revenue with which the mahal is assessed and to the profits to which the superior proprietors are entitled under section forty-nine.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in any such mahál the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profits to which the superior

Power to give directions as to payment of certain profits of superior proprietors.

proprietors are entitled under section forty-nine, shall be paid by the inferior proprietors direct to such superior proprietors, or that such profits shall be collected as if they were land-revenue and shall be paid to the superior proprietors from the Government Treasury.

52. The Chief Commissioner may make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment; and no assessment shall be offered without the previous sanction of the Chief Commissioner.

Power to make rules for reporting assessment for sanction.

53. In making any offer of assessment the Settlement-officer shall state that it is made subject to confirmation by the Governor General in Council, and also to revision by the Chief Commissioner at any time before such confirmation is received.

Offers of assessment to be made subject to revision and confirmation.

54. It shall be in the option of the persons to whom an assessment is offered to accept or refuse the same.

Option to accept or refuse assessment.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may, from time to time, prescribe in this behalf, and deliver the same to the Settlement-officer.

Mode of acceptance.

55. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to make, sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

Proprietor not accepting in manner prescribed may be deemed to have accepted.

56. Whenever the assessment of a mahál has been accepted under this Act, the persons who have accepted it shall be bound to pay the amount thereof from such date and for such term as the Chief Commissioner may appoint in this behalf, or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect: Provided as follows:—

Effect of acceptance of assessment.

1st—any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

Assessment may be rescinded by Chief Commissioner;

2ndly—the Governor General in Council may rescind any assessment submitted to him for confirmation;

or by Governor General in Council.

3rdly—if all the málguzárs of a mahál, six months before the expiry of the term fixed under this section, apply in writing to the Deputy Commissioner stating that they are unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force.

Málguzárs may object to continuance of assessment beyond term of settlement.

57. Where there is but one class of proprietors in a mahál, and all refuse to accept in manner required by section fifty-four the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement for a period not exceeding thirty years from the date of such exclusion, and may either let the mahál in farm, or take it under direct management.

Procedure when assessment is refused.

58. If some of the proprietors consent, and some refuse, so to accept the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, exclude such recusant proprietors from settlement for a period not exceeding thirty years from the date of such exclusion, and either let their lands in farm or take such lands under direct management.

Procedure when only some proprietors accept assessment.

In other cases the assessment of the entire mahál shall be offered to the proprietors who consented to accept the assessment when originally offered, and if they refuse it the mahál shall be dealt with under the provisions of section fifty-seven.

When the recusant proprietors are excluded under this section, the lands of the proprietors who consented to accept the assessment originally offered shall be deemed to be a separate mahál, and shall be assessed as such; and such assessment shall be offered to the proprietors so consenting; and if the lands of the recusant proprietors are let in farm, the farm shall be first offered to the proprietors who consented to accept the assessment originally offered.

59. When an assessment is offered in a mahál in which both superior and inferior proprietors coexist—

Procedure on refusal of assessment in village in which superior and inferior rights co-exist.

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse to accept as aforesaid the assessment offered, the assessment shall be offered to the proprietors of the other class; and if all such proprietors refuse the assessment, the Settlement-officer shall proceed as provided in section fifty-seven;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all had refused it or may deal with the mahál under section fifty-eight:

Provided that if, in the case contemplated by clause (*b*), the proprietors who consented to accept the assessment when originally offered refuse to accept it, such assessment shall be offered to the other class of proprietors.

60. If all or any of the inferior proprietors refuse any assessment offered under section fifty, the Settlement-officer may exclude them all from the sub-settlement, and assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.

Procedure on refusal of assessment by inferior proprietors.

61. Any proprietor excluded from settlement under section fifty-seven or section fifty-nine, clause (*a*), shall be entitled to receive from the Government an

Allowance to excluded proprietors.

annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent., or more than ten per cent., on the amount of the assessment offered to him by the Settlement-officer.

62. Any proprietor excluded from settlement or sub-settlement under sections fifty-seven to sixty, both inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant, and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Excluded proprietors to have occupancy-rights in their sír-land.

63. The aggregate amount of any allowance under section sixty-one, and of the difference between the rent fixed under section sixty-two and the rent which the excluded proprietor would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. on the amount of the assessment offered to him by the Settlement-officer.

Aggregate amount of allowance granted to, and deduction from rent allowed to, excluded proprietor.

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the málguzárs of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the málguzárs such percentage thereon, not exceeding twenty per cent., as may in his opinion be sufficient to compensate the said málguzárs for their responsibility in respect of the land-revenue, and to provide for the fees of lambardárs and mukaddams.

Sub-settlement with málik-makbúzás and other like holders of land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

Revenue payable under sub-settlement to be first charge on land.

66. When the whole of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion to the several holdings the amount with which such land is assessed under a settlement or sub-settlement.

Settlement-officer to apportion assessment over lands held in severalty;

When only part of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion such amount to the part held in common and the part held in severalty, and shall further apportion to the several holdings the amount to which they are liable under the former apportionment.

67. When by established custom the land held by each proprietor in any mahál is subject to periodical redistribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such redistribution according to such custom.

to redistribute land according to custom.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

68. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land comprised in each mahál.

Settlement-officer to ascertain proprietors;

69. The Settlement-officer shall ascertain the situation and determine the extent of all the land held as sír in each mahál.

to determine extent of sír-land;

70. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as to the granting of pattás, the ejectment of tenants, the realization and distribution of rents and other profits, the payment of land-revenue, village-expenses and other charges, and generally as to the control and management of the mahál; and shall decide all disputes and record all agreements regarding the matters mentioned in this section.

to decide disputes among shareholders regarding management of mahál;

71. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or málik-makbúzá shall be paid.

to determine through what lambardárs revenue shall be paid;

72. The Settlement-officer shall ascertain, and record for each mahál, the status of all tenants occupying land therein, the lands respectively held by them, the conditions on which they respectively hold such lands, and the rents (if any) payable by them respectively.

to ascertain status and rents of tenants.

73. The Settlement-officer shall investigate all claims against the Government to hold land free from revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free from revenue.

Enquiry into claims to hold free from revenue as against Government.

The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

Power of Chief Commissioner to make rules.

74. When any land not being land which any person is entitled to hold free from revenue as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the other málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land, and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Enquiry as to claims to hold free from revenue as against málguzárs.

Provided that no decision under this section shall exempt any land from the payment of revenue, when the mahál in which such land is comprised is sold for arrears of revenue.

The Chief Commissioner may make rules for the guidance of Settlement-officers in dealing with cases under this section.

Chief Commissioner may make rules for disposal of such cases.

75. When the Settlement-officer decides, under section seventy-three or section seventy-four, that land which has been held free from revenue, or at less than a full assessment, is

Time from which orders under sections 73 and 74 take effect.

liable to pay revenue, or to pay the same at enhanced rates, such decision shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of the revenue accruing due within any one or more of the last preceding twelve years shall be realized.

Settlement-officer to decide what village-cesses are leviable;

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

to determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

(*a*) the right of any lambardár, mukaddam, patwárí, village-watchman or other village-servant to any customary dues, or other remuneration, and his liability to render any customary service in return for such dues or remuneration;

(*b*) the rights of persons resident in the village or holding lands comprised in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

Procedure in cases under sections 68, 69, 70, 72 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter mentioned or referred to in sections sixty-eight, sixty-nine, seventy, seventy-two and seventy-seven, clauses (*b*), (*c*) and (*d*), the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahals, a record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter in respect of such mahál or group; and

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

Chief Commissioner may make rules regarding record-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested in the matters to which they refer.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

Effect of entries in record-of-rights.

82. When the record-of-rights is duly made and attested, all entries therein shall be presumed to be correct until the contrary is shown.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section seventy-eight; or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the record-of-rights as to any matter referred to in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Provided as follows:—

When any suit under this section is instituted for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit:

No persons by whom the record-of-rights was signed, and no persons claiming through or under them shall, without the previous sanction of the Chief Commissioner, institute any suit with a view to modify or set aside any entry relating to any matter mentioned in section seventy or section seventy-seven, clause (*b*), (*c*) or (*d*).

Revision of record-of-rights by Chief Commissioner.

84. After an assessment has been confirmed by the Governor General in Council, the Chief Commissioner shall not exercise in respect of any entry of the descriptions referred to in section eighty-three duly made in a record-of-rights prepared in connection with such assessment and duly attested, the power of revision conferred by sections twenty-five and thirty-one, unless it is proved that such entry was made inadvertently.

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct.

CHAPTER VII.

OF SETTLEMENTS MADE BEFORE THIS ACT COMES INTO FORCE.

Former settlements deemed to have been made under this Act.

86. Settlements made before this Act comes into force shall be deemed, so far as may be, to have been made hereunder; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements hereunder shall apply in like manner to proceedings taken and records prepared before this Act comes into force.

Effect of awards of proprietary rights at such settlements.

87. When a Settlement-officer or Settlement Court has, at any settlement made before this Act comes into force, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been expressly decided by him or it to be invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court.

The award at any such settlement of proprietary rights in land to a widow shall be deemed to confer on her those rights only which, in accordance with the personal law to which she is subject, she would enjoy in land inherited by her from her husband.

When suits for proprietary rights will lie in Civil Courts.

88. Any person whose claim to proprietary rights in any land was not expressly decided by such officer or Court may sue in a Civil Court to establish such claim; and if he can prove that, when proprietary rights in such land were awarded by such officer or Court to other persons, he was entitled to interests therein of the same nature as those upon consideration of which the award was made, the Civil Court may declare him entitled to a proprietary right of such nature and extent in the land as it may deem just.

Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

89. When at any settlement made before this Act comes into force málik-makbúzás have been declared entitled to a portion of the waste-lands comprised in any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the nature and extent of their interests therein and the conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER VIII.

OF THE COLLECTION OF LAND-REVENUE.

Power of Chief Commissioner to regulate payment of land-revenue.

90. Notwithstanding anything contained in the record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are payable when this Act comes into force.

"Arrear."
"Defaulters."

91. When any sum payable under a settlement or sub-settlement is not paid within the time at which it is payable under section ninety, such sum shall be deemed to be an arrear; and all the persons with whom such settlement or sub-settlement was made, their representatives and assigns, shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this **Act.**

Realization of Revenue from Málguzárs.

Tahsíldár's statement of account to be conclusive evidence of arrear.

92. A statement of account, authenticated by the signature of the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.

Notice of demand.

93. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

Processes for recovery of arrears.

94. An arrear payable directly to Government may be recovered by any one or more of the following processes:—

(*a*) by arresting the defaulter and imprisoning him in the civil jail;

(*b*) by attaching and selling his moveable property;

(*c*) by attaching the mahál in respect of which the arrear has accrued or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same mahál, share or land under direct management;

(*d*) by transferring the share or land of any málguzár who has not paid such portion to any málguzár who has paid the same, or if every such málguzár declines to accept such share or land, to any person having a mortgage or charge upon the same, and who consents to accept it;

(*e*) by annulling the settlement of the mahál in respect of which the arrear has accrued, and taking such mahál under direct management or farming the same;

(*f*) by selling such mahál, or the share or land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has accrued:

Provided as follows:—

(1) the process mentioned in clause (*a*) shall not be issued against any female, minor, lunatic or idiot;

(2) the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) shall not be enforced without the previous sanction of the Chief Commissioner;

(3) no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing in respect of land whilst it is under attachment, or under charge of the Superintendent of Government Wards, or held under direct management, or let in farm in accordance with any of the provisions of this Act.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

Arrest and imprisonment for recovery of arrear.

95. The process mentioned in section ninety-four, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the Tahsíldár may order him to be taken before the Deputy Commissioner, or may keep him under personal restraint at the

tahsíl for a period not exceeding ten days, unless within such period the arrear is paid, and may then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

Imprisonment of defaulter in civil jail.

96. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid.

Procedure in sales of moveable property.

97. Attachments and sales of moveable property made under this chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court.

Management of mahál, share or land attached under section 94 (*c*).

98. After causing any attachment to be made under section ninety-four, clause (*c*), the Deputy Commissioner shall issue a proclamation declaring the attachment to be in force, and shall take the attached mahál, share or land under his own management, or place it under the management of any agent whom he may appoint for the purpose.

Effect of attachment.

99. During the continuance of an attachment under section ninety-eight, the defaulters shall be excluded from possession of the land attached, and the Deputy Commissioner or the agent appointed by him shall have all their rights to manage the land and to realize the rents and profits arising therefrom, and shall be bound by all their liabilities as málguzárs or proprietors to any subordinate proprietors or tenants of such land.

Profits of land how applied.

100. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue becoming due in respect of such land during the attachment; and next, to discharging the arrear for the recovery of which the attachment was made.

Attachment when to cease.

101. The attachment shall continue until the arrear is paid or realized from the profits of the land attached, or the Deputy Commissioner reinstates the defaulters in possession:

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

Transfer under section 94 (*d*).

102. When it is proposed to execute the process mentioned in section ninety-four, clause (*d*), the persons to whom the share or land in respect of which the arrear is due is to be transferred shall be required to pay such arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

Joint and several liability not affected by transfer.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the mahál for arrears accruing in respect of such mahál subsequently to the transfer of the share or land except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose share or land is transferred.

Procedure after receipt of sanction to annulment of settlement.

103. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession of the mahál, and either manage the mahál or any portion thereof himself or through an agent, or let the mahál or any portion thereof in farm for such term and on such conditions as the Chief Commissioner directs:

Provided that no management or farm under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

After the date of such proclamation no liabilities shall accrue under the settlement so annulled; but such annulment shall not affect anything done or any liability incurred under the settlement before such date.

Case of a portion of a mahál being managed or farmed.

104. When a portion only of the mahál is managed or let in farm under section one hundred and three, the rest of such mahál shall be separately resettled with the proprietors thereof for the remainder of the term of settlement.

Settlement on expiry of management or farm.

105. As soon as the management or farm of any mahál or portion thereof has come to an end, the Deputy Commissioner shall offer to the persons entitled under section forty-nine to an offer of assessment a new assessment of the land, on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the mahál; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such mahál or portion in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

Effect of annulment of settlement.

106. No leases, liens or other incumbrances created by the defaulters, or by any person through or under whom they claim, of, or upon any land managed or let in farm under this Act, shall, during such management or farm, be binding upon the Deputy Commissioner or Settlement-officer, his agent or lessee.

Saving of rights in sír-land.

107. No defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section ninety-four, clauses (*c*), (*d*) and (*e*); but every such defaulter shall, while such process is being enforced, be entitled to retain possession of, and liable to pay rent for, such land as if he were an absolute occupancy-tenant, at such rent as may be fixed by the Deputy Commissioner.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all leases, liens and other incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nothing in this section shall—

(*a*) affect the rights of any proprietor superior or inferior to the defaulters or of any málik-makbúzá or occupancy-tenant who does not derive his rights as such proprietor, málik-makbúzá or tenant from express contract with such defaulters, or any person through whom they claim; or

(*b*) apply to lands held under leases at fair rents for the erection thereon of dwelling-houses, places of worship or manufactories, or for working mines, minerals, coals and quarries, or for laying out and maintaining gardens and burial-grounds, or for constructing tanks and canals, so long as the lands continue to be used for the purposes specified in such leases respectively; or

(*c*) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by any law for the time being in force.

The Chief Commissioner may, from time to time, determine what rents shall be deemed to be fair rents within the meaning of this section.

Rules for sale of immoveable property.

109. When immoveable property is sold under this Act, the rules prescribed in sections 287, 288, 293 and 306 to 316, both inclusive, of the Code of Civil Procedure shall be followed, except in the following particulars (that is to say):—

(*a*) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(*b*) The proclamation directed by the said section 287 shall, when the sale is under clause (*f*), section ninety-four of this Act, declare that, subject to the provisions of section one hundred and eight, the full proprietorship, or superior or inferior proprietorship, as the case may be, is to be sold free from all leases, liens and other incumbrances, and the certificate mentioned in section 316 of the said Code shall contain a similar statement.

(*c*) The last two clauses of the said section 287 shall not apply.

(*d*) An appeal from any order under section 312 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the Division, and an appeal from the Commissioner's order on such appeal shall lie to the Chief Commissioner.

(*e*) The Deputy Commissioner may, from time to time, postpone any sale which he has proclaimed, reporting such postponement to the Commissioner of the Division.

(*f*) Section 309 of the said Code shall be read as if, after the words "for such payment," the words "and every sale of such property made after a postponement" were added.

(*g*) Section 313 of the said Code shall not apply to sales under section ninety-four, clause (*f*), of this Act.

(*h*) Section 316 of the said Code shall be read as if the words "The Deputy Commissioner shall place the purchaser in possession of the lands which he has purchased" were added thereto.

Pre-emption at sales.

110. In the course of a sale under section ninety-four, clause (*f*), if the property is knocked down to a stranger, the following persons may claim to take it at the sum last bid in the following order:—

(*a*) any málguzár who has paid the revenue which as between him and the other málguzárs is payable by him;

(*b*) if the superior proprietorship is sold, the inferior proprietor;

(*c*) if the inferior proprietorship is sold, the superior proprietor:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant undertakes to fulfil all the conditions of the sale binding on the purchaser.

Application of proceeds of sale of immoveable property.

111. The proceeds of every sale in execution of any process mentioned in section ninety-four shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear due to Government by the defaulter; and the surplus, if any, shall then be payable to him, or, where there are more defaulters than one, to such defaulters according to their respective shares in the property sold.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section ninety-three and of enforcing any process mentioned in section ninety-four shall be recoverable as part of the arrear in respect of which the notice was served and the process was issued.

Matters as to which Chief Commissioner may make rules.

113. The Chief Commissioner may make rules—

(*a*) for the guidance of Revenue-officers in issuing notices of demand under section ninety-three and executing the processes mentioned in section ninety-four;

(*b*) defining the classes of officers by whom the processes mentioned in section ninety-four, clauses (*a*) and (*b*), may be enforced;

(*c*) prescribing the agency by which any of the processes issued under section ninety-four shall be executed.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section ninety-two, when proceedings are taken under this Act for the recovery of an arrear, the person against whom such proceedings are taken may, if he denies that the arrear or any part thereof is due,

pay the same under protest made at the time of payment and duly signed by him or by his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Realization of Revenue by Málguzárs.

115. In a suit for the recovery of an arrear of revenue not being revenue payable directly to Government, and in a suit brought by a lambardár to recover the amount of any revenue payable to Government through him, the defendant shall not, except with the permission of the Court,—

Limitation of right to set-off, &c., in suit for arrears.

(*a*) set-off against the plaintiff's demand any sum of money recoverable by him from the plaintiff; or

(*b*) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

116. Any lambardár or sub-lambardár entitled to recover an arrear, or any málguzár to whom such an arrear is due under a sub-settlement, may, before instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of revenue payable directly to Government.

Recovery of arrear through Deputy Commissioner instead of by suit.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons who would be defendants if a suit were instituted for the recovery of such arrear, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section one hundred and fourteen in respect of an arrear as to which an order has been made under this section.

No person on whose account the Deputy Commissioner proceeds under this section to recover an arrear shall thereby be relieved of his responsibility for such arrear.

117. Nothing in the Indian Limitation Act, 1877, and no agreement made after this Act comes into force, shall bar the right of the málguzárs of any mahál assessed with land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment, has been held by any person without payment of revenue.

Saving of right of málguzár to demand revenue of land assessed to revenue and held free.

The Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

118. No suit for the recovery of revenue payable under a settlement or sub-settlement shall be instituted after three years reckoned from the date on which such revenue becomes payable.

Limitation in suits for revenue.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

Interest on Arrears.

119. Interest shall not be charged on an arrear of revenue unless the Chief Commissioner, by general or special order, so directs; provided that the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

Interest on arrears.

CHAPTER IX.

OF REVENUE AND VILLAGE RECORDS.

120. Any entry in the record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion. Such correction may be made on one or more of the following grounds and on no others:—

Correction of record-of-rights.

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section eighty-three it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court, or on the order of a Revenue or Settlement officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

121. The Deputy Commissioner may revise a record-of-rights when such revision is provided for in such record.

Revision of record in accordance with provision therein contained.

122. When the Deputy Commissioner takes proceedings for the correction of any entry in the record-of-rights or for the revision of such record-of-rights, he shall exercise, for the purpose of such correction or revision, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Powers of Deputy Commissioner as to correction of entry or revision of record.

123. The Chief Commissioner may, in his discretion, by notification in the official Gazette, direct that any specified rule, custom or condition duly entered in the record-of-rights of any specified village shall be enforced by the Government.

Power to direct that rule or custom entered in record-of-rights shall be enforced by Government.

If any of the persons with whom a settlement or sub-settlement has been made, violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided by any law for the time being in force for such violation or neglect, recover from such person a penalty not exceeding two hundred rupees.

Punishment of violation of such rule or custom.

124. Any person against whom proceedings have been taken under section one hundred and twenty-three may institute a suit against Government to set aside such proceedings on the ground that no rule, custom or condition was, in fact, violated or neglected. If the Court finds that no rule, custom or condition has been violated or neglected, it may by its order annul such proceedings, and direct that any penalty paid by the plaintiff be refunded; and may also award to him such costs as he has necessarily incurred in the proceedings, and such further sum as compensation as it thinks fit.

Suit to set aside proceedings under section 123.

125. The Chief Commissioner may—

Powers of Chief Commissioner as to registration of changes after preparation of record-of-rights.

(*a*) direct that the mukaddam of each village shall, for the purpose of showing the changes occurring therein subsequently to the preparation of the record-of-rights, prepare, or, where there is a patwárí, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe;

(*b*) lay down the procedure to be followed in order to ascertain that a change has occurred in the village, and the nature of such change.

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the record-of-rights, and the Chief Commissioner may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained in this behalf.

126. All persons lawfully entering into possession of proprietary rights and interests in any land shall, within a reasonable time, give notice of such entry to the Tahsíldár of the tahsíl in which such land is situated.

Possession of proprietary rights to be notified.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

If the person so entering is a minor, lunatic or idiot, the guardian or other person who has charge of his property shall give the notice required by this section.

Notice to be given by guardian in case of minority or idiotcy.

127. Any person neglecting to give the notice required by section one hundred and twenty-six shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues.

Fine for neglect to give notice of possession.

128. All persons being in possession of proprietary rights in land shall, on being so required by the Deputy Commissioner, prepare, or cause to be prepared, such papers, and furnish such information, as may be required for the preparation of the village-papers prescribed under section one hundred and twenty-five.

Obligation to aid in preparation of village-papers.

129. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section one hundred and twenty-five, and may fix the amount of such fees.

Fees for recording changes;

All fees so leviable shall be levied from the person in whose favour the change is made.

from whom leviable.

130. The Deputy Commissioner shall in each year make enquiry regarding all cases in which land has been granted by Government, conditionally or for a time, free, wholly or in part, from the payment of revenue.

Annual enquiry regarding land held free from revenue.

If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the Division for the orders of the Chief Commissioner, who may direct that the land be assessed, or may pass such other order as he thinks fit.

Procedure on breach of conditions of grant.

If it appears to the Deputy Commissioner that the term of any such grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold the land comprised in the grant, free from revenue, or at less than full revenue-rates, has died, he shall assess the same, and shall report his proceedings through the Commissioner of the Division for the sanction of the Chief Commissioner.

Procedure on expiry of term of grant.

131. All records kept under this Act shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

Inspection of revenue-records.

CHAPTER X.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

132. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement-officers for the following purposes:—

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officers' powers.

(*a*) causing boundary-marks to be erected or repaired, and recovering the cost of such erection and repair;

(*b*) assessing land-revenue on lands which are liable to assessment, but have not been assessed;

(*c*) declaring any local area to be a mahál;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be readmitted;

(*e*) settling mahals in respect of which an application has been made under the third proviso to section fifty-six;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the málguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village-cesses which are levied when this Act comes into force, but have not been recorded at the settlement.

133. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections forty, forty-one and forty-two; or,

Purposes for which officers may be invested with Settlement-officers' powers.

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section fifty-six.

Cognizance of, and penalty for, offence of injuring boundary-marks.

134. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Náib Tahsíldár empowered by the Chief Commissioner in this behalf to pay to the officer making the order, in addition to any fine to which such person would be liable under section 434 of the Indian Penal Code, such sum, not exceeding fifty rupees, as may in the opinion of such officer be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, removal or damage.

Procedure when person injuring cannot be found.

135. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.

Partition of a mahál into two mahals.

136. Any málguzárs of a mahál who are not co-sharers with the other málguzárs of such mahál in any lands comprised in such mahál, except such lands as are under the law relating to partition for the time being in force indivisible, may apply to the Deputy Commissioner to make the lands held by them separately from such other málguzárs a separate mahál; and the Deputy Commissioner shall thereupon make such lands and the lands held separately by the remaining málguzárs separate mahals, and shall, with the previous sanction of the Commissioner, apportion between the two new mahals thus constituted the entire revenue assessed upon the original mahál.

CHAPTER XI.

VILLAGE-OFFICERS AND PATWÁRIS.

Power to make rules as to officers.

137. The Chief Commissioner may make rules regulating the appointment, remuneration, suspension and removal of lambardárs, sub-lambardárs and mukaddams:

Provided that, except with the previous sanction of the Governor General in Council, proprietors, other than málik-makbúzás, shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is assessed on their land, or which, when their land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessed on their land if it were subject to assessment.

In framing rules for the appointment under this section of lambardárs and sub-lambardárs for any mahál, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the record-of-rights of such mahál.

In every village in which there are resident málguzárs, one of such málguzárs shall be the mukaddam.

Duties of lambardárs.

138. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government Treasury so much of the land-revenue as may under section seventy-one be payable through him, either solely or jointly with other lambardárs or sub-lambardárs;

(*b*) to collect and pay to the mukaddam, or into the Government Treasury, as the Deputy Commissioner may direct, all sums of money payable through him, either solely or jointly with other lambardárs or sub-lambardárs, by the proprietors whom he represents, on account of the remuneration of the mukaddam, patwárís or village-watchmen, or on account of any expenses which the mukaddam is authorized to recover from the lambardárs or sub-lambardárs of his village;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

Lambardárs may recover fees and other charges from proprietors.

139. Together with the land-revenue, lambardárs and sub-lambardárs may recover from the proprietors whom they respectively represent—

(*a*) any remuneration to which they are entitled as such; and

(*b*) the sum which, under section one hundred and thirty-eight, they are bound to pay to mukaddams:

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

140. On the application of any málik-makbúzá or other like holder of land, or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, order that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid into the Government Treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made into the Government Treasury, such portion of the percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be so paid, and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of their fees and the other village-expenses.

Duties of mukaddams.

141. It shall be the duty of every mukaddam—

(*a*) to control and superintend the village-patwárí and village-watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of his village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to report and, if possible, to prevent encroachments on the public paths and roadways in his village;

(*d*) to preserve such stations and marks erected in his village by Government-surveyors as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands, and for securing to persons entitled to cut wood and enjoy other privileges in the waste-lands of the village the rights to which they are entitled;

(*g*) to collect, or aid in the collection of, all payments due to Government in his village;

(*h*) to report all births and deaths taking place in his village.

The Chief Commissioner may make rules—

(1) adding to the list of duties which a mukaddam is required to perform under this section; and

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*c*) in respect of such village, and for apportioning such charges among such persons; and

(3) determining the officers to whom reports under this section shall be made.

Liabilities imposed by law on landholders to attach to mukaddams.

142. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act:

Provided that nothing herein contained shall discharge landholders, their managers or agents, or the like, from any liabilities imposed upon them by law.

Power of mukaddams to recover certain expenses incurred.

143. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties.

Chief Commissioner may make rules as to patwárís.

144. The Chief Commissioner may make rules—

(*a*) regulating the manner in which patwárís are to be selected; prescribing the conditions under which they may be appointed; and fixing the limits of their circles and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwárí, when such persons are unable to act;

(*c*) prescribing the fines which may be imposed on patwárís and their substitutes for neglect of their duty, and stating the circumstances under which they may be suspended or removed:

Provided that, except with the previous sanction of the Governor General in Council, no proprietor shall be compelled to pay as remuneration to patwárís a sum exceeding six per cent. on the revenue for the time being assessed on his land, or which, when his land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

145. The Chief Commissioner may make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of making the settlement next before this Act comes into force, the maintenance of a patwárí was made optional, and the persons settled with are unable to agree as to whether a patwárí should be maintained, and for dealing with cases where no patwárí is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwárí.

Such rules may empower the Deputy Commissioner, in the latter class of cases—

(*a*) to impose fines not exceeding fifty rupees on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwárís in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwárís.

Nothing in the proviso to section one hundred and forty-four shall apply to patwárís so appointed.

Chief Commissioner may define duties of patwárís.

146. The Chief Commissioner may make rules prescribing the duties of patwárís—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

(*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwárís may demand in respect of the performance of such duties.

Patwárís' papers to be public documents.

All records and papers which patwárís are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, and to be the property of Government.

Patwárís to produce papers for inspection, and to allow copies to be made.

147. Patwárís shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep, and shall allow such persons to make copies of such records and papers.

148. All existing lambardárs, sub-lambardárs, mukaddams and patwáris shall, unless the Chief Commissioner in any specified case otherwise directs, be deemed to have been appointed under this Act.

Existing officers confirmed.

149. Any sums which lambardárs, sub-lambardárs, mukaddams and patwáris are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Lambardárs' and other officers' dues recoverable as arrears.

150. In each village of the district of Sambalpúr all persons holding sír-land, other than mukaddams, are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may make rules for the enforcement of this obligation.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

PART V.

CHAPTER XII.

MISCELLANEOUS.

151. Unless it is otherwise expressly provided in the records of a settlement or by the terms of a grant made by the Government, the right to all mines, minerals, coals and quarries, and to all fisheries in navigable rivers, and the right to extract sap from all palmyra and cocoanut trees, shall be deemed to belong to Government; and the Government shall have all powers necessary for the proper enjoyment of such rights:

Right to mines and quarries.

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such persons compensation for such infringement, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

152. Except as otherwise hereinbefore provided,—

Exclusive jurisdiction of Revenue-authorities.

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer is, by this Act, empowered to determine or dispose of; and in particular

Matters excepted from jurisdiction of Civil Courts.

(*b*) no Civil Court shall exercise jurisdiction over any of the following matters:—

(1) any matters provided for in sections forty, forty-one, forty-two and eighty-nine, as to waste-lands:

(2) the claim of any person to have an assessment offered to, or sub-settlement made with, him:

(3) the amount of revenue or rate to be assessed on any mahál, share or portion of a mahál under this or any other Act for the time being in force:

(4) questions as to the validity of any engagement with Government for the payment of land-revenue, or of any agreement entered into by superior or inferior proprietors in a settlement or sub-settlement:

(5) claims connected with or arising out of any process enforced on account of refusal to accept the assessment offered in a settlement or sub-settlement by the Settlement-officer or Deputy Commissioner:

(6) the amount of the allowance or rent fixed under section sixty-one or sixty-two:

(7) the redistribution according to established custom, by a Settlement-officer, of land comprised in a mahál:

(8) the formation of the record-of-rights,

the preparation, signing or attestation of any of the documents contained therein, or

the notification of settlement:

(9) any matters provided for or referred to in section seventy-three, seventy-four or one hundred and thirty as to lands held or claimed to be held free from revenue, except rights arising under any contract between the Government of India and grantees of land:

(10) claims connected with, or arising out of, the collection of revenue, or any process enforced on account of an arrear of revenue, or on account of any sum which is under this or any other Act realizable as revenue:

(11) claims to set aside, on any ground other than fraud, sales for arrears of revenue:

(12) corrections of entries or revisions of records under sections one hundred and twenty, one hundred and twenty-one and one hundred and twenty-two:

(13) claims to have a partition and apportionment made under section one hundred and thirty-six, and questions as to the distribution or apportionment under that section of the land or of the revenue of a mahál:

(14) claims to the office of patwári, lambardár, sub-lambardár or mukaddam, or in respect of any injury caused by exclusion therefrom, or to compel the performance of the duties thereof:

(15) claims to compel the performance of any duties imposed by this Act on any Revenue or Settlement officer.

In all the above cases jurisdiction shall rest with the Revenue-authorities only.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village-cess which has not been sanctioned by the Chief Commissioner and also either recorded at a settlement or under section one hundred and thirty-two, clause (*h*).

For what village-cesses suit lies.

154. Whenever, at any settlement made before this Act comes into force, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation.

Limitation of claims for compensation in case of waste-land demarcated as property of Government.

155. No Revenue or Settlement officer, and no person employed in any Revenue or Settlement office, shall, except with the express permission of the Chief Commissioner,—

Restriction on Revenue and Settlement officers trading and holding land.

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class of officers.

Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1866.

156. When any mahál is managed or let in farm under section fifty-seven or fifty-eight, or when either of the proclamations mentioned in sections ninety-eight and one hundred and three has been made, all sums due to the proprietor in respect of the mahál, share or land mentioned in any of the said sections shall be payable only to the Deputy Commissioner or Settlement-officer, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner or Settlement-officer, be credited to the person making the same in account with the Deputy Commissioner or Settlement-officer, his agent or lessee.

When mahál managed or farmed, or upon proclamation under section 98 or 103, rent payable to Deputy Commissioner.

Payment to proprietor in anticipation of due date.

157. When any land has been let in farm under the provisions of this Act, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of balances due by farmers.

158. All land-revenue due when this Act comes into force, and all penalties or other moneys payable to, or recoverable by, an officer of Government under this Act, shall be recovered from the persons from whom they are due and from the sureties (if any) of such persons as if such land-revenue, penalties or moneys were an arrear of revenue payable directly to Government due under this Act by such persons and their sureties.

Recovery of revenue due when Act comes into force; and of money payable under Act.

159. All proceedings taken before this Act comes into force for the collection of the land-revenue or the realization of arrears thereof shall be deemed to have been taken in accordance with law.

Past proceedings for collection of revenue legalized.

160. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may empower persons by name, or confer powers on classes.

161. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may vary or cancel orders.

162. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for carrying out its provisions, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or, when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

Chief Commissioner may make rules and attach penalty to breach thereof.

All powers to make rules conferred by this Act on the Chief Commissioner shall be exercised subject to the control of the Governor General in Council, and may be exercised from time to time as occasion requires.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the local official Gazette.

All such rules, when so published, shall have the force of law.

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

Number and year.	Title.	Extent of repeal.
Act XII of 1841.	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces of Bengal.	The whole.
Act XXXI of 1858.	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

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(*Nothing hereinafter contained shall be deemed to have the force of law.*)

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The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY JUNE 25, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publicatin.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th June, 1881, and is hereby promulgated for general information:—

ACT No. XVIII OF 1881.

THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881.

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SCHEDULE—ENACTMENTS REPEALED.

An Act to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Land-revenue Act, 1881":

Local extent.

It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces, except those specified in Part VI of the first schedule of the Scheduled Districts Act, 1874:

Commencement.

And it shall come into force on such day as the Chief Commissioner, with the previous sanction of the Governor General in Council, may direct by notification in the local official Gazette.

Enactments repealed.

2. On and from such day the enactments mentioned in the schedule hereto annexed, so far as they relate to the territories to which this Act extends, and all other rules, regulations and enactments relating to the settlement and collection of the land-revenue in such territories, shall be repealed.

Pending proceedings.

3. All proceedings relating to matters dealt with by this Act and, when this Act comes into force, pending before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

Interpretation-clause.

4. In this Act, unless there is something repugnant in the subject or context,—

"Assistant Commissioner":

(1) "Assistant Commissioner" includes also "Extra Assistant Commissioner":

"Legal Practitioner":

(2) "Legal Practitioner" means an advocate, vakíl or attorney of any High Court, a pleader, mukhtár or revenue-agent:

"Village-cess":

(3) "Village-cess" means any cess which a person resident or holding lands in a village pays or renders to the proprietors as such of the village, and includes service rendered or things furnished as well as money paid:

"Recognized agent":

(4) "Recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in such proceeding and also belonging to any class which the Chief Commissioner may, from time to time, by notification in the official Gazette, declare in this behalf:

"Agricultural year":

(5) "Agricultural year." means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified District or Districts, from time to time, appoint:

"Sír-land":

(6) "Sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement of the local area in which such land is situate; and (*b*) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; and (*c*) waste land which has been broken up by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years; and (*d*) in Sambalpúr, includes also "bhogra" land.

Explanation.—Land which has, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been for a period of six consecutive years unoccupied by such proprietor is not sír-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sír-rights:

"Mahál":

(7) "Mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of this Act, to be a mahál:

"Village":

(8) "Village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Málguzár":

(9) "Málguzár" means a person who, under the provisions of this Act, has accepted, or is to be deemed to have accepted, the assessment of a mahál, and includes his representatives and assigns; and also any person with whom a settlement has been made before this Act comes into force, and his representatives and assigns:

(10) "Málik-makbúzá" means any person owning one or more plots of land assessed with revenue in a mahál; but it does not include a málguzár or inferior proprietor:

"Málik-makbúzá":

(11) "Lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

"Lambardár":

(12) "Sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with the superior proprietors:

"Sub-lambardár":

(13) "Mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

"Mukaddam":

(14) "Tenant" means a person who holds land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person; but it does not include a farmer, mortgagee or thekadár of proprietary rights.

"Tenant":

Explanation.—An inferior proprietor is not, as such, a tenant:

(15) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

"Rent":

(16) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before this Act comes into force, or after such a settlement but before this Act comes into force, was recorded, by order of a Revenue or Settlement officer, in respect of such land, as an "absolute occupancy-raiyat," or in terms equivalent thereto:

"Absolute occupancy-tenant":

(17) "Record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before this Act comes into force.

"Record-of-rights."

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

5. The Chief Commissioner shall, subject to the control of the Governor General in Council, be the Chief Controlling Revenue-authority.

Chief Controlling Revenue-authority.

6. Besides the Chief Commissioner, there shall be the following classes of Revenue-officers (namely):—

Revenue-officers.

(*a*) Commissioners, who, subject to the control of the Chief Commissioner, shall be the Chief Revenue-authorities within their respective divisions:

(*b*) Deputy Commissioners, who, subject to the control of the Commissioner, shall be the Chief Revenue-authorities within their respective districts:

(*c*) Assistant Commissioners, who shall be subordinate to, and under the control of, the Deputy Commissioners of the districts to which they are respectively attached:

(*d*) Tahsíldárs, who, subject to the control of the Deputy Commissioner, shall be the Chief Executive Revenue-authorities in the tahsíls to which they are respectively attached:

(*e*) Náib Tahsíldárs, who shall be subordinate to the Tahsíldárs of the tahsíls to which they are respectively attached.

7. Subject to the control of the Governor General in Council, the Chief Commissioner shall appoint, and may suspend or remove, Commissioners, Deputy Commissioners and Assistant Commissioners.

Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.

8. The Chief Commissioner shall appoint, and may suspend or remove, Tahsíldárs; and may also make rules for regulating the appointment, duties, suspension and removal of Náib Tahsíldárs.

Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the territories to which this Act extends when this Act comes into force shall be deemed to have been appointed hereunder.

Persons holding office when Act comes into force.

10. The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed, but subject, in the case of an additional Commissioner or additional Deputy Commissioner, to the like sanction.

Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.

The Chief Commissioner may invest any additional Commissioner, Deputy Commissioner or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár, as the case may be.

11. The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.

12. Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was, under any provision of this Act, invested by the Chief Commissioner in the district or tahsíl from which he is transferred.

Officers transferred to retain powers with which they were invested.

13. When a Deputy Commissioner dies or is disabled from performing his duties, such officer as the Chief Commissioner may by rule direct shall take executive charge of his district, and shall be deemed to be a Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor

Provision for discharge of duties of Deputy Commissioner dying or being disabled.

takes charge of his office, or until the person so disabled resumes charge of his office.

14. The Chief Commissioner may, from time to time, by notification in the official Gazette, alter the limits of any district or tahsíl, create new districts or tahsíls and abolish existing districts or tahsíls.

Chief Commissioner may alter limits of district or tahsíl.

15. The Chief Commissioner may, subject to the control of the Governor General in Council, invest any Revenue-officer with any of the following powers :—

Power to invest Revenue-officers,—

for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure on a Civil Court;

with power conferred by Code of Civil Procedure;

power to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty conferred or imposed on him by this Act;

with power to delegate powers.

and, subject to the like control, may determine the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made in this Act shall be disposed of.

16. Subject to any rules which the Chief Commissioner may make in this behalf, a Deputy Commissioner may—

Power of Deputy Commissioner to distribute work.

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner, or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

17. The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him and having power to dispose of the same.

Power of superior Revenue-authorities to withdraw and transfer cases.

18. All Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power of Revenue-officers to enter on land, &c.

19. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue-officers in cases for which a procedure is not prescribed by this Act, and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue-officers.

Power to make rules to regulate procedure.

20. All appearances before, applications to, and acts to be done before, any Revenue-officer under this Act may be made or done—

Persons by whom appearances and applications may be made before and to Revenue-officers.

(*a*) by the parties themselves; or,

(*b*) with the permission of the officer, by their recognized agents or any legal practitioner:

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

Obligation of parties to attend in person.

21. The fees of a legal practitioner or recognized agent shall not be allowed as costs before any Revenue-officer unless such officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

Legal practitioner's or agent's fees not allowed unless for special reasons.

22. An appeal shall lie against every decision or order under this Act—

Appeals.

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner, except an Assistant Commissioner exercising the powers of a Deputy Commissioner,—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal,—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division,—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed.

Limitation of appeals.

23. No appeal shall lie—

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the provisions of the Indian Limitation Act, 1877, shall apply.

24. Any Commissioner or Deputy Commissioner may at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, any Revenue-officer subordinate to him, call for and examine the record of any case pending before, or disposed of by, such officer, and may pass such order in reference thereto as he thinks fit:

Powers of revision of Commissioner and Deputy Commissioner.

Provided that he shall not under this section modify or reverse any order affecting any question of right between private persons, without having given to the parties interested reasonable notice to appear and be heard in support of such order.

25. The Chief Commissioner may at any time call for and examine the record of any case pending before, or disposed of by, any Revenue-officer, and may pass such order in reference thereto as he thinks fit:

Powers of revision of Chief Commissioner.

Provided that no order affecting any question of right between private persons shall be passed under this section unless the Chief Commissioner has given the parties interested an opportunity of being heard.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm orders passed by himself or by any of his predecessors in office:

Review of orders.

Provided as follows—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is immediately subordinate:

(2) no order shall be modified or reversed unless reasonable notice has been given to the parties interested to appear and be heard in support of such order:

(3) no order against which an appeal has been preferred shall be reviewed while such appeal is pending:

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings; and no application for the review of such an order shall be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within such period.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any Revenue-officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SURVEY AND SETTLEMENT.

CHAPTER III.

PRELIMINARY.

27. Whenever it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he shall publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for making the survey.

Notification of revenue-survey.

Effect thereof.

28. When any local area is to be settled, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement, and in such notification shall—

Notification of settlement.

(*a*) define the local area to be settled;

(*b*) specify the operations which are to be carried out in the settlement;

and may from time to time, with the like sanction, amend, alter or cancel such notification.

Power to amend notification.

Every such notification, amendment, alteration and cancellation shall be published in the local official Gazette.

29. The Chief Commissioner may, from time to time, appoint one or more officers (hereinafter called Settlement-officers) to make the settlement of such area; and when he appoints more than one such officer, he shall appoint one of them (hereinafter called the Chief Settlement-officer) to control such settlement; and all other officers appointed for the purposes of such settlement shall be subordinate to the Chief Settlement-officer.

Power to appoint Settlement-officers;

The Chief Commissioner may suspend or remove any officer appointed under this section.

and to suspend and remove them.

30. During the progress of the settlement of any local area, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may, from time to time, direct.

Settlement-officer may be invested with powers of Deputy Commissioner.

31. The provisions of section eleven and sections fifteen to twenty-six, both inclusive, shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, the expression "Settlement-officer" being read for the expressions "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer," for the expression "Deputy Commissioner," wherever those expressions occur:

Certain provisions of Chapter II applied to Settlement-officers.

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order:

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

32. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council,

Appointment of Settlement-Commissioner;

(*a*) appoint a Settlement-Commissioner, and transfer to him, within any local area under settlement, all or any of the powers which the Commissioner of the division, if the land to be settled were wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

(*b*) delegate to the Settlement-Commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

Delegation to him of Chief Commissioner's powers.

33. When any local area is under settlement, the Chief Commissioner may invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section four of the Central Provinces Courts' Act, 1865, and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner described in the same Act, sections twelve, nineteen and twenty, for the trial, in the first instance, of any of the following classes of suits instituted within such area (namely) :—

Power to invest Settlement-officers with Civil Court powers.

(*a*) suits for arrears of rent due on account of any right of pasturage, forest-rights, fisheries or the like;

(*b*) suits by lambardárs for arrears of revenue payable through them by the proprietors whom they represent;

(*c*) suits by proprietors for their share of the profits of an estate or any part thereof after payment of the revenue and village-expenses, or for a settlement of accounts;

(*d*) suits by muáfidárs or assignees of revenue for arrears of revenue owing to them as such muáfidárs or assignees;

(*e*) suits by superior proprietors for arrears of revenue due to them as such superior proprietors;

(*f*) suits by proprietors and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents, or against the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession;

(*g*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the record-of-rights, and of which Civil Courts can take cognizance;

(*h*) suits relating to land, or the rent, profits or occupation of land.

34. When the Chief Commissioner invests any subordinate Settlement-officer with the powers of a Civil Court for the trial of any of the suits mentioned in section thirty-three, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner described in the Central Provinces Courts' Act, 1865, sections twelve, nineteen and twenty, with reference to proceedings before, or decrees and orders of, such Settlement-officer in such suits.

Chief Settlement-officer to have powers of Deputy Commissioner.

35. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section thirty-three in such local area, the Chief Commissioner may, with respect to all or to any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid, by Assistant Commissioners or Tahsíldárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer, and not to the Deputy Commissioner of the district.

Appeals in suits specified in section 33 when to lie to Chief Settlement-officer.

36. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section thirty-three, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts:

Division of civil work between Settlement-officers and ordinary Courts.

Provided that no proceedings which have been inadvertently or erroneously taken before the Civil Court shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before a Settlement-officer.

37. Nothing in section thirty-one shall apply to suits and appeals or other proceedings instituted before, or determined by, Settlement-officers in pursuance of powers conferred upon them under section thirty-three, thirty-four or thirty-five.

Provisions of section 31 not to apply to certain suits.

38. Except as provided in sections thirty-three, thirty-four and thirty-five, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade, shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Civil Court of such grade, and no appeal shall lie under the provisions of section twenty-two from such decrees or orders.

Appeal, reference and revision.

39. Every settlement notified under section twenty-eight shall be deemed to be in progress until the Chief Commissioner, by notification in the official Gazette, declares that it is completed.

Duration of settlement operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease; and all suits and applications pending before such officers shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the Division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs.

Cases pending at close of settlement-operations.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

40. When any local area is under settlement, the Settlement-officer shall make lists of all lands in such area which appear to him to have no lawful owner, and shall thereupon issue a notification declaring his intention to demarcate such lands as the property of the Government and inviting every person having claims to or over them to present in his Court, within three months from the date of the notification, a petition in writing setting forth such claims and the respective grounds thereof.

Settlement-officer to invite claims to lands appearing to have no owner.

41. Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one;

Application of Act XXIII of 1863.

the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

the Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

claims to or over the land comprised in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

42. Whenever a claim to the exercise or enjoyment of any right (not amounting to the right of exclusive possession) in, to or over, any land comprised in such notification is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863, section seven, the Settlement-officer may assign to the claimant as his property a definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant; and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

Procedure when limited right over land established.

Mahals.

43. The Settlement-officer may declare any local area to be a mahál.

Power to form mahals.

Excluded Lands.

44. For the purpose of excluding from all or any of the operations of the settlement any town or any land from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land:

Settlement-officer may exclude any town or land from settlement operations.

Provided that no land in respect of which land-revenue is payable at the date of the notification issued under section twenty-eight shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks.

45. When any local area is under settlement, the Settlement-officer may order all persons who have proprietary rights in the land comprised in such area to erect boundary-marks of such description and at such places as he thinks necessary in order to define the limits of the mahals, fields or other lands in their possession, or to repair boundary-marks already existing; and may fix a reasonable time for obeying his order;

Erection of new, and repair of existing, boundary-marks.

and if his order is not obeyed within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

46. On every mahál a definite and separate sum shall be assessed as land-revenue; but the sum so assessed may be reduced in such manner and to such extent as the Chief Commissioner thinks fit, for any period not exceeding ten years from the date on which the assessment takes effect.

Separate sum to be assessed on every mahál.

Progressive assessments.

47. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer as to the principle on which land-revenue is to be assessed, and as to the sources of miscellaneous income to be taken into account in the assessment.

Matters as to which Chief Commissioner is to instruct Settlement-officer.

48. In assessing a mahál all land situate therein shall be taken into account except the following (that is to say) :—

What land taken into account in assessing mahál.

(*a*) land purchased free from revenue under any rules for the time being in force to regulate the sale of waste-lands;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force;

(*c*) land excluded from assessment under section forty-four;

(*d*) land in respect of which a claim to hold it free from revenue as against the Government is established under the provisions hereinafter contained;

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may, from time to time, exempt from assessment.

49. The assessment of every mahál shall be offered to the entire proprietary body of such mahál: provided that, when superior and inferior proprietary rights co-exist in the same mahál, the Settlement-officer may, subject to such rules as the Chief Commissioner may make in this behalf, determine whether the assessment shall be offered to the superior or to the inferior proprietors.

Assessment to whom to be offered.

Subject to such rules as the Chief Commissioner may make in this behalf, the Settlement-officer may determine the manner and proportion in which the proprietary profits of the mahál shall be allotted between the superior and the inferior proprietors.

When a proprietor has mortgaged his rights in any mahál, and the mortgagee has entered into possession, such mortgagee, so long as he is in possession, shall, for the purposes of this section, stand in the place of the mortgagor.

50. When in a mahál in which superior and inferior proprietors co-exist, the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, by which such inferior proprietors shall be bound to pay to the superior proprietors an annual revenue equal to the land-revenue with which the mahál is assessed and to the profits to which the superior proprietors are entitled under section forty-nine.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in any such mahál the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profits to which the superior

Power to give directions as to payment of certain profits of superior proprietors.

proprietors are entitled under section forty-nine, shall be paid by the inferior proprietors direct to such superior proprietors, or that such profits shall be collected as if they were land-revenue and shall be paid to the superior proprietors from the Government Treasury.

52. The Chief Commissioner may make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment; and no assessment shall be offered without the previous sanction of the Chief Commissioner.

Power to make rules for reporting assessment for sanction.

53. In making any offer of assessment the Settlement-officer shall state that it is made subject to confirmation by the Governor General in Council, and also to revision by the Chief Commissioner at any time before such confirmation is received.

Offers of assessment to be made subject to revision and confirmation.

54. It shall be in the option of the persons to whom an assessment is offered to accept or refuse the same.

Option to accept or refuse assessment.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may, from time to time, prescribe in this behalf, and deliver the same to the Settlement-officer.

Mode of acceptance.

55. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to make, sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

Proprietor not accepting in manner prescribed may be deemed to have accepted.

56. Whenever the assessment of a mahál has been accepted under this Act, the persons who have accepted it shall be bound to pay the amount thereof from such date and for such term as the Chief Commissioner may appoint in this behalf, or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect: Provided as follows:—

Effect of acceptance of assessment.

1st—any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

Assessment may be rescinded by Chief Commissioner; or by Governor General in Council.

2ndly—the Governor General in Council may rescind any assessment submitted to him for confirmation;

3rdly—if all the málguzárs of a mahál, six months before the expiry of the term fixed under this section, apply in writing to the Deputy Commissioner stating that they are unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force.

Málguzárs may object to continuance of assessment beyond term of settlement.

57. Where there is but one class of proprietors in a mahál, and all refuse to accept in manner required by section fifty-four the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement for a period not exceeding thirty years from the date of such exclusion, and may either let the mahál in farm, or take it under direct management.

Procedure when assessment is refused.

58. If some of the proprietors consent, and some refuse, so to accept the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, exclude such recusant proprietors from settlement for a period not exceeding thirty years from the date of such exclusion, and either let their lands in farm or take such lands under direct management.

Procedure when only some proprietors accept assessment.

In other cases the assessment of the entire mahál shall be offered to the proprietors who consented to accept the assessment when originally offered, and if they refuse it the mahál shall be dealt with under the provisions of section fifty-seven.

When the recusant proprietors are excluded under this section, the lands of the proprietors who consented to accept the assessment originally offered shall be deemed to be a separate mahál, and shall be assessed as such; and such assessment shall be offered to the proprietors so consenting; and if the lands of the recusant proprietors are let in farm, the farm shall be first offered to the proprietors who consented to accept the assessment originally offered.

59. When an assessment is offered in a mahál in which both superior and inferior proprietors coexist—

Procedure on refusal of assessment in village in which superior and inferior rights co-exist.

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse to accept as aforesaid the assessment offered, the assessment shall be offered to the proprietors of the other class; and if all such proprietors refuse the assessment, the Settlement-officer shall proceed as provided in section fifty-seven;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all had refused it or may deal with the mahál under section fifty-eight:

Provided that if, in the case contemplated by clause (*b*), the proprietors who consented to accept the assessment when originally offered refuse to accept it, such assessment shall be offered to the other class of proprietors.

60. If all or any of the inferior proprietors refuse any assessment offered under section fifty, the Settlement-officer may exclude them all from the sub-settlement, and assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.

Procedure on refusal of assessment by inferior proprietors.

61. Any proprietor excluded from settlement under section fifty-seven or section fifty-nine, clause (*a*), shall be entitled to receive from the Government an annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent., or more than ten per cent., on the amount of the assessment offered to him by the Settlement-officer.

Allowance to excluded proprietors.

62. Any proprietor excluded from settlement or sub-settlement under sections fifty-seven to sixty, both inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant, and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Excluded proprietors to have occupancy-rights in their sír-land.

63. The aggregate amount of any allowance under section sixty-one, and of the difference between the rent fixed under section sixty-two and the rent which the excluded proprietor would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. on the amount of the assessment offered to him by the Settlement-officer.

Aggregate amount of allowance granted to, and deduction from rent allowed to, excluded proprietor.

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the málguzárs of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the málguzárs such percentage thereon, not exceeding twenty per cent., as may in his opinion be sufficient to compensate the said málguzárs for their responsibility in respect of the land-revenue, and to provide for the fees of lambardárs and mukaddams.

Sub-settlement with málik-makbúzás and other like holders of land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

Revenue payable under sub-settlement to be first charge on land.

66. When the whole of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion to the several holdings the amount with which such land is assessed under a settlement or sub-settlement.

Settlement-officer to apportion assessment over lands held in severalty;

When only part of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion such amount to the part held in common and the part held in severalty, and shall further apportion to the several holdings the amount to which they are liable under the former apportionment.

67. When by established custom the land held by each proprietor in any mahál is subject to periodical redistribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such redistribution according to such custom.

to redistribute land according to custom.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

68. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land comprised in each mahál.

Settlement-officer to ascertain proprietors;

69. The Settlement-officer shall ascertain the situation and determine the extent of all the land held as sír in each mahál.

to determine extent of sír-land;

70. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as to the granting of pattás, the ejectment of tenants, the realization and distribution of rents and other profits, the payment of land-revenue, village-expenses and other charges, and generally as to the control and management of the mahál; and shall decide all disputes and record all agreements regarding the matters mentioned in this section.

to decide disputes among shareholders regarding management of mahál;

71. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or málik-makbúzá shall be paid.

to determine through what lambardárs revenue shall be paid;

72. The Settlement-officer shall ascertain, and record for each mahál, the status of all tenants occupying land therein, the lands respectively held by them, the conditions on which they respectively hold such lands, and the rents (if any) payable by them respectively.

to ascertain status and rents of tenants.

73. The Settlement-officer shall investigate all claims against the Government to hold land free from revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free from revenue.

Enquiry into claims to hold free from revenue as against Government.

The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

Power of Chief Commissioner to make rules.

74. When any land not being land which any person is entitled to hold free from revenue as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the other málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land, and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Enquiry as to claims to hold free from revenue as against málguzárs.

Provided that no decision under this section shall exempt any land from the payment of revenue, when the mahál in which such land is comprised is sold for arrears of revenue.

The Chief Commissioner may make rules for the guidance of Settlement-officers in dealing with cases under this section.

Chief Commissioner may make rules for disposal of such cases.

75. When the Settlement-officer decides, under section seventy-three or section seventy-four, that land which has been held free from revenue, or at less than a full assessment, is

Time from which orders under sections 73 and 74 take effect.

liable to pay revenue, or to pay the same at enhanced rates, such decision shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of the revenue accruing due within any one or more of the last preceding twelve years shall be realized.

Settlement-officer to decide what village-cesses are leviable;

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

to determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

(*a*) the right of any lambardár, mukaddam, patwárí, village-watchman or other village-servant to any customary dues, or other remuneration, and his liability to render any customary service in return for such dues or remuneration;

(*b*) the rights of persons resident in the village or holding lands comprised in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

Procedure in cases under sections 68, 69, 70, 72 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter mentioned or referred to in sections sixty-eight, sixty-nine, seventy, seventy-two and seventy-seven, clauses (*b*), (*c*) and (*d*), the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahals, a record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter in respect of such mahál or group; and

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

Chief Commissioner may make rules regarding record-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested in the matters to which they refer.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

Effect of entries in record-of-rights.

82. When the record-of-rights is duly made and attested, all entries therein shall be presumed to be correct until the contrary is shown.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section seventy-eight, or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the record-of-rights as to any matter referred to in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Provided as follows:—

When any suit under this section is instituted for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit:

No persons by whom the record-of rights was signed, and no persons claiming through or under them shall, without the previous sanction of the Chief Commissioner, institute any suit with a view to modify or set aside any entry relating to any matter mentioned in section seventy or section seventy-seven, clause (*b*), (*c*) or (*d*).

Revision of record-of-rights by Chief Commissioner.

84. After an assessment has been confirmed by the Governor General in Council, the Chief Commissioner shall not exercise in respect of any entry of the descriptions referred to in section eighty-three duly made in a record-of-rights prepared in connection with such assessment and duly attested, the power of revision conferred by sections twenty-five and thirty-one, unless it is proved that such entry was made inadvertently.

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct.

CHAPTER VII.

OF SETTLEMENTS MADE BEFORE THIS ACT COMES INTO FORCE.

Former settlements deemed to have been made under this Act.

86. Settlements made before this Act comes into force shall be deemed, so far as may be, to have been made hereunder; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements hereunder shall apply in like manner to proceedings taken and records prepared before this Act comes into force.

Effect of awards of proprietary rights at such settlements.

87. When a Settlement-officer or Settlement Court has, at any settlement made before this Act comes into force, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been expressly decided by him or it to be invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court.

The award at any such settlement of proprietary rights in land to a widow shall be deemed to confer on her those rights only which, in accordance with the personal law to which she is subject, she would enjoy in land inherited by her from her husband.

When suits for proprietary rights will lie in Civil Courts.

88. Any person whose claim to proprietary rights in any land was not expressly decided by such officer or Court may sue in a Civil Court to establish such claim; and if he can prove that, when proprietary rights in such land were awarded by such officer or Court to other persons, he was entitled to interests therein of the same nature as those upon consideration of which the award was made, the Civil Court may declare him entitled to a proprietary right of such nature and extent in the land as it may deem just.

Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

89. When at any settlement made before this Act comes into force málik-makbúzás have been declared entitled to a portion of the waste-lands comprised in any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the nature and extent of their interests therein and the conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER VIII.

OF THE COLLECTION OF LAND-REVENUE.

Power of Chief Commissioner to regulate payment of land-revenue.

90. Notwithstanding anything contained in the record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are payable when this Act comes into force.

"Arrear." "Defaulters."

91. When any sum payable under a settlement or sub-settlement is not paid within the time at which it is payable under section ninety, such sum shall be deemed to be an arrear; and all the persons with whom such settlement or sub-settlement was made, their representatives and assigns, shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act.

Realization of Revenue from Málguzárs.

Tahsíldár's statement of account to be conclusive evidence of arrear.

92. A statement of account, authenticated by the signature of the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.

Notice of demand.

93. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

Processes for recovery of arrears.

94. An arrear payable directly to Government may be recovered by any one or more of the following processes:—

(*a*) by arresting the defaulter and imprisoning him in the civil jail;

(*b*) by attaching and selling his moveable property;

(*c*) by attaching the mahál in respect of which the arrear has accrued or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same mahál, share or land under direct management;

(*d*) by transferring the share or land of any málguzár who has not paid such portion to any málguzár who has paid the same, or if every such málguzár declines to accept such share or land, to any person having a mortgage or charge upon the same, and who consents to accept it;

(*e*) by annulling the settlement of the mahál in respect of which the arrear has accrued, and taking such mahál under direct management or farming the same;

(*f*) by selling such mahál, or the share or land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has accrued:

Provided as follows:—

(1) the process mentioned in clause (*a*) shall not be issued against any female, minor, lunatic or idiot;

(2) the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) shall not be enforced without the previous sanction of the Chief Commissioner;

(3) no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing in respect of land whilst it is under attachment, or under charge of the Superintendent of Government Wards, or held under direct management, or let in farm in accordance with any of the provisions of this Act.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

Arrest and imprisonment for recovery of arrear.

95. The process mentioned in section ninety-four, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the Tahsíldár may order him to be taken before the Deputy Commissioner, or may keep him under personal restraint at the

tahsíl for a period not exceeding ten days, unless within such period the arrear is paid, and may then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

Imprisonment of defaulter in civil jail.

96. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid.

Procedure in sales of moveable property.

97. Attachments and sales of moveable property made under this chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court.

Management of mahál, share or land attached under section 94 (*c*).

98. After causing any attachment to be made under section ninety-four, clause (*c*), the Deputy Commissioner shall issue a proclamation declaring the attachment to be in force, and shall take the attached mahál, share or land under his own management, or place it under the management of any agent whom he may appoint for the purpose.

Effect of attachment.

99. During the continuance of an attachment under section ninety-eight, the defaulters shall be excluded from possession of the land attached, and the Deputy Commissioner or the agent appointed by him shall have all their rights to manage the land and to realize the rents and profits arising therefrom, and shall be bound by all their liabilities as málguzárs or proprietors to any subordinate proprietors or tenants of such land.

Profits of land how applied.

100. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue becoming due in respect of such land during the attachment; and next, to discharging the arrear for the recovery of which the attachment was made.

Attachment when to cease.

101. The attachment shall continue until the arrear is paid or realized from the profits of the land attached, or the Deputy Commissioner reinstates the defaulters in possession:

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

Transfer under section 94 (*d*).

102. When it is proposed to execute the process mentioned in section ninety-four, clause (*d*), the persons to whom the share or land in respect of which the arrear is due is to be transferred shall be required to pay such arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

Joint and several liability not affected by transfer.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the mahál for arrears accruing in respect of such mahál subsequently to the transfer of the share or land except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose share or land is transferred.

Procedure after receipt of sanction to annulment of settlement.

103. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession of the mahál, and either manage the mahál or any portion thereof himself or through an agent, or let the mahál or any portion thereof in farm for such term and on such conditions as the Chief Commissioner directs:

Provided that no management or farm under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

After the date of such proclamation no liabilities shall accrue under the settlement so annulled; but such annulment shall not affect anything done or any liability incurred under the settlement before such date.

Case of a portion of a mahál being managed or farmed.

104. When a portion only of the mahál is managed or let in farm under section one hundred and three, the rest of such mahál shall be separately resettled with the proprietors thereof for the remainder of the term of settlement.

Settlement on expiry of management or farm.

105. As soon as the management or farm of any mahál or portion thereof has come to an end, the Deputy Commissioner shall offer to the persons entitled under section forty-nine to an offer of assessment a new assessment of the land, on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the mahál; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such mahál or portion in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

Effect of annulment of settlement.

106. No leases, liens or other incumbrances created by the defaulters, or by any person through or under whom they claim, of, or upon any land managed or let in farm under this Act, shall, during such management or farm, be binding upon the Deputy Commissioner or Settlement-officer, his agent or lessee.

Saving of rights in sír-land.

107. No defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section ninety-four, clauses (*c*), (*d*) and (*e*); but every such defaulter shall, while such process is being enforced, be entitled to retain possession of, and liable to pay rent for, such land as if he were an absolute occupancy-tenant, at such rent as may be fixed by the Deputy Commissioner.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all leases, liens and other incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nothing in this section shall—

(*a*) affect the rights of any proprietor superior or inferior to the defaulters or of any málik-makbúzá or occupancy-tenant who does not derive his rights as such proprietor, málik-makbúzá or tenant from express contract with such defaulters, or any person through whom they claim; or

(*b*) apply to lands held under leases at fair rents for the erection thereon of dwelling-houses, places of worship or manufactories, or for working mines, minerals, coals and quarries, or for laying out and maintaining gardens and burial-grounds, or for constructing tanks and canals, so long as the lands continue to be used for the purposes specified in such leases respectively; or

(*c*) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by any law for the time being in force.

The Chief Commissioner may, from time to time, determine what rents shall be deemed to be fair rents within the meaning of this section.

Rules for sale of immoveable property.

109. When immoveable property is sold under this Act, the rules prescribed in sections 287, 288, 293 and 308 to 316, both inclusive, of the Code of Civil Procedure shall be followed, except in the following particulars (that is to say):—

(*a*) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(*b*) The proclamation directed by the said section 287 shall, when the sale is under clause (*f*), section ninety-four of this Act, declare that, subject to the provisions of section one hundred and eight, the full proprietorship, or superior or inferior proprietorship, as the case may be, is to be sold free from all leases, liens and other incumbrances, and the certificate mentioned in section 316 of the said Code shall contain a similar statement.

(*c*) The last two clauses of the said section 287 shall not apply.

(*d*) An appeal from any order under section 312 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the Division, and an appeal from the Commissioner's order on such appeal shall lie to the Chief Commissioner.

(*e*) The Deputy Commissioner may, from time to time, postpone any sale which he has proclaimed, reporting such postponement to the Commissioner of the Division.

(*f*) Section 309 of the said Code shall be read as if, after the words "for such payment," the words "and every sale of such property made after a postponement" were added.

(*g*) Section 313 of the said Code shall not apply to sales under section ninety-four, clause (*f*), of this Act.

(*h*) Section 316 of the said Code shall be read as if the words "The Deputy Commissioner shall place the purchaser in possession of the lands which he has purchased" were added thereto.

Pre-emption at sales.

110. In the course of a sale under section ninety-four, clause (*f*), if the property is knocked down to a stranger, the following persons may claim to take it at the sum last bid in the following order:—

(*a*) any málguzár who has paid the revenue which as between him and the other málguzárs is payable by him;

(*b*) if the superior proprietorship is sold, the inferior proprietor;

(*c*) if the inferior proprietorship is sold, the superior proprietor:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant undertakes to fulfil all the conditions of the sale binding on the purchaser.

Application of proceeds of sale of immoveable property.

111. The proceeds of every sale in execution of any process mentioned in section ninety-four shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear due to Government by the defaulter; and the surplus, if any, shall then be payable to him, or, where there are more defaulters than one, to such defaulters according to their respective shares in the property sold.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section ninety-three and of enforcing any process mentioned in section ninety-four shall be recoverable as part of the arrear in respect of which the notice was served and the process was issued.

Matters as to which Chief Commissioner may make rules.

113. The Chief Commissioner may make rules—

(*a*) for the guidance of Revenue-officers in issuing notices of demand under section ninety-three and executing the processes mentioned in section ninety-four;

(*b*) defining the classes of officers by whom the processes mentioned in section ninety-four, clauses (*a*) and (*b*), may be enforced;

(*c*) prescribing the agency by which any of the processes issued under section ninety-four shall be executed.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section ninety-two, when proceedings are taken under this Act for the recovery of an arrear, the person against whom such proceedings are taken may, if he denies that the arrear or any part thereof is due,

pay the same under protest made at the time of payment and duly signed by him or by his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Realization of Revenue by Málguzárs.

Limitation of right to set-off, &c., in suit for arrears.

115. In a suit for the recovery of an arrear of revenue not being revenue payable directly to Government, and in a suit brought by a lambardár to recover the amount of any revenue payable to Government through him, the defendant shall not, except with the permission of the Court,—

(*a*) set-off against the plaintiff's demand any sum of money recoverable by him from the plaintiff; or

(*b*) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

Recovery of arrear through Deputy Commissioner instead of by suit.

116. Any lambardár or sub-lambardár entitled to recover an arrear, or any málguzár to whom such an arrear is due under a sub-settlement, may, before instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of revenue payable directly to Government.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons who would be defendants if a suit were instituted for the recovery of such arrear, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section one hundred and fourteen in respect of an arrear as to which an order has been made under this section.

No person on whose account the Deputy Commissioner proceeds under this section to recover an arrear shall thereby be relieved of his responsibility for such arrear.

Saving of right of málguzár to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877, and no agreement made after this Act comes into force, shall bar the right of the málguzárs of any mahál assessed with land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment, has been held by any person without payment of revenue.

The Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. No suit for the recovery of revenue payable under a settlement or sub-settlement shall be instituted after three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

Interest on Arrears.

Interest on arrears.

119. Interest shall not be charged on an arrear of revenue unless the Chief Commissioner, by general or special order, so directs; provided that the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER IX.

OF REVENUE AND VILLAGE RECORDS.

Correction of record-of-rights.

120. Any entry in the record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion. Such correction may be made on one or more of the following grounds and on no others:—

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section eighty-three it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court, or on the order of a Revenue or Settlement officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

Revision of record in accordance with provision therein contained.

121. The Deputy Commissioner may revise a record-of-rights when such revision is provided for in such record.

Powers of Deputy Commissioner as to correction of entry or revision of record.

122. When the Deputy Commissioner takes proceedings for the correction of any entry in the record-of-rights or for the revision of such record-of-rights, he shall exercise, for the purpose of such correction or revision, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Power to direct that rule or custom entered in record-of-rights shall be enforced by Government.

123. The Chief Commissioner may, in his discretion, by notification in the official Gazette, direct that any specified rule, custom or condition duly entered in the record-of-rights of any specified village shall be enforced by the Government.

Punishment of violation of such rule or custom.

If any of the persons with whom a settlement or sub-settlement has been made, violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided by any law for the time being in force for such violation or neglect, recover from such person a penalty not exceeding two hundred rupees.

Suit to set aside proceedings under section 123.

124. Any person against whom proceedings have been taken under section one hundred and twenty-three may institute a suit against Government to set aside such proceedings on the ground that no rule, custom or condition was, in fact, violated or neglected. If the Court finds that no rule, custom or condition has been violated or neglected, it may by its order annul such proceedings, and direct that any penalty paid by the plaintiff be refunded; and may also award to him such costs as he has necessarily incurred in the proceedings, and such further sum as compensation as it thinks fit.

Powers of Chief Commissioner as to registration of changes after preparation of record-of-rights.

125. The Chief Commissioner may—

(*a*) direct that the mukaddam of each village shall, for the purpose of showing the changes occurring therein subsequently to the preparation of the record-of-rights, prepare, or, where there is a patwárí, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe;

(*b*) lay down the procedure to be followed in order to ascertain that a change has occurred in the village, and the nature of such change.

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the record-of-rights, and the Chief Commissioner may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained in this behalf.

Possession of proprietary rights to be notified.

126. All persons lawfully entering into possession of proprietary rights and interests in any land shall, within a reasonable time, give notice of such entry to the Tahsíldár of the tahsíl in which such land is situated.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

Notice to be given by guardian in case of minority or idiotcy.

If the person so entering is a minor, lunatic or idiot, the guardian or other person who has charge of his property shall give the notice required by this section.

Fine for neglect to give notice of possession.

127. Any person neglecting to give the notice required by section one hundred and twenty-six shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues.

Obligation to aid in preparation of village-papers.

128. All persons being in possession of proprietary rights in land shall, on being so required by the Deputy Commissioner, prepare, or cause to be prepared, such papers, and furnish such information, as may be required for the preparation of the village-papers prescribed under section one hundred and twenty-five.

Fees for recording changes;

129. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section one hundred and twenty-five, and may fix the amount of such fees.

from whom leviable.

All fees so leviable shall be levied from the person in whose favour the change is made.

Annual enquiry regarding land held free from revenue.

130. The Deputy Commissioner shall in each year make enquiry regarding all cases in which land has been granted by Government, conditionally or for a time, free, wholly or in part, from the payment of revenue.

Procedure on breach of conditions of grant.

If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the Division for the orders of the Chief Commissioner, who may direct that the land be assessed, or may pass such other order as he thinks fit.

Procedure on expiry of term of grant.

If it appears to the Deputy Commissioner that the term of any such grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold the land comprised in the grant, free from revenue, or at less than full revenue-rates, has died, he shall assess the same, and shall report his proceedings through the Commissioner of the Division for the sanction of the Chief Commissioner.

Inspection of revenue-records.

131. All records kept under this Act shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

CHAPTER X.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement officers' powers.

132. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement officers for the following purposes:—

(*a*) causing boundary-marks to be erected or repaired, and recovering the cost of such erection and repair;

(*b*) assessing land-revenue on lands which are liable to assessment, but have not been assessed;

(*c*) declaring any local area to be a mahál;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be readmitted;

(*e*) settling mahals in respect of which an application has been made under the third proviso to section fifty-six;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the málguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village-cesses which are levied when this Act comes into force, but have not been recorded at the settlement.

Purposes for which officers may be invested with Settlement-officers' powers.

133. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections forty, forty-one and forty-two; or,

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section fifty-six.

Cognizance of, and penalty for, offence of injuring boundary-marks.

134. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Náib Tahsíldár empowered by the Chief Commissioner in this behalf to pay to the officer making the order, in addition to any fine to which such person would be liable under section 434 of the Indian Penal Code, such sum, not exceeding fifty rupees, as may in the opinion of such officer be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, removal or damage.

Procedure when person injuring cannot be found.

135. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.

Partition of a mahál into two mahals.

136. Any málguzárs of a mahál who are not co-sharers with the other málguzárs of such mahál in any lands comprised in such mahál, except such lands as are under the law relating to partition for the time being in force indivisible, may apply to the Deputy Commissioner to make the lands held by them separately from such other málguzárs a separate mahál; and the Deputy Commissioner shall thereupon make such lands and the lands held separately by the remaining málguzárs separate mahals, and shall, with the previous sanction of the Commissioner, apportion between the two new mahals thus constituted the entire revenue assessed upon the original mahál.

CHAPTER XI.

VILLAGE-OFFICERS AND PATWÁRIS.

Power to make rules as to officers.

137. The Chief Commissioner may make rules regulating the appointment, remuneration, suspension and removal of lambardárs, sub-lambardárs and mukaddams:

Provided that, except with the previous sanction of the Governor General in Council, proprietors, other than málik-makbúzás, shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is assessed on their land, or which, when their land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessed on their land if it were subject to assessment.

In framing rules for the appointment under this section of lambardárs and sub-lambardárs for any mahál, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the record-of-rights of such mahál.

In every village in which there are resident málguzárs, one of such málguzárs shall be the mukaddam.

Duties of lambardárs.

138. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government Treasury so much of the land-revenue as may under section seventy-one be payable through him, either solely or jointly with other lambardárs or sub-lambardárs;

(*b*) to collect and pay to the mukaddam, or into the Government Treasury, as the Deputy Commissioner may direct, all sums of money payable through him, either solely or jointly with other lambardárs or sub-lambardárs, by the proprietors whom he represents, on account of the remuneration of the mukaddam, patwáris or village-watchmen, or on account of any expenses which the mukaddam is authorized to recover from the lambardárs or sub-lambardárs of his village;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

Lambardárs may recover fees and other charges from proprietors.

139. Together with the land-revenue, lambardárs and sub-lambardárs may recover from the proprietors whom they respectively represent—

(*a*) any remuneration to which they are entitled as such; and

(*b*) the sum which, under section one hundred and thirty-eight, they are bound to pay to mukaddams:

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

140. On the application of any málik-makbúzá or other like holder of land, or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, order that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid into the Government Treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made into the Government Treasury, such portion of the percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be so paid, and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of their fees and the other village-expenses.

Duties of mukaddams.

141. It shall be the duty of every mukaddam—

(*a*) to control and superintend the village-patwári and village-watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of his village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to report and, if possible, to prevent encroachments on the public paths and roadways in his village;

(*d*) to preserve such stations and marks erected in his village by Government-surveyors as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands, and for securing to persons entitled to cut wood and enjoy other privileges in the waste-lands of the village the rights to which they are entitled;

(*g*) to collect, or aid in the collection of, all payments due to Government in his village;

(*h*) to report all births and deaths taking place in his village.

The Chief Commissioner may make rules—

(1) adding to the list of duties which a mukaddam is required to perform under this section; and

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*) in respect of such village, and for apportioning such charges among such persons; and

(3) determining the officers to whom reports under this section shall be made.

Liabilities imposed by law on landholders to attach to mukaddams.

142. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act:

Provided that nothing herein contained shall discharge landholders, their managers or agents, or the like, from any liabilities imposed upon them by law.

Power of mukaddams to recover certain expenses incurred.

143. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties.

Chief Commissioner may make rules as to patwáris.

144. The Chief Commissioner may make rules—

(*a*) regulating the manner in which patwáris are to be selected; prescribing the conditions under which they may be appointed; and fixing the limits of their circles and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwári, when such persons are unable to act;

(*c*) prescribing the fines which may be imposed on patwáris and their substitutes for neglect of their duty, and stating the circumstances under which they may be suspended or removed:

Provided that, except with the previous sanction of the Governor General in Council, no proprietor shall be compelled to pay as remuneration to patwáris a sum exceeding six per cent. on the revenue for the time being assessed on his land, or which, when his land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

145. The Chief Commissioner may make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of making the settlement next before this Act comes into force, the maintenance of a patwári was made optional, and the persons settled with are unable to agree as to whether a patwári should be maintained, and for dealing with cases where no patwári is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwári.

Such rules may empower the Deputy Commissioner, in the latter class of cases—

(*a*) to impose fines not exceeding fifty rupees on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwáris in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwáris.

Nothing in the proviso to section one hundred and forty-four shall apply to patwáris so appointed.

Chief Commissioner may define duties of patwáris.

146. The Chief Commissioner may make rules prescribing the duties of patwáris—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

(*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwáris may demand in respect of the performance of such duties.

Patwáris' papers to be public documents.

All records and papers which patwáris are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, and to be the property of Government.

Patwáris to produce papers for inspection, and to allow copies to be made.

147. Patwáris shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep, and shall allow such persons to make copies of such records and papers.

148. All existing lambardárs, sub-lambardárs, mukaddams and patwáris shall, unless the Chief Commissioner in any specified case otherwise directs, be deemed to have been appointed under this Act.

Existing officers confirmed.

149. Any sums which lambardárs, sub-lambardárs, mukaddams and patwáris are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Lambardárs' and other officers' dues recoverable as arrears.

150. In each village of the district of Sambalpúr all persons holding sír-land, other than mukaddams, are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may make rules for the enforcement of this obligation.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

PART V.

CHAPTER XII.

MISCELLANEOUS.

151. Unless it is otherwise expressly provided in the records of a settlement or by the terms of a grant made by the Government, the right to all mines, minerals, coals and quarries, and to all fisheries in navigable rivers, and the right to extract sap from all palmyra and cocoanut trees, shall be deemed to belong to Government; and the Government shall have all powers necessary for the proper enjoyment of such rights:

Right to mines and quarries.

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such persons compensation for such infringement, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

152. Except as otherwise hereinbefore provided,—

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer is, by this Act, empowered to determine or dispose of; and in particular

Exclusive jurisdiction of Revenue-authorities.

(*b*) no Civil Court shall exercise jurisdiction over any of the following matters:—

Matters excepted from jurisdiction of Civil Courts.

(1) any matters provided for in sections forty, forty-one, forty-two and eighty-nine, as to waste-lands:

(2) the claim of any person to have an assessment offered to, or sub-settlement made with, him:

(3) the amount of revenue or rate to be assessed on any mahál, share or portion of a mahál under this or any other Act for the time being in force:

(4) questions as to the validity of any engagement with Government for the payment of land-revenue, or of any agreement entered into by superior or inferior proprietors in a settlement or sub-settlement:

(5) claims connected with or arising out of any process enforced on account of refusal to accept the assessment offered in a settlement or sub-settlement by the Settlement-officer or Deputy Commissioner:

(6) the amount of the allowance or rent fixed under section sixty-one or sixty-two:

(7) the redistribution according to established custom, by a Settlement-officer, of land comprised in a mahál:

(8) the formation of the record-of-rights,

the preparation, signing or attestation of any of the documents contained therein, or

the notification of settlement:

(9) any matters provided for or referred to in section seventy-three, seventy-four or one hundred and thirty as to lands held or claimed to be held free from revenue, except rights arising under any contract between the Government of India and grantees of land:

(10) claims connected with, or arising out of, the collection of revenue, or any process enforced on account of an arrear of revenue, or on account of any sum which is under this or any other Act realizable as revenue:

(11) claims to set aside, on any ground other than fraud, sales for arrears of revenue:

(12) corrections of entries or revisions of records under sections one hundred and twenty, one hundred and twenty-one and one hundred and twenty-two;

(13) claims to have a partition and apportionment made under section one hundred and thirty-six, and questions as to the distribution or apportionment under that section of the land or of the revenue of a mahál:

(14) claims to the office of patwári, lambardár, sub-lambardár or mukaddam, or in respect of any injury caused by exclusion therefrom, or to compel the performance of the duties thereof:

(15) claims to compel the performance of any duties imposed by this Act on any Revenue or Settlement officer.

In all the above cases jurisdiction shall rest with the Revenue-authorities only.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village-cess which has not been sanctioned by the Chief Commissioner and also either recorded at a settlement or under section one hundred and thirty-two, clause (*k*).

For what village-cesses suit lies.

154. Whenever, at any settlement made before this Act comes into force, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation.

Limitation of claims for compensation in case of waste-land demarcated as property of Government.

155. No Revenue or Settlement officer, and no person employed in any Revenue or Settlement office, shall, except with the express permission of the Chief Commissioner,—

Restriction on Revenue and Settlement officers trading and holding land.

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class of officers.

Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1866.

156. When any mahál is managed or let in farm under section fifty-seven or fifty-eight, or when either of the proclamations mentioned in sections ninety-eight and one hundred and three has been made, all sums due to the proprietor in respect of the mahál, share or land mentioned in any of the said sections shall be payable only to the Deputy Commissioner or Settlement-officer, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner or Settlement-officer, be credited to the person making the same in account with the Deputy Commissioner or Settlement-officer, his agent or lessee.

When mahál managed or farmed, or upon proclamation under section 98 or 103, rent payable to Deputy Commissioner.

Payment to proprietor in anticipation of due date.

157. When any land has been let in farm under the provisions of this Act, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of balances due by farmers.

158. All land-revenue due when this Act comes into force, and all penalties or other moneys payable to, or recoverable by, an officer of Government under this Act, shall be recovered from the persons from whom they are due and from the sureties (if any) of such persons as if such land-revenue, penalties or moneys were an arrear of revenue payable directly to Government due under this Act by such persons and their sureties.

Recovery of revenue due when Act comes into force; and of money payable under Act.

159. All proceedings taken before this Act comes into force for the collection of the land-revenue or the realization of arrears thereof shall be deemed to have been taken in accordance with law.

Past proceedings for collection of revenue legalized.

160. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may empower persons by name, or confer powers on classes.

161. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may vary or cancel orders.

162. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for carrying out its provisions, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or, when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

Chief Commissioner may make rules and attach penalty to breach thereof.

All powers to make rules conferred by this Act on the Chief Commissioner shall be exercised subject to the control of the Governor General in Council, and may be exercised from time to time as occasion requires.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the local official Gazette.

All such rules, when so published, shall have the force of law.

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

Number and year.	Title.	Extent of repeal.
Act XII of 1841.	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces of Bengal.	The whole.
Act XXXI of 1858.	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

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(*Nothing hereinafter contained shall be deemed to have the force of law.*)

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 1, 1881.

☞ **Separate paging is given to this Part in order that it may be filed as a separate compilation.**

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 21 OF 1880.

A Bill to empower the Government of Madras to alter the local limits of the Coroner's Jurisdiction, and for other purposes.

Preamble.

WHEREAS under the Coroners' Act, 1871, the local limits of the jurisdiction of the Coroner of Madras are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras;

and whereas it is expedient to empower the Governor of Fort St. George in Council to alter the local limits of the said Coroner's jurisdiction;

and whereas it is also expedient to correct an error in section nine of Madras Act No. VIII of 1867 (*an Act to incorporate the Police of the Town of Madras with the general Police of the Madras Presidency and for other purposes*) as amended by the Code of Criminal Procedure; It is hereby enacted as follows :—

Power to alter local limits of jurisdiction of Coroner of Madras.

1. The Governor of Fort St. George in Council may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *Fort St. George Gazette*, alter the local limits of the jurisdiction of the Coroner of Madras :

Provided that such limits shall not extend beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

Sections 133 to 135 of Act X of 1872 to extend to area excluded from Coroner's jurisdiction.

2. When, in exercise of the power conferred by section one, any area within the local limits of the said ordinary original civil jurisdiction is excluded from the local limits of the Coroner's jurisdiction, sections 133 to 135 (both inclusive) of the Code of Criminal Procedure shall extend to such area while so excluded, and all functions assigned to a Magistrate by those sections shall be discharged by the Commissioner of Police.

New section substituted for section 9 of Madras Act VIII of 1867.

3. For section nine of the said Madras Act No. VIII of 1867, the following section shall be substituted :—

Law to govern Town Police.

"9. The Town Police shall be governed by all the provisions of the Criminal Procedure Code, contained in sections 89, 91 to 103 (both inclusive), 108, 109, 110, 111, 112, 114, 116, 117 (first part), 118, 119, 120, 123, 124, 125, 127, 128, 129, 131, 136, 139, 140, 141, 142, 144, 147, chapter XII, sections 159, 161, 163 to 170 (both inclusive), 174 to 185 (both inclusive), chapter XXVII (except section 385), sections 415 to 420 (both inclusive), 480, so far as they are applicable :

"Provided always, that the officer in charge of a Police-station shall not be required to bind over the prosecutor and witnesses as directed in section 123 of the said Code, if their immediate attendance can be procured without recognizances."

Act X of 1872, schedule V, in part repealed.

4. The portion of Schedule V of the Code of Criminal Procedure, under the heading "Acts of the Governor of Madras in Council," shall be read as if the letter and figure "s. 9" in the first column, and all the words and figures in the second and third columns opposite the said letter and figure, were omitted.

STATEMENT OF OBJECTS AND REASONS.

UNDER Act No. IV of 1871 (The Coroners' Act, 1871), the local limits of the jurisdiction of the Coroners in the towns of Calcutta, Madras and Bombay are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, respectively, no power to alter them being conferred. In Madras, these limits comprise twenty-seven square miles and include twenty-three agricultural villages. This area having of late years, owing to the increase in the number of inquests to be held, become too large for one Coroner, it is proposed that the Governor in Council should be empowered to restrict the local limits of the Coroner's jurisdiction by excluding from them the non-urban portion which differs but little from the adjoining mufassal district. To give effect to this proposal, the present Bill has been prepared. It empowers the Governor in Council, with the previous sanction of the Governor General in Council, to alter the local limits of the Coroner's jurisdiction, as may be from time to time convenient, provided that these limits are never extended beyond the present ones.

2. In the event of the powers conferred by the Bill being exercised and the local limits of the Coroner's jurisdiction restricted, the provisions of the Criminal Procedure Code relating to enquiries by the Police into unnatural and sudden deaths will (section 2) extend to the tract excluded from the jurisdiction of the Coroner, and the Commissioner of Police will discharge the functions of the Magistrate under those provisions.

3. The present opportunity has been taken to correct an error (the result of an oversight) in section 9 of the Madras Police Act (Madras Act No. VIII of 1867) as amended by the Code of Criminal Procedure.

WHITLEY STOKES.

The 24th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 22 OF 1880.

A Bill to empower the Government to remove or destroy obstructions in fairways, and to prevent the creation of such obstructions.

WHEREAS it is expedient to empower the Government to remove or destroy obstructions to navigation in fairways in the seas adjacent to British India, and to prevent the creation of such obstructions; It is hereby enacted as follows :— Preamble.

1. This Act may be called "The Obstructions in fairways Act, 1881;" Short title.

and it shall come into force at once. Commencement.

But nothing herein contained shall apply to vessels belonging to Her Majesty or hired by Her Majesty, or by the Secretary of State for India in Council.

2. Whenever in any fairway in any of the seas adjacent to British India, any vessel is sunk, stranded or abandoned, or any fishing stake, timber or other thing is placed or left, the Local Government of the part of British India in or near which such vessel, fishing-stake, timber or other thing is situate may, if in its opinion such thing is, or is likely to become, an obstruction or danger to navigation, Local Government empowered to remove or destroy obstruction in fairway.

(*a*) cause such thing or any part thereof to be removed ; or,

(*b*) if such thing is of such a description or so situate that, in the opinion of the Local Government, it is not worth removing, destroy the same or any part thereof.

Act VII of 1880, s. 75.

3. Whenever anything is removed under section two, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal. Government entitled to expenses incurred in removing obstruction.

Act VII of 1880, s. 75.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be determined by the Magistrate of the District or Presidency Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties. Dispute concerning such expenses.

Act VII of 1880, s. 76.

4. The Local Government shall, when anything is removed under section two, publish in the local official Gazette a notification containing a description of such thing, and the time at which and the place from which the same was removed. Notice of removal to be given by Local Government.

Act VII of 1880, s. 77.

5. If after publishing such notification, such thing is unclaimed, Things removed may, in certain cases, be sold.

or if the person claiming the same fails to pay the amount due for the said expenses and any other charges properly incurred by the Local Government in respect thereof,

the Local Government may sell such thing by public auction, if it is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

Act VII of 1880, s. 78.

6. On the realization of the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same : Proceeds how applied.

Provided that he makes the claim within one year from the date of the sale.

40 & 41 Vic., c. 16, s. 6.

7. For the purposes of this Act, the term "vessel" shall be deemed to include every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel, and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded as a common fund. "Vessel" to include tackle, cargo, &c.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*, make rules to regulate or prohibit in any fairway in any of the seas adjacent to British India, the placing of fishing stakes, the casting or throwing of ballast, rubbish, or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause or be likely to cause obstruction or danger to navigation. Power to make rules to regulate and prohibit the placing of obstructions in fairways.

9. Whoever is guilty of any act or omission in contravention of the rules made under section eight, may be tried for such offence in any district or Presidency-town in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. Penalty for breach of such rules.

40 & 41 Vic., c. 16, s. 8.

10. Nothing herein contained shall be deemed to prevent the exercise by the Government of any other powers possessed by it in this behalf. Saving of other powers possessed by Government.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to empower the Government to remove obstructions to navigation which may exist in fairways situate in seas adjacent to British India, and to prohibit the creation of such obstructions for the future. The advantages of having such a law have been impressed upon the Government by certain recent cases. In one of these a question has been raised as to the power of the Government to remove the fishing stakes which are

annually placed during the fine season in the sea off the port of Bombay, and which, having recently been advanced into the approach to the harbour, are now a source of serious danger to vessels frequenting that port. In another case which related to the deposit of ballast by ship-masters, at the mouth of the Rangoon river, a practice which, if permitted, might cause serious impediment and danger to the navigation of the approaches to the port of Rangoon, the need for some further preventive powers than those which Government now possesses, has been made apparent.

There can be no doubt that it is extremely desirable that the powers of Government officers, and the procedure to be followed by them, in relation to matters of this nature, should be clearly defined, and as the Indian Statute-Book, as it now stands, does not deal adequately with the subject, the present Bill has been prepared. A precedent for such legislation will be found in the Imperial Statute 40 & 41 Vic., c. 16 (the Removal of Wrecks Act, 1877). The Bill, while following generally the lines of the statute, goes beyond it in two material respects. The power to remove obstructions conferred by it is not confined, as in the statute, to the case of obstructions caused by wrecks, but extends also to fishing stakes, ballast and any other thing which may form an obstruction or danger to navigation. The other point in which the Bill goes beyond the statute is that, in addition to giving power to remove existing obstructions, it enables the Government to prevent the wilful creation of obstructions in the future. With this object the Governor General in Council is empowered (section 7) to make rules to regulate or prohibit in any fairway the placing of fishing stakes, the casting of ballast, or the doing of any other act which will, in his opinion, cause or be likely to cause danger or obstruction to navigation.

The 24th December, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 23 OF 1880.

A Bill to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).

Preamble.

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880); It is hereby enacted as follows :—

Amendment of Bengal Act No. IX of 1880.

1. In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force.

Holders of estates, &c., how to recover from holders of rent-free lands.

"64A. All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation :

"Provided that, if any such objection as is mentioned in section 53, has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector.

Owner, holder or occupier of rent-free lands may be sued.
Decree against occupier tantamount to decree against owner.

"64B. In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer."

STATEMENT OF OBJECTS AND REASONS.

WHEN the Bill, which has since become Bengal Act No. IX of 1880 (The Cess Act, 1880), was submitted, for the first time, by the Government of Bengal for the assent of the Governor General, His Excellency, though approving of the policy of the Bill, was unable to give his assent, as he was advised that two of its sections were *ultra vires* of the Bengal Legislative Council. Section 65 was *ultra vires*, inasmuch as it extended to suits the parties to which were not landholder and tenant, the special procedure which the provincial legislature is, by section 4 of the Code of Civil Procedure, permitted to prescribe only in suits between landholder and tenant; and section 66 also appeared to be *ultra vires*, as it was inconsistent with the same Code, in enacting that a decree might be executed against a person who was neither a party or privy.

Though, however, feeling compelled for these reasons to withhold his assent from the Bill in its then form, His Excellency intimated to the Government of Bengal that he would be willing to give his assent to the measure if it was re-enacted with the omission of the provisions to which exception had been taken, and further, that if the Lieutenant-Governor should think these provisions were indispensable, a Bill would be introduced into the Council of the Governor General incorporating them, and drawn so as to come in force simultaneously with the Bengal Bill when re-enacted.

In accordance with this intimation, the Government of Bengal re-submitted the Bill with the omission of the objectionable provisions, and His Excellency has given his assent to the measure as thus amended. But, as the Local Government has expressed at the same time a strong opinion that the omitted sections are essential to their scheme of legislation, the present Bill has been prepared in fulfilment of the promise made by His Excellency. It simply re-enacts the provisions to which exception was taken, and incorporates them in the Bengal Act, by inserting them retrospectively in that enactment from the date on which it became law.

WHITLEY STOKES.

The 24th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 8, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 21 OF 1880.

A Bill to empower the Government of Madras to alter the local limits of the Coroner's Jurisdiction, and for other purposes.

Preamble.

WHEREAS under the Coroners' Act, 1871, the local limits of the jurisdiction of the Coroner of Madras are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras;

and whereas it is expedient to empower the Governor of Fort St. George in Council to alter the local limits of the said Coroner's jurisdiction;

and whereas it is also expedient to correct an error in section nine of Madras Act No. VIII of 1867 (*an Act to incorporate the Police of the Town of Madras with the general Police of the Madras Presidency and for other purposes*) as amended by the Code of Criminal Procedure; It is hereby enacted as follows :—

Power to alter local limits of jurisdiction of Coroner of Madras.

1. The Governor of Fort St. George in Council may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *Fort St. George Gazette*, alter the local limits of the jurisdiction of the Coroner of Madras :

Provided that such limits shall not extend beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

Sections 133 to 135 of Act X of 1872 to extend to area excluded from Coroner's jurisdiction.

2. When, in exercise of the power conferred by section one, any area within the local limits of the said ordinary original civil jurisdiction is excluded from the local limits of the Coroner's jurisdiction, sections 133 to 135 (both inclusive) of the Code of Criminal Procedure shall extend to such area while so excluded, and all functions assigned to a Magistrate by those sections shall be discharged by the Commissioner of Police.

New section substituted for section 9 of Madras Act VIII of 1867.

3. For section nine of the said Madras Act No. VIII of 1867, the following section shall be substituted :—

Law to govern Town Police.

"9. The Town Police shall be governed by all the provisions of the Criminal Procedure Code, contained in sections 89, 91 to 103 (both inclusive), 108, 109, 110, 111, 112, 114, 116, 117 (first part), 118, 119, 120, 123, 124, 125, 127, 128, 129, 131, 136, 139, 140, 141, 142, 144, 147, chapter XII, sections 159, 161, 163 to 170 (both inclusive), 174 to 185 (both inclusive), chapter XXVII (except section 385), sections 415 to 420 (both inclusive), 480, so far as they are applicable :

"Provided always, that the officer in charge of a Police-station shall not be required to bind over the prosecutor and witnesses as directed in section 123 of the said Code, if their immediate attendance can be procured without recognizances."

Act X of 1872, schedule V, in part repealed.

4. The portion of Schedule V of the Code of Criminal Procedure, under the heading "Acts of the Governor of Madras in Council," shall be read as if the letter and figure "s. 9" in the first column, and all the words and figures in the second and third columns opposite the said letter and figure, were omitted.

STATEMENT OF OBJECTS AND REASONS.

UNDER Act No. IV of 1871 (The Coroners' Act, 1871), the local limits of the jurisdiction of the Coroners in the towns of Calcutta, Madras and Bombay are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, respectively, no power to alter them being conferred. In Madras, these limits comprise twenty-seven square miles and include twenty-three agricultural villages. This area having of late years, owing to the increase in the number of inquests to be held, become too large for one Coroner, it is proposed that the Governor in Council should be empowered to restrict the local limits of the Coroner's jurisdiction by excluding from them the non-urban portion which differs but little from the adjoining mufassal district. To give effect to this proposal, the present Bill has been prepared. It empowers the Governor in Council, with the previous sanction of the Governor General in Council, to alter the local limits of the Coroner's jurisdiction, as may be from time to time convenient, provided that these limits are never extended beyond the present ones.

2. In the event of the powers conferred by the Bill being exercised and the local limits of the Coroner's jurisdiction restricted, the provisions of the Criminal Procedure Code relating to enquiries by the Police into unnatural and sudden deaths will (section 2) extend to the tract excluded from the jurisdiction of the Coroner, and the Commissioner of Police will discharge the functions of the Magistrate under those provisions.

3. The present opportunity has been taken to correct an error (the result of an oversight) in section 9 of the Madras Police Act (Madras Act No. VIII of 1867) as amended by the Code of Criminal Procedure.

WHITLEY STOKES.

The 24th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 22 OF 1880.

A Bill to empower the Government to remove or destroy obstructions in fairways, and to prevent the creation of such obstructions.

WHEREAS it is expedient to empower the Government to remove or destroy obstructions to navigation in fairways in the seas adjacent to British India, and to prevent the creation of such obstructions; It is hereby enacted as follows :— Preamble.

1. This Act may be called "The Obstructions in fairways Act, 1881;" and it shall come into force at once. Short title. Commencement.

But nothing herein contained shall apply to vessels belonging to Her Majesty or hired by Her Majesty, or by the Secretary of State for India in Council.

2. Whenever in any fairway in any of the seas adjacent to British India, any vessel is sunk, stranded or abandoned, or any fishing stake, timber or other thing is placed or left, the Local Government of the part of British India in or near which such vessel, fishing stake, timber or other thing is situate may, if in its opinion such thing is, or is likely to become, an obstruction or danger to navigation, Local Government empowered to remove or destroy obstruction in fairway.

(*a*) cause such thing or any part thereof to be removed; or,

(*b*) if such thing is of such a description or so situate that, in the opinion of the Local Government, it is not worth removing, destroy the same or any part thereof.

Act VII of 1880, s. 75.

3. Whenever anything is removed under section two, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal. Government entitled to expenses incurred in removing obstruction.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be determined by the Magistrate of the District or Presidency Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties. Act VII of 1880, s. 75. Dispute concerning such expenses.

4. The Local Government shall, when anything is removed under section two, publish in the local official Gazette a notification containing a description of such thing, and the time at which and the place from which the same was removed. Act VII of 1880, s. 76. Notice of removal to be given by Local Government.

5. If after publishing such notification, such thing is unclaimed, Act VII of 1880, s. 77. Things removed may, in certain cases, be sold.

or if the person claiming the same fails to pay the amount due for the said expenses and any other charges properly incurred by the Local Government in respect thereof,

the Local Government may sell such thing by public auction, if it is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

6. On the realization of the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same: Act VII of 1880, s. 78. Proceeds how applied.

Provided that he makes the claim within one year from the date of the sale.

7. For the purposes of this Act, the term "vessel" shall be deemed to include every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel, and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded as a common fund. 40 & 41 Vic., c. 16, s. 6. "Vessel" to include tackle, cargo, &c.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*, make rules to regulate or prohibit in any fairway in any of the seas adjacent to British India, the placing of fishing stakes, the casting or Power to make rules to regulate and prohibit the placing of obstructions in fairways.

throwing of ballast, rubbish, or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause or be likely to cause obstruction or danger to navigation.

9. Whoever is guilty of any act or omission in contravention of the rules made under section eight, may be tried for such offence in any district or Presidency-town in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for breach of such rules.

10. Nothing herein contained shall be deemed to prevent the exercise by the Government of any other powers possessed by it in this behalf.

40 & 41 c. 16, s. 8.

Saving of other powers possessed by Government.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to empower the Government to remove obstructions to navigation which may exist in fairways situate in seas adjacent to British India, and to prohibit the creation of such obstructions for the future. The advantages of having such a law have been impressed upon the Government by certain recent cases. In one of these a question has been raised as to the power of the Government to remove the fishing stakes which are annually placed during the fine season in the sea off the port of Bombay, and which, having recently been advanced into the approach to the harbour, are now a source of serious danger to vessels frequenting that port. In another case which related to the deposit of ballast by ship-masters, at the mouth of the Rangoon river, a practice which, if permitted, might cause serious impediment and danger to the navigation of the approaches to the port of Rangoon, the need for some further preventive powers than those which Government now possesses, has been made apparent.

There can be no doubt that it is extremely desirable that the powers of Government officers, and the procedure to be followed by them, in relation to matters of this nature, should be clearly defined, and as the Indian Statute-Book, as it now stands, does not deal adequately with the subject, the present Bill has been prepared. A precedent for such legislation will be found in the Imperial Statute 40 & 41 Vic., c. 16 (the Removal of Wrecks Act, 1877). The Bill, while following generally the lines of the statute, goes beyond it in two material respects. The power to remove obstructions conferred by it is not confined, as in the statute, to the case of obstructions caused by wrecks, but extends also to fishing stakes, ballast and any other thing which may form an obstruction or danger to navigation. The other point in which the Bill goes beyond the statute is that, in addition to giving power to remove existing obstructions, it enables the Government to prevent the wilful creation of obstructions in the future. With this object the Governor General in Council is empowered (section 7) to make rules to regulate or prohibit in any fairway the placing of fishing stakes, the casting of ballast, or the doing of any other act which will, in his opinion, cause or be likely to cause danger or obstruction to navigation.

The 24th December, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 23 OF 1880.

A Bill to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880); It is hereby enacted as follows :—

Preamble.

1. In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force.

Amendment of Bengal Act No. IX of 1880.

"64A. All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation :

'Holders of estates, &c., how to recover from holders of rent-free lands.

"Provided that, if any such objection as is mentioned in section 53, has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector.

"64B. In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer."

Owner, holder or occupier of rent-free lands may be sued.

Decree against occupier tantamount to decree against owner.

STATEMENT OF OBJECTS AND REASONS.

WHEN the Bill, which has since become Bengal Act No. IX of 1880 (The Cess Act, 1880), was submitted, for the first time, by the Government of Bengal for the assent of the Governor General, His Excellency, though approving of the policy of the Bill, was unable to give his assent, as he was advised that two of its sections were *ultra vires* of the Bengal Legislative Council. Section 65 was *ultra vires*, inasmuch as it extended to suits the parties to which were not landholder and tenant, the special procedure which the provincial legislature is, by section 4 of the Code of Civil Procedure, permitted to prescribe only in suits between landholder and tenant; and section 66 also appeared to be *ultra vires*, as it was inconsistent with the same Code, in enacting that a decree might be executed against a person who was neither a party or privy.

Though, however, feeling compelled for these reasons to withhold his assent from the Bill in its then form, His Excellency intimated to the Government of Bengal that he would be willing to give his assent to the measure if it was re-enacted with the omission of the provisions to which exception had been taken, and further, that if the Lieutenant-Governor should think these provisions were indispensable, a Bill would be introduced into the Council of the Governor General incorporating them, and drawn so as to come in force simultaneously with the Bengal Bill when re-enacted.

In accordance with this intimation, the Government of Bengal re-submitted the Bill with the omission of the objectionable provisions, and His Excellency has given his assent to the measure as thus amended. But, as the Local Government has expressed at the same time a strong opinion that the omitted sections are essential to their scheme of legislation, the present Bill has been prepared in fulfilment of the promise made by His Excellency. It simply re-enacts the provisions to which exception was taken, and incorporates them in the Bengal Act, by inserting them retrospectively in that enactment from the date on which it became law.

The 24th December, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th January, 1881, and was referred to a Select Committee:—

No. 1 OF 1881.

THE BURMA FOREST BILL, 1881.

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SCHEDULE.—ENACTMENTS REPEALED.

A Bill to amend the law relating to Forests, Forest-produce, and the duty leviable on Timber in British Burma.

WHEREAS it is expedient to amend the law relating to forests, forest-produce, and the duty leviable on timber in British Burma; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Forest Act, 1881:" Short-title.

It extends to all the territories for the time being administered by the Chief Commissioner of British Burma, provided that the Chief Commissioner may, from time to time, by notification in the local official Gazette, exempt any place from its operation; but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption; and Local extent.

it shall come into force on the first day of May, 1881. Commencement.

2. On and from that day the enactments mentioned in the schedule hereto annexed shall be repealed to the extent mentioned in the third column of the same schedule. Repeal of enactments.

"and in all rules made hereunder" new.

3. In this Act, and in all rules made hereunder, unless there is something repugnant in the subject or context,— Interpretation-clause.

"Forest-officer" means all persons appointed by name or as holding an office by or under the orders of the Chief Commissioner to be— "Forest-officer:"

New.

Conservators, Deputy Conservators, Assistant Conservators, Sub-Assistant Conservators, Forest Rangers, Foresters, Forest Guards or Forest-officers, or to discharge any function of a Forest-officer under this Act or the rules made hereunder:

Act VII of 1878, s. 2.

"Forest-officer specially empowered" means in any provision of this Act any person whom the Chief Commissioner, or any officer empowered by the Chief Commissioner in this behalf, may, from time to time, appoint by name, or as holding an office, to discharge the functions of a Forest-officer under such provision: "Forest-officer specially empowered:"

Ibid.

"tree" includes bamboos, stumps and brushwood: "tree:"

Ibid.

"timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not: "timber:"

Ibid.

"forest-produce" includes the following when found in, or brought from, a forest (that is to say):— "forest-produce."

'Plants' and 'seeds' added, and the words 'honey', 'wax', 'grass-oil', 'silkworms' and 'cocoons', 'shells', 'skins', 'tusks', 'bones' and 'horns' omitted.

minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac and charcoal;

Act VII of 1878, s. 2.

"forest-offence" means an offence punishable under this Act, or under any rule made under this Act: "forest-offence:"

Ibid.

'camels' omitted.

"cattle" includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: "cattle:"

"river" includes also streams, canals, creeks and other channels, natural or artificial: "river:"

New.

"Magistrate" means a Magistrate of the first or second class, or (when specially empowered by the Chief Commissioner to try forest-offences) a Magistrate of the third class. "Magistrate."

Cf. Act XV of 1877, s. 3, cl. 2.

4. Nothing in the Burma Land and Revenue Act, 1876, shall be deemed to affect or ever to have affected any right by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another person or to the Government or anything growing in or attached to or subsisting upon the land of another person or of the Government; and Saving of rights of profit from the Burma Land and Revenue Act, 1876.

and of ss. 20 & 21 of that Act.

nothing in this Act shall be deemed to affect the provisions of sections twenty and twenty-one of the Burma Land and Revenue Act, 1876.

CHAPTER II.

OF RESERVED FORESTS.

Cf. Act VII of 1878, s. 3.

5. The Chief Commissioner may from time to time constitute any land over which no person has a right created by any grant or lease made by or in behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of the Burma Land and Revenue Act, 1876, a reserved forest in manner hereinafter provided. Power to reserve forests.

Cf. Act VII of 1878, s. 4.

6. Whenever it is proposed to constitute any land a reserved forest, the Chief Commissioner may publish a notification in the local official Gazette— Notification by Chief Commissioner.

(*a*) specifying the limits of such land or describing it in such a manner that its limits shall be readily ascertainable;

(*b*) declaring that it is proposed to constitute such land a reserved forest;

(*c*) appointing an officer (hereinafter called "the Forest-Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, and to deal with the same as provided in this chapter.

New.

The officer appointed under clause (*c*) of this section shall ordinarily be a person not holding any forest-office except that of Forest-Settlement-officer; but a Forest-officer may be appointed in subordination to the Forest-Settlement-officer to assist him in the inquiry prescribed by this chapter.

Cf. Act VII of 1878, s. 6.

7. When a notification has been issued under section six, the Forest-Settlement-officer shall publish in the language of the country, at the head-quarters of each township in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation— Proclamation by Forest-Settlement-officer.

(*a*) specifying the limits of the proposed forest, or describing it in such a manner that its limits shall be readily ascertainable;

(*b*) setting forth the provisions of section eight; New.

(*c*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*d*) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right mentioned in section six either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right.

Cf. Act VII of 1878, s. 5.

8. During the interval between the publication of such proclamation and the date fixed by the notification under section eighteen, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right was vested when the proclamation was published; and on such land, except as hereinafter provided, no new house shall be built or plantation formed, and no fresh clearings for cultivation or for any other purpose shall be made and no trees Bar of accrual of forest-rights. Prohibition of building, clearing, &c.

shall be cut for the purpose of trade or manufacture.

New. Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-Settlement-officer, or any clearings made for toungya cultivation by tribes or families in the habit of practising such cultivation on such land: provided that such clearings are not in contravention of any rule made under section twenty-one of the Burma Land and Revenue Act, 1876, and for the time being in force.

Cf. Act VII of 1878, s. 7. The words 'at some convenient place' omitted.

9. The Forest-Settlement-officer shall take down in writing all statements made under section seven, and shall inquire into all claims preferred under that section, and the existence of any rights mentioned in section six and not claimed under section seven.

Inquiry by Forest-Settlement-officer.

New. The Forest-Settlement-officer shall at the same time consider and record any objection to any claim which the Forest-officer (if any), appointed to assist him under section six, may make.

Cf. Act VII of 1878, s. 8.

10. For the purposes of such inquiry, the Forest-Settlement-officer may exercise the following powers (that is to say):—

Powers of Forest-Settlement-officer.

Wording changed. (*a*) the powers of a Demarcation-officer under The Burma Boundaries Act, 1880; and

(*b*) the powers conferred on a Civil Court by the Code of Civil Procedure for compelling the attendance of witnesses and the production of documents.

Act VII of 1878, s. 9.

11. Rights in respect of which no claim has been preferred under section seven, and of the existence of which no knowledge has been acquired by enquiry under section nine, shall be extinguished, unless, before the notification under section eighteen is published, the person claiming them satisfies the Forest-Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section seven.

Extinction of rights not claimed.

Cf. Act VII of 1878, s. 10.

12. In the case of a claim to a right in or over any land other than the following:—

Power to acquire land over which right is claimed.

(*a*) right of way,
(*b*) right to a water-course,
(*c*) right of pasture,
(*d*) right to forest-produce,

the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

If such claim is admitted wholly or in part, the Forest-Settlement-officer may (1) come to an agreement with the claimant for the surrender of the right; (2) exclude the land from the limits of the proposed forest; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.

For the purpose of so acquiring such land—

(i) the Forest-Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870;

(ii) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section nine of that Act;

(iii) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(iv) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Cf. Act VII of 1878, ss. 11, 12 and 13. (That section relates only to the rights mentioned in cls. (*c*) and (*d*).)

13. In the case of a claim to rights of the kind specified in clauses (*a*), (*b*), (*c*) and (*d*) of section twelve, the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

Order on claims to rights of way, watercourse, pasture or to forest-produce.

Cf. Act VII of 1878, ss. 14 and 15.

14. When the Forest-Settlement-officer admits wholly or in part any claim to a right of the kind specified in clauses (*c*) and (*d*) of section twelve, he shall, if practicable, by an order in writing, either continue such right to the claimant, or alter the limits of the proposed reserved forest, so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient, for the purposes of the claimant; and permit him to exercise his right on such land.

Provision for rights of pasture or to forest-produce admitted.

The order passed under this section shall record—

(*a*) the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the season during which, such pasture is permitted; or

(*b*) the quantity of timber and other forest-produce which the claimant is authorized to take or receive, the local limits within which, and the season during which, the taking of such timber or forest-produce is permitted; and

(*c*) when the exercise of such right is claimed in respect of any land or buildings, the designation, position and area of such land, and the designation and position of such buildings; and

New. (*d*) such other particulars as may be required in order to specify the nature of the right which is continued.

Cf. Act VII of 1878, ss. 12 and 13.

15. Whenever any right of the kind specified in section twelve, clauses (*c*) and (*d*), and admitted under section thirteen, is not provided for in one of the ways prescribed in section fourteen, the Forest-Settlement-officer shall, subject to such rules as the Chief Commissioner may from time to time prescribe in this behalf, commute such right, by paying a sum of money in lieu thereof, or with the consent of the claimant, by the grant of land or in such other manner as such officer thinks fit;

Commutation of such rights.

For the purpose of granting land under this section, the Forest-Settlement-officer shall be deemed to be an Assistant Commissioner in charge of a sub-division.

Cf. Act VII of 1878, s. 16.

16. Any person who has made a claim under this chapter may, within three months from the date of any order passed on such claim by the Forest-Settlement-officer under section twelve, thirteen, fourteen or fifteen, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Chief Commissioner may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal from order passed under foregoing sections.

Proviso omitted

Act VII of 1878, s. 17.

17. Every appeal under section sixteen shall be made by petition in writing, and may be delivered to the Forest-Settlement-officer, who shall forward it without delay to the officer competent to hear the same.

Appeal under section 16.

Every such appeal shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue, and the order passed thereon by such officer shall be final:

Hearing of appeals.

Provided that every order of a Forest-Settlement-officer, and every order passed on appeal under this section, shall be subject to revision by the Chief Commissioner.

Orders of Forest-Settlement-officer, and orders on appeal, subject to Chief Commissioner's confirmation.

Act VII of 1878, s. 19.

18. When the following events have occurred (namely)—

Notification declaring forest reserved.

(*a*) the period fixed under section seven for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-Settlement-officer; and

(*b*) if such claims have been made, the period limited by section sixteen for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer; and

(*c*) all lands (if any) to be included in the proposed forest, which the Forest-Settlement-officer has, under section twelve, elected to acquire under the Land Acquisition Act, 1870, have become vested in the Government under section sixteen of that Act,

the Chief Commissioner may publish a notification in the local official Gazette, specifying, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From the date so fixed, such forest shall be deemed to be a reserved forest.

Cf. Act VII of 1878, s. 20.

19. The Deputy Commissioner of the district in which the forest is situate shall, before the date fixed by such notification, cause a translation thereof into the language of the country to be published in the manner prescribed for the proclamation under section seven.

Publication of translation of such notification in neighbourhood of forest.

Act VII of 1878, s. 22.

20. No right of any description shall be acquired in or over a reserved forest, except by succession, or under a grant or contract in writing made by, or on behalf of, the Government, or some person in whom such right was vested when the notification under section eighteen was published.

No right acquired over reserved forest except as here provided.

Cf. Act VII of 1878, s. 23.

21. Notwithstanding anything herein contained, no right continued or created under section fourteen shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Chief Commissioner: provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house without such sanction.

Rights not to be alienated without sanction.

No timber or other forest-produce obtained in exercise of any right so continued or created shall be sold or bartered except to such extent as may be permitted by the Chief Commissioner.

Cf. Act VII of 1878, s. 24.

22. A Forest-officer may from time to time, with the previous sanction of the Chief Commissioner or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest: provided that a substitute for the way or water-course so stopped, which the Chief Commissioner deems to be reasonably convenient, already exists, or has been provided or constructed by such Forest-officer in lieu thereof.

Power to stop ways and water-courses in reserved forest.

Penalties for trespass or damage in reserved forests.

23. Any person who in a reserved forest—

Cf. Act VII of 1878, s. 25.

(*a*) trespasses, or pastures cattle, or permits cattle to trespass;

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(*c*) in contravention of any rules which the Chief Commissioner may from time to time make in this behalf, hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty-five rupees to double the amount of such damage.

Acts prohibited in such forests.

Cf. Act VII of 1878, s. 25.

24. Any person who—

(*a*) makes any fresh clearing prohibited by section eight, or

(*b*) sets fire to a reserved forest, or kindles any fire in such manner as to endanger the same,

or who, in a reserved forest,

(*c*) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest-officer specially empowered may from time to time notify in this behalf;

(*d*) fells, girdles, lops, taps or burns any tree, or strips off the bark or leaves from, or otherwise damages the same;

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce;

(*f*) clears or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or when the damage resulting from his offence amounts to more than two hundred and fifty rupees to double the amount of such damage.

Act VII of 1878, s. 25.

25. Nothing in section twenty-three or section twenty-four shall be deemed to prohibit (*a*) any act done by permission in writing of a Forest-officer, specially empowered or under any rule made by the Chief Commissioner in that behalf; or (*b*) the exercise of any right continued or created under section fourteen or created by grant or contract in the manner described in section twenty.

Acts excepted from prohibition contained in sections 23 and 24.

Cf. Act VII of 1878, s. 25.

26. Whenever fire is caused wilfully or by gross negligence in a reserved forest, by any person having rights in such forest or by any person in his employ-

Penalty for offences committed by persons having rights in reserved forests.

ment, or whenever any person having rights in such forest contravenes the provisions of section twenty-one, the Chief Commissioner may (notwithstanding that a penalty has been inflicted under section twenty-four) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be extinguished or suspended for such period as he thinks fit.

Act VII of 1878, s. 26.

27. The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

Power to declare forest no longer reserved.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

New.

28. Any forest which has been declared a reserved forest under any rules in force previous to the passing of this Act shall be deemed to have been reserved under this Act, all questions decided, orders issued and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued and prepared under this Act, and all the provisions of this Act relating to reserved forests shall apply to such forest.

Forests reserved under former rules.

CHAPTER III.

OF VILLAGE-FORESTS.

New.

29. The Chief Commissioner may from time to time, by notification in the local official Gazette, constitute any land over which no person has a right created by any grant or lease made by or on behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of the Burma Land and Revenue Act, 1876, a village-forest for the benefit of any village community or group of village communities, and may by a like notification cancel any such notification:

Constitution of village-forests.

Provided that no such notification shall be deemed to affect any teak or other trees, which the Chief Commissioner may previous to the issue of such notification have declared to be reserved.

Every such notification shall specify definitely, according to boundary-marks erected or otherwise, the limits of such village-forest.

Cf. Act VII of 1878, s. 27, para. 2.

30. The Chief Commissioner may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the communities for the benefit of which such forests are constituted may be provided with timber or other forest-produce, or with pasture and their duties in respect of the protection and improvement of such forest.

Power to make rules for village-forests.

The Chief Commissioner may, by such rules, declare any of the provisions of this Act relating to the management, protection and improvement of reserved forests to be applicable to village-forests.

31. Nothing in this chapter shall be deemed to affect any existing rights of individuals or communities in or over any land constituted a village-forest:

Saving of private rights.

Provided that the Chief Commissioner may in any case inquire into and determine the existence, nature and extent of any such rights and deal with the same in the manner provided in Chapter II of this Act for reserved forests.

Power to inquire into and deal with such rights.

CHAPTER IV.

OF THE PROTECTION OF FORESTS ON GOVERNMENT LANDS NOT INCLUDED IN RESERVED OR VILLAGE-FORESTS.

32. All teak trees standing on land to which the second part of the Burma Land and Revenue Act, 1876, applies, and over which no person has a right created by any grant or lease made by or on behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of that Act, shall be reserved, and the Chief Commissioner may from time to time, by notification in the local official Gazette, declare any other trees or class of trees standing on such land to be reserved from a date fixed by such notification, and may alter or cancel any such notification.

Reserved trees.

33. Except as provided by rules made by the Chief Commissioner in this behalf, or with the permission in writing of a Forest-officer specially empowered, no reserved tree may be cut, marked, lopped, girdled or injured by fire or otherwise.

Protection of reserved trees.

Whoever cuts, marks, lops, girdles or injures by fire or otherwise any reserved tree in contravention of this section, shall be punished with fine which may extend to twenty rupees, or when the damage resulting from his offence amounts to more than ten rupees to double the amount of such damage.

34. The Chief Commissioner may from time to time make rules relating to the forest on the land referred to in section thirty-two.

Cf. Act VII of 1878, s. 31.

Power to make rules generally.

Such rules may—

(*a*) prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(*b*) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce;

(*c*) regulate or prohibit the quarrying of stone or the burning of lime or charcoal;

(*d*) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments (if any) to be made for such pasturing;

(*e*) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares; and

(*f*) regulate the sale or free grant of timber or other forest-produce.

The Chief Commissioner may, by such rules, prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for acts in contravention of rules.

35. Nothing in this chapter or in any rule made under this chapter shall be deemed to prohibit any act done with the permission in writing of a Forest-officer specially empowered, or in the exercise of any right.

Nothing in this chapter to prohibit acts done in certain cases.

CHAPTER V.

OF THE DUTY ON TIMBER.

Cf. Act VII of 1878, s. 39.

36. The Chief Commissioner may levy a duty, in such manner, at such places, and at such rates as he may from time to time prescribe by notification in the local official Gazette, on all timber which is brought into British Burma from any place beyond the frontier of British Burma.

Power to impose duty on timber.

In every case in which such duty is directed to be levied *ad valorem*, the Chief Commissioner may, from time to time fix, by like notification, the value on which such duty shall be assessed.

Power to fix value for *ad valorem* duty.

37. On all logs cut within the limits of the Attaran and Pandau Forests and floated down the Attaran and Salween rivers, duty shall be levied at the following rates, that is to say—

Duty on certain timber floated down the Salween and Attaran.

On logs floated down the Attaran river:

	Rs.	A.	P.	
Above five feet in girth	4	0	0	per log.
Below „ „	2	0	0	„
Stem pieces	0	9	0	„
Ship crooks	0	4	0	„
Boat „	0	1	0	„
Small „	0	0	6	„
„ pieces	0	2	0	„

On logs floated down the Salween river:

	Rs.	A.	P.	
Above five feet in girth	2	12	0	per log.
Below „ „	1	6	0	„
Stem pieces	0	9	0	„
Ship crooks	0	4	0	„
Boat „	0	1	0	„
Small „	0	0	6	„
„ pieces	0	2	0	„

New.

38. The Chief Commissioner may exempt any timber from duty, and may revoke such exemption.

Power to exempt timber from duty.

CHAPTER VI.

OF THE CONTROL OF TIMBER IN TRANSIT.

Cf. Act VII of 1878, s. 41. 'Forest-produce' omitted.

39. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber in transit by land or water, is vested in the Chief Commissioner, and he may from time to time make rules to regulate the transit of all timber:

Power to make rules to regulate transit of timber.

Such rules may (among other matters)—

Cl. (*a*). (*a*) prescribe the routes by which alone timber may be imported into, exported from, or moved within, British Burma;

Cl. (*b*). (*b*) prohibit the import and export or moving of such timber without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

Cl. (*c*). (*c*) provide for the issue, production and return of such passes and for the payment of fees therefor;

New. (*d*) prohibit the loosening of timber formed into a raft or the setting adrift of any raft, by any person not the owner of such timber or raft, or not acting on behalf of the owner, or of Government;

Cl. (*d*). (*e*) provide for the stoppage, reporting, examination and marking of timber in transit in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark;

Cl. (*e*). 'stations' substituted for 'depôt.' (*f*) provide for the establishment and regulation of stations to which such timber shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such mark may be affixed to it; and the conditions under which such timber shall be brought to, stored at, and removed from, such station;

New. (*g*) authorize the transport of timber the property of Government across any land which is not the property of Government, and regulate the compensation to be paid for any damage done by the transport of such timber;

Cl. (*f*). (*h*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber, and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be obstructed;

Cl. (*g*). (*i*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal from the person causing such obstruction.

Cl. (*h*). (*j*) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or supermarking of timber, the altering or effacing of any marks on the same, and possession or carrying of marking-hammers or other implements used for marking timber;

'supermarking of timber' new.

Cl. (*i*). With additions. (*k*) regulate the use of property-marks for timber, and the registration of such marks; lay down the rules under which the registration of any property-marks may be refused or cancelled; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

New. Nothing in this section shall be held to affect any private rights in immoveable property situate on the banks of rivers.

Cf. Act VII of 1878, s. 42.

40. The Chief Commissioner may by such rules prescribe as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for breach of rules made under section 39.

In cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalties so prescribed.

Cf. Act VII of 1878, s. 43. 'station' substituted for 'depôt.'

41. The Government shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a rule made under section thirty-nine, or while detained elsewhere for the purposes of this Act; and no Forest-

Government and Forest-officers not liable for damage to timber at station.

officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

Act VII of 1878, s. 44.

42. In case of any accident or emergency involving danger to any property at any such station, every person employed at such station, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at station.

CHAPTER VII.

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER.

Act VII of 1878, s.45

43. All timber found adrift, beached, stranded or sunk;

all timber bearing marks which have not been registered under rules made under section thirty-nine, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Chief Commissioner directs, all unmarked timber,

shall be deemed to be the property of Government unless and until any person establishes his right thereto as provided in this chapter.

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section forty-nine, and may be brought to such stations as a Forest-officer specially empowered may from time to time notify as stations for the reception of drift-timber.

The words 'by Notification in local official Gazette' omitted.

The Chief Commissioner may exempt any class of timber from the provisions of this section, and withdraw such exemption.

Cf. Act VII of 1878, s. 46.

44. Public notice shall from time to time be given by a Forest-officer specially empowered, of timber collected under section forty-three. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Notice to claimants of drift-timber.

'*One* month' substituted for '*two* months.'

Act VII of 1878, s. 47.

45. When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

Procedure on claim preferred to such timber.

If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

Any person whose claim has been rejected under this section may, within two months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

On rejection of claim to such timber, claimant may institute suit.

No such timber shall be subject to process of any Civil Court until it has been delivered, or a suit brought under this section has been decided.

Words 'Criminal or Revenue' omitted before 'Court.'

46. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by the notice issued under section forty-four, or, on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period limited by section forty-five, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section forty-five, in such other person, free from all incumbrances.

Act VII of 1878, s. 48.

Disposal of unclaimed timber.

47. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section forty-three.

Act VII of 1878, s. 49.

Government and its officers not liable for damage to such timber.

48. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section forty-nine.

Act VII of 1878, s. 50.

Payments to be made by claimant before timber is delivered to him.

49. The Chief Commissioner may from time to time make rules to regulate the following matters (namely) :—

Act VII of 1878, s. 51.

Power to make rules and prescribe penalties.

(*a*) the salving, collection and disposal of all timber mentioned in section forty-three;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber;

(*d*) the use and registration of hammers and other instruments to be used for marking such timber.

The Chief Commissioner may from time to time prescribe, as penalties for the infringement of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Cf. Act VII of 1878, s. 52.

50. When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Seizure of property liable to confiscation.

Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Application for confiscation.

Change.

Provided that when no property is seized except the forest-produce with respect to which such offence is believed to have been committed and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Cf. Act VII of 1878, s. 53. Slight changes.

51. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the appearance and trial of the accused and the disposal of the property according to law.

Procedure thereupon.

Cf. Act VII of 1878, s. 54. Words 'which is not the property of Government' omitted. See sec. 56.

52. When any person is convicted of a forest-offence all timber or forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

Forest-produce, tools, &c., when liable to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Act VII of 1878, s. 55.

53. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken charge of by a Forest-officer specially empowered; and in any other case may be disposed of in such manner as the Court may order.

Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.

Cf. Act VII of 1878, s. 56. Slight changes.

54. When the offender is not known or cannot be found, the Magistrate may, on application in that behalf, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by a Forest-officer specially empowered, or to be made over to such Forest-officer or to any other person whom he deems to be entitled to the same:

Procedure when offender not known or cannot be found.

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

New.

The Magistrate may cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or he may publish such notice in any way which he thinks fit.

Act VII of 1878, s. 57.

55. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section fifty and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Procedure as to perishable property seized under section 50.

Cf. Act VII of 1878, s. 58. Change; right of Forest-officer to appeal taken away.

56. Any person claiming to be interested in property seized under section fifty may, within one month from the date of any order passed under section fifty-two, fifty-three or fifty-four, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Appeal from orders under sections 52, 53 and 54.

Act VII of 1878, s. 59.

57. When an order for the confiscation of any property has been passed under section fifty-two or fifty-four, as the case may be, and the period limited by section fifty-six for presenting an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Property when to vest in Government.

Cf. Act VII of 1878, s. 60. The words 'and the withdrawal of any proceedings instituted' added.

58. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Chief Commissioner from directing at any time the immediate release of any property seized under section fifty and the withdrawal of any proceedings instituted in respect of such property.

Saving of power to release property seized.

Cf. Act VII of 1878, s. 61.

59. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for wrongful seizure.

Last sentence new.

Any fine so imposed, or any portion thereof, may be given as compensation to the person aggrieved.

Cf. Act VII of 1878, s. 62. Slight change.

60. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

Penalty for counterfeiting or defacing marks in trees and timber and for altering boundary-marks.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(*b*) unlawfully affixes a mark used by Forest-officers; or

New.

(*c*) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Cf. Act VII of 1878, s. 63.

61. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

Power to arrest without warrant.

Every officer making an arrest under this section shall, without unnecessary delay, report or send the person arrested before the Magistrate having jurisdiction in the case.

Third para. of s. 63 of Indian Forest Act omitted.

Act VII of 1878, s. 64.

62. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to prevent commission of offence.

Sec. 65 of Indian Forest Act omitted. Act VII of 1878, s. 66.

63. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the rules made under this Act:

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

Cf. Act VII of 1878, s. 67. Slight change.

64. Any Forest-officer specially empowered may accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence other than an offence under section fifty-nine or section sixty a sum of money by way of compensation for any damage which may have been committed, and may release any property which has been seized as liable to confiscation on payment of the value thereof as estimated by such officer.

Power to compound offences.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken under this Act against such person or property; but nothing herein contained shall exempt such person from prosecution on the same facts under any other law for the time being in force.

Act VII of 1878, s. 65.

65. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

Presumption that forest-produce belongs to Government.

CHAPTER IX.

CATTLE-TRESPASS.

Act VII of 1878, s. 69.

66. Cattle trespassing in a reserved forest or a village-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Cattle-trespass Act, 1871, to apply.

Act VII of 1878, s. 70.

67. The Chief Commissioner may from time to time, by notification in the local official Gazette, direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section sixty-six of this Act, such fines as he thinks fit, but not exceeding the following (that is to say):—

Power to alter fines fixed by that Act.

	Rs.	A.
For each elephant... ...	10	0
For each buffalo	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer ...	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid ...	0	8

'Camel' omitted.

CHAPTER X.

OF FOREST-OFFICERS.

Act VII of 1878, s. 71.

68. The Chief Commissioner may invest any Forest-officer by name, or as holding an office, with the following powers (that is to say):—

Chief Commissioner may invest Forest-officers with certain powers.

(*a*) the powers of a Demarcation-officer under the Burma Boundaries Act, 1880;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue search-warrants under the Code of Criminal Procedure;

(*d*) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence.

Any evidence recorded under clause (*d*) of this section shall be admissible in any subsequent trial before a Magistrate: provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 333 or section 334 of the Code of Criminal Procedure.

Last part of proviso new.

Act VII of 1878, s. 72.

69. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Forest-officers deemed public servants.

Cf. Act VII of 1878, s. 73. The words 'or criminal action' new.

70. No suit or criminal prosecution shall lie against any public servant for anything done by him in good faith under this Act.

Indemnity for acts done in good faith.

Act VII of 1878, s. 74.

71. Except with the permission in writing of the Chief Commissioner, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in British or foreign territory.

Forest-officers not to trade.

CHAPTER XI.

MISCELLANEOUS.

Cf. Act VII of 1878, s. 75.

72. The Chief Commissioner may from time to time make rules consistent with this Act—

Additional powers to make rules.

(*a*) to prescribe and limit the powers and duties of any Forest-officer;

(*b*) to regulate the powers and proceedings of Forest-Settlement-officers;

New.

(*c*) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act; and

Cl. (c) of s. 75 of I. F. Act omitted.

(*d*) generally to carry out the provisions of this Act.

Sec. 76 of I. F. Act omitted.

Cf. Act VII of 1878, s. 77.

73. All rules made by the Chief Commissioner under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

Rules when to have force of law.

Second para. omitted.

Act VII of 1878, s. 78.

74. Every person who exercises any right in a reserved forest or a village-forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and

Persons bound to assist Forest-officer and Police-officer.

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall assist any Forest-officer or Police-officer demanding his aid

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Act VII of 1878, s. 81.

75. All money payable to the Government under this Act, or under any rule made hereunder, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Recovery of money due to Government.

Act VII of 1878, s. 82.

76. When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer specially empowered and retained by him until such amount has been paid.

Lien on forest-produce for such money.

If such amount is not paid when due, such Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Power to sell such produce.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Her Majesty.

Act VII of 1878, s. 83.

77. Whenever it appears to the Chief Commissioner that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section four.

Land required under this Act to be deemed to be needed for a public purpose under Land Acquisition Act.

SCHEDULE.

(*See section 1.*)

ENACTMENTS REPEALED.

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act VII of 1865...	An Act to give effect to rules for the management and preservation of Government forests.	So much as has not been repealed.
Act VII of 1869...	An Act to give validity to certain rules relating to forests in British Burma.	The whole.
Act XIII of 1873	An Act to amend the law relating to timber floated down the rivers of British Burma.	So much as has not been repealed.
Regulation IX of 1874.	The Arakan Hill District Laws Regulation, 1874.	So far as it relates to Acts VII of 1865 and VII of 1869.

STATEMENT OF OBJECTS AND REASONS.

1. The necessity for placing forest-legislation in British Burma upon a satisfactory footing has been felt for a considerable time. The present state of the law is as follows:—

The Government Forests Act (Act No. VII of 1865) is in force, but it does not provide for all requirements. That Act gave power to make rules, having the force of law, for the management and preservation of the Government forests and for the control of the timber floated down rivers. Accordingly in August, 1865, rules for the administration of forests in British Burma were promulgated. These rules, though purporting to have been made under the Government Forest Act, were not covered by its provisions, and accordingly they were legalized by Act No. VII of 1869.

In 1873 it was deemed advisable to amend and consolidate the law relating to timber floated down the rivers of Burma. Accordingly the Burma Timber Act (No. XIII of 1873) was passed. This Act repealed Act No. VII of 1869 and the rules legalized by that Act as far as they related to duty on timber floated down the rivers of British Burma.

The rules of August, 1865, related only to a portion of the Government forests, as defined in the rules, and it became necessary to provide by another set of rules for the administration of the forests thus excluded. This was done by rules made under Act No. VII of 1865, which were promulgated in Burma in March, 1876, together with a notification defining the areas to which they were applicable.

Thus the administration of the Government forests in Burma and the management of the timber floated down its rivers is governed by three different enactments and two sets of rules having the force of law. Yet these enactments and rules leave several of the most important matters unprovided for, and hence it is necessary both to consolidate and to complete them.

Experience has shown that the only practical method to ensure the objects aimed at by forest-administration is to set apart and demarcate selected areas of Government forests, to liberate these areas as far as possible from rights of private persons, and to guard against the growth by prescription of fresh rights in forests thus set apart and demarcated.

Forests thus set apart and demarcated are called reserved forests, and the formation of such reserved forests in British Burma has proceeded steadily during the last five years. The formation of such reserved forests is preceded by a thorough and complete enquiry by a Settlement-officer into the rights and requirements of the people residing in and in the immediate vicinity of these areas. The guiding principle followed in this enquiry is, that such arrangements are made as will enable the people to provide for their requirements in the matter of forest-produce, either outside the reserved forests, or, under suitable rules, within their boundaries. And in the case of the tribes whose custom it is to carry on the shifting kind of cultivation by cutting and burning the forest which is called *Toungya* cultivation, defined areas are assigned to them where they may practice this kind of cultivation. Under these arrangements the formation of Government forest domains has been commenced, and their area aggregated, on 31st March last, 1,442 square miles.

The practical result of these proceedings is that the forests thus set apart and demarcated can be effectively protected and steadily improved, so that eventually a limited area will yield all the timber and other forest-produce required for home consumption and export, while the remainder can be thrown open for the use of the people and the extension of cultivation. The system here sketched enables Government to concentrate forest-conservancy upon limited areas, instead of attempting to enforce restrictions over the whole of the forests.

The procedure, however, hitherto followed in this respect in Burma, in some particulars, wants legal sanction, and hence the action of Government in setting apart reserved forests is not final, and may be called in question. The object of the present Bill is to legalize what has been done in this respect, and to lay down a procedure for the future.

3. The Indian Forest Act, which was passed in 1878, had the same object, and it must now be explained why it was not considered advisable to make the provisions of the Indian Forest Act applicable to Burma. One reason is that the procedure followed in the enquiry into, and the settlement of, forest-rights and in the demarcation of forests, as it has been developed by practical experience, is somewhat different from that prescribed by the Indian Forest Act. But this is a minor matter. The chief reason for special forest-legislation in Burma, consists in the provisions of the Burma Land and Revenue Act (Act No. II of 1876). Section 6 of that Act defines the rights in land subject to the second part of that Act, which are recognized by law, and clause (*b*) recognizes rights acquired under sections 27 and 28 of the Indian Limitation Act, 1871. The rights thus recognized are "easements" in the ordinary English acceptation of that term, including the use of light or air, way, watercourse, use of water, but not any prescriptive right by which one person is entitled to remove and appropriate, for his own profit, any part of the soil belonging to another, or, anything growing in, or attached to, or subsisting upon, the land of another.

The Indian Limitation Act of 1877 extended the definition of the term "easement" including in it all rights of the latter class. But it has been held that this did not affect the construction of the Burma Land and Revenue Act, and consequently the practical effect of section 6 of that Act is to deny the existence of all prescriptive rights of user of forest-produce in the forests of Burma.

But as a matter of fact there is no doubt that such rights existed in the Burma forests before the Burma Land and Revenue Act was passed, and their existence has been recognized in the enquiries which have preceded the demarcation of the existing reserved forests.

No forest-legislation for Burma could ignore these rights, and in framing the present Bill it was necessary to save them.

4. Several other important subjects have also been treated differently from the Indian Forest Act.

Thus the penalties for offences committed in reserved forests are all uniform in the Indian Forest Act, while in the present Bill it has been thought better to classify offences into two classes, and to assign to each class separate limits of punishment.

5. Again, as regards reserved forests which have already been demarcated it is proposed, having regard to the careful investigations made at the time they were reserved, that they should be placed by the direct operation of the Act in the position of reserved forests made under the Act, instead of leaving it to the local Government, as the Indian Forest Act does, to class them as such.

6. The provisions relating to village-forests differ from the corresponding provisions in the Indian Forest Act, in as far as they give power to constitute any forest which is at the disposal of Government, a village-forest, and not only such as have already been declared reserved forests.

7. A fundamental difference between the present Bill and the Indian Forest Act is in the chapter which deals with the protection of forests on Government lands not included in reserved or village-forests. The Indian Forest Act attempts to solve this question by authorizing the constitution of protected forests. These protected forests are intended to be defined areas in which the rights of Government and of private persons are enquired into and recorded.

In Burma, where a large portion (in many districts more than three-fourths of the area) is forest, this plan would be unnecessary. It would also be impracticable. Hence the present Bill only contemplates the formation of two classes of forests—reserved forests

and village-forests. The object of the former class is to furnish timber and other useful produce for the consumption of the Province and for export, while the object of the village-forests is to ensure a permanent supply of pasture and of wood and bamboos to the villages to which such forests are assigned. And while the first step is the formation of the State forest domains, which are styled reserved forests, it is intended that the formation of village-forests shall be taken in hand gradually as the growth of population and the clearing of the forests for cultivation may render necessary the setting apart of a certain area for the use of villages.

Outside these two classes of forests the great object in Burma must be to facilitate the extension of cultivation as much as possible. Hence it would not be expedient in any way to impede or limit the extension of cultivation by the establishment of a third class analogous to the protected forests of the Indian Forest Act. What is required is, outside the reserved forests and village-forests, to give a certain protection to the teak tree and to a few other reserved kinds, and to realize revenue from the timber, bamboos and other forest-produce used for purposes of trade.

These provisions must be maintained until the demarcation of the State (reserved) and village-forests has been completed, and until the forests of these two classes have been brought to such a condition by efficient protection and steadily-continued works of improvement, that they are capable of furnishing the timber and forest-produce required for the agricultural population, for the Province generally, and for export.

This aim cannot be expected to be accomplished for many years to come. But as it is accomplished in one district after another, the restrictions imposed upon the use of the forests outside the State and village-forests may be abolished in such districts.

8. That chapter of the Indian Forest Act which authorizes Government to exercise control in certain cases, for the public good, over forests which are not the property of Government is not required in Burma, and has therefore been omitted.

9. The power to impose a duty on foreign timber (section 36) is taken from the Indian Forest Act, and the duty imposed by section 37 on timber produced in certain forests in our own territory is one which has been levied for the last thirty years.

10. In the concluding chapters, which relate to the control of timber in transit, to the collection of drift or stranded timber, to penalties, cattle trespass, forest officers and to miscellaneous matters, the Bill follows generally the Indian Forest Act.

Briefly, it may be said that the Bill now published is the Indian Forest Act of 1878, with such changes as were necessary to adapt it to the peculiar circumstances of British Burma.

C. U. AITCHISON.

The 23rd December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 15, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 21 OF 1880.

A Bill to empower the Government of Madras to alter the local limits of the Coroner's Jurisdiction, and for other purposes.

Preamble.

WHEREAS under the Coroners' Act, 1871, the local limits of the jurisdiction of the Coroner of Madras are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras;

and whereas it is expedient to empower the Governor of Fort St. George in Council to alter the local limits of the said Coroner's jurisdiction;

and whereas it is also expedient to correct an error in section nine of Madras Act No. VIII of 1867 (*an Act to incorporate the Police of the Town of Madras with the general Police of the Madras Presidency and for other purposes*) as amended by the Code of Criminal Procedure; It is hereby enacted as follows :—

Power to alter local limits of jurisdiction of Coroner of Madras.

1. The Governor of Fort St. George in Council may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *Fort St. George Gazette*, alter the local limits of the jurisdiction of the Coroner of Madras :

Provided that such limits shall not extend beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

Sections 133 to 135 of Act X of 1872 to extend to area excluded from Coroner's jurisdiction.

2. When, in exercise of the power conferred by section one, any area within the local limits of the said ordinary original civil jurisdiction is excluded from the local limits of the Coroner's jurisdiction, sections 133 to 135 (both inclusive) of the Code of Criminal Procedure shall extend to such area while so excluded, and all functions assigned to a Magistrate by those sections shall be discharged by the Commissioner of Police.

New section substituted for section 9 of Madras Act VIII of 1867.

3. For section nine of the said Madras Act No. VIII of 1867, the following section shall be substituted :—

Law to govern Town Police.

"9. The Town Police shall be governed by all the provisions of the Criminal Procedure Code, contained in sections 89, 91 to 103 (both inclusive), 108, 109, 110, 111, 112, 114, 116, 117 (first part), 118, 119, 120, 123, 124, 125, 127, 128, 129, 131, 136, 139, 140, 141, 142, 144, 147, chapter XII, sections 159, 161, 163 to 170 (both inclusive), 174 to 185 (both inclusive), chapter XXVII (except section 385), sections 415 to 420 (both inclusive), 480, so far as they are applicable :

"Provided always, that the officer in charge of a Police-station shall not be required to bind over the prosecutor and witnesses as directed in section 123 of the said Code, if their immediate attendance can be procured without recognizances."

Act X of 1872, schedule V, in part repealed.

4. The portion of Schedule V of the Code of Criminal Procedure, under the heading "Acts of the Governor of Madras in Council," shall be read as if the letter and figure "s. 9" in the first column, and all the words and figures in the second and third columns opposite the said letter and figure, were omitted.

STATEMENT OF OBJECTS AND REASONS.

UNDER Act No. IV of 1871 (The Coroners' Act, 1871), the local limits of the jurisdiction of the Coroners in the towns of Calcutta, Madras and Bombay are made co-extensive with the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, respectively, no power to alter them being conferred. In Madras, these limits comprise twenty-seven square miles and include twenty-three agricultural villages. This area having of late years, owing to the increase in the number of inquests to be held, become too large for one Coroner, it is proposed that the Governor in Council should be empowered to restrict the local limits of the Coroner's jurisdiction by excluding from them the non-urban portion which differs but little from the adjoining mufassal district. To give effect to this proposal, the present Bill has been prepared. It empowers the Governor in Council, with the previous sanction of the Governor General in Council, to alter the local limits of the Coroner's jurisdiction, as may be from time to time convenient, provided that these limits are never extended beyond the present ones.

2. In the event of the powers conferred by the Bill being exercised and the local limits of the Coroner's jurisdiction restricted, the provisions of the Criminal Procedure Code relating to enquiries by the Police into unnatural and sudden deaths will (section 2) extend to the tract excluded from the jurisdiction of the Coroner, and the Commissioner of Police will discharge the functions of the Magistrate under those provisions.

3. The present opportunity has been taken to correct an error (the result of an oversight) in section 9 of the Madras Police Act (Madras Act No. VIII of 1867) as amended by the Code of Criminal Procedure.

WHITLEY STOKES.

The 24th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 22 OF 1880.

A Bill to empower the Government to remove or destroy obstructions in fairways, and to prevent the creation of such obstructions.

WHEREAS it is expedient to empower the Government to remove or destroy obstructions to navigation in fairways in the seas adjacent to British India, and to prevent the creation of such obstructions; It is hereby enacted as follows :—

Preamble.

1. This Act may be called "The Obstructions in fairways Act, 1881;"

Short title.

and it shall come into force at once.

Commencement.

But nothing herein contained shall apply to vessels belonging to Her Majesty or hired by Her Majesty, or by the Secretary of State for India in Council.

2. Whenever in any fairway in any of the seas adjacent to British India, any vessel is sunk, stranded or abandoned or any fishing stake, timber or other thing is placed or left, the Local Government of the part of British India in or near which such vessel, fishing stake, timber or other thing is situate may, if in its opinion such thing is, or is likely to become, an obstruction or danger to navigation,

Local Government empowered to remove or destroy obstruction in fairway.

(*a*) cause such thing or any part thereof to be removed ; or,

(*b*) if such thing is of such a description or so situate that, in the opinion of the Local Government, it is not worth removing, destroy the same or any part thereof.

3. Whenever anything is removed under section two, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal.

Government entitled to expenses incurred in removing obstruction.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be determined by the Magistrate of the District or Presidency Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties.

Act VII 1880, s.

Dispute concerning such expenses.

4. The Local Government shall, when anything is removed under section two, publish in the local official Gazette a notification containing a description of such thing, and the time at which and the place from which the same was removed.

Act 1880,

Notice of removal to be given by Local Government.

5. If after publishing such notification, such thing is unclaimed,

Act VII 1880, s.

Things removed may, in certain cases, be sold.

or if the person claiming the same fails to pay the amount due for the said expenses and any other charges properly incurred by the Local Government in respect thereof,

the Local Government may sell such thing by public auction, if it is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

6. On the realization of the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

A 1880

Proceeds how applied.

Provided that he makes the claim within one year from the date of the sale.

7. For the purposes of this Act, the term "vessel" shall be deemed to include every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel, and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded as a common fund.

40 & 41 c. 16, s.

"Vessel" to include tackle, cargo, &c.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*, make rules to regulate or prohibit in any fairway in any of the seas adjacent to British India, the placing of fishing stakes, the casting or

Power to make rules to regulate and prohibit the placing of obstructions in fairways.

throwing of ballast, rubbish, or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause or be likely to cause obstruction or danger to navigation.

Penalty for breach of such rules.

9. Whoever is guilty of any act or omission in contravention of the rules made under section eight, may be tried for such offence in any district or Presidency-town in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Saving of other powers possessed by Government.

10. Nothing herein contained shall be deemed to prevent the exercise by the Government of any other powers possessed by it in this behalf. 40 & 41 c. 16, s.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to empower the Government to remove obstructions to navigation which may exist in fairways situate in seas adjacent to British India, and to prohibit the creation of such obstructions for the future. The advantages of having such a law have been impressed upon the Government by certain recent cases. In one of these a question has been raised as to the power of the Government to remove the fishing stakes which are annually placed during the fine season in the sea off the port of Bombay, and which, having recently been advanced into the approach to the harbour, are now a source of serious danger to vessels frequenting that port. In another case which related to the deposit of ballast by ship-masters, at the mouth of the Rangoon river, a practice which, if permitted, might cause serious impediment and danger to the navigation of the approaches to the port of Rangoon, the need for some further preventive powers than those which Government now possesses, has been made apparent.

There can be no doubt that it is extremely desirable that the powers of Government officers, and the procedure to be followed by them, in relation to matters of this nature, should be clearly defined, and as the Indian Statute-Book, as it now stands, does not deal adequately with the subject, the present Bill has been prepared. A precedent for such legislation will be found in the Imperial Statute 40 & 41 Vic., c. 16 (the Removal of Wrecks Act, 1877). The Bill, while following generally the lines of the statute, goes beyond it in two material respects. The power to remove obstructions conferred by it is not confined, as in the statute, to the case of obstructions caused by wrecks, but extends also to fishing stakes, ballast and any other thing which may form an obstruction or danger to navigation. The other point in which the Bill goes beyond the statute is that, in addition to giving power to remove existing obstructions, it enables the Government to prevent the wilful creation of obstructions in the future. With this object the Governor General in Council is empowered (section 7) to make rules to regulate or prohibit in any fairway the placing of fishing stakes, the casting of ballast, or the doing of any other act which will, in his opinion, cause or be likely to cause danger or obstruction to navigation.

WHITLEY STOKES.

The 24th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December, 1880, and was referred to a Select Committee :—

No. 23 OF 1880.

A Bill to amend Bengal Act No. IX of 1880 (the Cess Act, 1880).

Preamble.

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880); It is hereby enacted as follows :—

Amendment of Bengal Act No. IX of 1880.

1. In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force.

Holders of estates, &c., how to recover from holders of rent-free lands.

"64A. All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation :

"Provided that, if any such objection as is mentioned in section 53, has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector.

Owner, holder or occupier of rent-free lands may be sued.

Decree against occupier tantamount to decree against owner.

"64B. In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer."

STATEMENT OF OBJECTS AND REASONS.

WHEN the Bill, which has since become Bengal Act No. IX of 1880 (The Cess Act, 1880), was submitted, for the first time, by the Government of Bengal for the assent of the Governor General, His Excellency, though approving of the policy of the Bill, was unable to give his assent, as he was advised that two of its sections were *ultra vires* of the Bengal Legislative Council. Section 65 was *ultra vires*, inasmuch as it extended to suits the parties to which were not landholder and tenant, the special procedure which the provincial legislature is, by section 4 of the Code of Civil Procedure, permitted to prescribe only in suits between landholder and tenant; and section 66 also appeared to be *ultra vires*, as it was inconsistent with the same Code, in enacting that a decree might be executed against a person who was neither a party or privy.

Though, however, feeling compelled for these reasons to withhold his assent from the Bill in its then form, His Excellency intimated to the Government of Bengal that he would be willing to give his assent to the measure if it was re-enacted with the omission of the provisions to which exception had been taken, and further, that if the Lieutenant-Governor should think these provisions were indispensable, a Bill would be introduced into the Council of the Governor General incorporating them, and drawn so as to come in force simultaneously with the Bengal Bill when re-enacted.

In accordance with this intimation, the Government of Bengal re-submitted the Bill with the omission of the objectionable provisions, and His Excellency has given his assent to the measure as thus amended. But, as the Local Government has expressed at the same time a strong opinion that the omitted sections are essential to their scheme of legislation, the present Bill has been prepared in fulfilment of the promise made by His Excellency. It simply re-enacts the provisions to which exception was taken, and incorporates them in the Bengal Act, by inserting them retrospectively in that enactment from the date on which it became law.

WHITLEY STOKES.

The 24th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of [illegible]

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th January, 1881, and was referred to a Select Committee :—

No. 1 OF 1881.

THE BURMA FOREST BILL, 1881.

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SCHEDULE.—ENACTMENTS REPEALED.

A Bill to amend the law relating to Forests, Forest-produce, and the duty leviable on Timber in British Burma.

WHEREAS it is expedient to amend the law relating to forests, forest-produce, and the duty leviable on timber in British Burma; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Forest Act, 1881:" Short-title.

It extends to all the territories for the time being administered by the Chief Commissioner of British Burma, provided that the Chief Commissioner may, from time to time, by notification in the local official Gazette, exempt any place from its operation; but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption; and Local extent.

it shall come into force on the first day of May, 1881. Commencement.

2. On and from that day the enactments mentioned in the schedule hereto annexed shall be repealed to the extent mentioned in the third column of the same schedule. Repeal of enactments.

'and in all rules made hereunder" new.

3. In this Act, and in all rules made hereunder, unless there is something repugnant in the subject or context,— Interpretation-clause.

"Forest-officer" means all persons appointed by name or as holding an office by or under the orders of the Chief Commissioner to be— "Forest-officer:"

New. Conservators, Deputy Conservators, Assistant Conservators, Sub-Assistant Conservators, Forest Rangers, Foresters, Forest Guards or Forest-officers, or to discharge any function of a Forest-officer under this Act or the rules made hereunder:

Act VII of 1878, s. 2. "Forest-officer specially empowered" means in any provision of this Act any person whom the Chief Commissioner, or any officer empowered by the Chief Commissioner in this behalf, may, from time to time, appoint by name, or as holding an office, to discharge the functions of a Forest-officer under such provision: "Forest-officer specially empowered:"

Ibid. "tree" includes bamboos, stumps and brushwood: "tree:"

Ibid. "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not: "timber:"

Ibid. "forest-produce" includes the following when found in, or brought from, a forest (that is to say):— "forest-produce."

Ibid. minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac and charcoal;

'Plants' and 'seeds' added, and the words 'honey', 'wax', 'grass-oil', 'silkworms' and 'cocoons', 'shells', 'skins', 'tusks', 'bones' and 'horns' omitted.

Act VII of 1878, s. 2. "forest-offence" means an offence punishable under this Act, or under any rule made under this Act: "forest-offence:"

Ibid. "cattle" includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: "cattle:"

'camels' omitted.

"river" includes also streams, canals, creeks and other channels, natural or artificial: "river:"

New. "Magistrate" means a Magistrate of the first or second class, or (when specially empowered by the Chief Commissioner to try forest-offences) a Magistrate of the third class. "Magistrate."

Cf. Act XV of 1877, s. 3, cl. 2. 4. Nothing in the Burma Land and Revenue Act, 1876, shall be deemed to affect or ever to have affected any right by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another person or to the Government or anything growing in or attached to or subsisting upon the land of another person or of the Government; and Saving of rights of profit from the Burma Land and Revenue Act, 1876.

and of ss. 20 & 21 of that Act. nothing in this Act shall be deemed to affect the provisions of sections twenty and twenty-one of the Burma Land and Revenue Act, 1876.

CHAPTER II.

OF RESERVED FORESTS.

Cf. Act VII of 1878, s. 3. 5. The Chief Commissioner may from time to time constitute any land over which no person has a right created by any grant or lease made by or in behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of the Burma Land and Revenue Act, 1876, a reserved forest in manner hereinafter provided. Power to reserve forests.

Cf. Act VII of 1878, s. 4. 6. Whenever it is proposed to constitute any land a reserved forest, the Chief Commissioner may publish a notification in the local official Gazette— Notification by Chief Commissioner.

(*a*) specifying the limits of such land or describing it in such a manner that its limits shall be readily ascertainable;

(*b*) declaring that it is proposed to constitute such land a reserved forest;

(*c*) appointing an officer (hereinafter called "the Forest-Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, and to deal with the same as provided in this chapter.

The officer appointed under clause (*c*) of this section shall ordinarily be a person not holding any forest-office except that of Forest-Settlement-officer; but a Forest-officer may be appointed in subordination to the Forest-Settlement-officer to assist him in the inquiry prescribed by this chapter. New.

Cf. Act VII of 1878, s. 6. 7. When a notification has been issued under section six, the Forest-Settlement-officer shall publish in the language of the country, at the head-quarters of each township in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation— Proclamation by Forest-Settlement-officer.

(*a*) specifying the limits of the proposed forest, or describing it in such a manner that its limits shall be readily ascertainable;

(*b*) setting forth the provisions of section eight; New.

(*c*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*d*) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right mentioned in section six either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right.

Cf. Act VII of 1878, s. 5. 8. During the interval between the publication of such proclamation and the date fixed by the notification under section eighteen, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right was vested when the proclamation was published; and on such land, except as hereinafter provided, no new house shall be built or plantation formed, and no fresh clearings for cultivation or for any other purpose shall be made and no trees Bar of accrual of forest-rights. Prohibition of building, clearing, &c.

shall be cut for the purpose of trade or manufacture.

New. Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-Settlement-officer, or any clearings made for toungya cultivation by tribes or families in the habit of practising such cultivation on such land: provided that such clearings are not in contravention of any rule made under section twenty-one of the Burma Land and Revenue Act, 1876, and for the time being in force.

Cf. Act VII of 1878, s. 7. The words 'at some convenient place' omitted.

9. The Forest-Settlement-officer shall take down in writing all statements made under section seven, and shall inquire into all claims preferred under that section, and the existence of any rights mentioned in section six and not claimed under section seven. The Forest-Settlement-officer shall at the same time consider and record any objection to any claim which the Forest-officer (if any), appointed to assist him under section six, may make.

Inquiry by Forest-Settlement-officer.

New.

Cf. Act VII of 1878, s. 8.

10. For the purposes of such inquiry, the Forest-Settlement-officer may exercise the following powers (that is to say):—

Powers of Forest-Settlement-officer.

Wording changed.

(*a*) the powers of a Demarcation-officer under The Burma Boundaries Act, 1880; and

(*b*) the powers conferred on a Civil Court by the Code of Civil Procedure for compelling the attendance of witnesses and the production of documents.

Act VII of 1878, s. 9.

11. Rights in respect of which no claim has been preferred under section seven, and of the existence of which no knowledge has been acquired by enquiry under section nine, shall be extinguished, unless, before the notification under section eighteen is published, the person claiming them satisfies the Forest-Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section seven.

Extinction of rights not claimed.

Cf. Act VII of 1878, s. 10.

12. In the case of a claim to a right in or over any land other than the following:—

Power to acquire land over which right is claimed.

(*a*) right of way,
(*b*) right to a water-course,
(*c*) right of pasture,
(*d*) right to forest-produce,

the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

If such claim is admitted wholly or in part, the Forest-Settlement-officer may (1) come to an agreement with the claimant for the surrender of the right; (2) exclude the land from the limits of the proposed forest; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.

For the purpose of so acquiring such land—

(i) the Forest-Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870;

(ii) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section nine of that Act;

(iii) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(iv) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Cf. Act VI of 1878, ss. 11, 12 and 13 (That section relates only to the right mentioned, cls. (c) and (d).)

13. In the case of a claim to rights of the kind specified in clauses (*a*), (*b*), (*c*) and (*d*) of section twelve, the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

Order on claims to rights of way, water-course, pasture or to forest-produce.

Cf. Act VI of 1878, s. 14 and 1

14. When the Forest-Settlement-officer admits wholly or in part any claim to a right of the kind specified in clauses (*c*) and (*d*) of section twelve, he shall, if practicable, by an order in writing, either continue such right to the claimant, or alter the limits of the proposed reserved forest, so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient, for the purposes of the claimant; and permit him to exercise his right on such land.

Provision for rights of pasture or to forest-produce admitted.

The order passed under this section shall record—

(*a*) the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the season during which, such pasture is permitted; or

(*b*) the quantity of timber and other forest-produce which the claimant is authorized to take or receive, the local limits within which, and the season during which, the taking of such timber or forest-produce is permitted; and

(*c*) when the exercise of such right is claimed in respect of any land or buildings, the designation, position and area of such land, and the designation and position of such buildings; and

(*d*) such other particulars as may be required in order to specify the nature of the right which is continued.

New.

Cf. Act VII 1878, ss. 12 and 13.

15. Whenever any right of the kind specified in section twelve, clauses (*c*) and (*d*), and admitted under section thirteen, is not provided for in one of the ways prescribed in section fourteen, the Forest-Settlement-officer shall, subject to such rules as the Chief Commissioner may from time to time prescribe in this behalf, commute such right, by paying a sum of money in lieu thereof, or with the consent of the claimant, by the grant of land or in such other manner as such officer thinks fit;

Commutation of such rights.

For the purpose of granting land under this section, the Forest-Settlement-officer shall be deemed to be an Assistant Commissioner in charge of a sub-division.

Cf. Act VI 1878, s. 16

16. Any person who has made a claim under this chapter may, within three months from the date of any order passed on such claim by the Forest-Settlement-officer under section twelve, thirteen, fourteen or fifteen, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Chief Commissioner may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal from order passed under foregoing sections.

Proviso omitted.

Act VII of 1878, s. 17.

17. Every appeal under section sixteen shall be made by petition in writing, and may be delivered to the Forest-Settlement-officer, who shall forward it without delay to the officer competent to hear the same.

Appeal under section 16.

Every such appeal shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue, and the order passed thereon by such officer shall be final:

Hearing of appeals.

Orders of Forest-Settlement-officer, and orders on appeal, subject to Chief Commissioner's confirmation.

Provided that every order of a Forest-Settlement-officer, and every order passed on appeal under this section, shall be subject to revision by the Chief Commissioner.

Act VII of 1878, s. 19.

18. When the following events have occurred (namely)—

Notification declaring forest reserved.

(*a*) the period fixed under section seven for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-Settlement-officer; and

(*b*) if such claims have been made, the period limited by section sixteen for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer; and

(*c*) all lands (if any) to be included in the proposed forest, which the Forest-Settlement-officer has, under section twelve, elected to acquire under the Land Acquisition Act, 1870, have become vested in the Government under section sixteen of that Act,

the Chief Commissioner may publish a notification in the local official Gazette, specifying, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From the date so fixed, such forest shall be deemed to be a reserved forest.

Cf. Act VII of 1878, s. 20.

19. The Deputy Commissioner of the district in which the forest is situate shall, before the date fixed by such notification, cause a translation thereof into the language of the country to be published in the manner prescribed for the proclamation under section seven.

Publication of translation of such notification in neighbourhood of forest.

Act VII of 1878, s. 22.

20. No right of any description shall be acquired in or over a reserved forest, except by succession, or under a grant or contract in writing made by, or on behalf of, the Government, or some person in whom such right was vested when the notification under section eighteen was published.

No right acquired over reserved forest except as here provided.

Cf. Act VII of 1878, s. 23.

21. Notwithstanding anything herein contained, no right continued or created under section fourteen shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Chief Commissioner: provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house without such sanction.

Rights not to be alienated without sanction.

No timber or other forest-produce obtained in exercise of any right so continued or created shall be sold or bartered except to such extent as may be permitted by the Chief Commissioner.

Cf. Act VII of 1878, s. 24.

22. A Forest-officer may from time to time, with the previous sanction of the Chief Commissioner or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest: provided that a substitute for the way or water-course so stopped, which the Chief Commissioner deems to be reasonably convenient, already exists, or has been provided or constructed by such Forest-officer in lieu thereof.

Power to stop ways and water-courses in reserved forest.

Penalties for trespass or damage in reserved forests.

23. Any person who in a reserved forest—

Cf. Act VII 1878, s.

(*a*) trespasses, or pastures cattle, or permits cattle to trespass;

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(*c*) in contravention of any rules which the Chief Commissioner may from time to time make in this behalf, hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty-five rupees to double the amount of such damage.

Acts prohibited in such forests.

Cf. Act VII of 1878, s. 25.

24. Any person who—

(*a*) makes any fresh clearing prohibited by section eight, or

(*b*) sets fire to a reserved forest, or kindles any fire in such manner as to endanger the same,

or who, in a reserved forest,

(*c*) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest-officer specially empowered may from time to time notify in this behalf;

(*d*) fells, girdles, lops, taps or burns any tree, or strips off the bark or leaves from, or otherwise damages the same;

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce;

(*f*) clears or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or when the damage resulting from his offence amounts to more than two hundred and fifty rupees to double the amount of such damage.

Act VII of 1878, s. 26.

25. Nothing in section twenty-three or section twenty-four shall be deemed to prohibit (*a*) any act done by permission in writing of a Forest-officer, specially empowered or under any rule made by the Chief Commissioner in that behalf; or (*b*) the exercise of any right continued or created under section fourteen or created by grant or contract in the manner described in section twenty.

Acts excepted from prohibition contained in sections 23 and 24.

Cf. Act VII of 1878 s. 25.

26. Whenever fire is caused wilfully or by gross negligence in a reserved forest, by any person having rights in such forest or by any person in his employ-

Penalty for offences committed by persons having rights in reserved forests.

ment, or whenever any person having rights in such forest contravenes the provisions of section twenty-one, the Chief Commissioner may (notwithstanding that a penalty has been inflicted under section twenty-four) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be extinguished or suspended for such period as he thinks fit.

Act VII of 1878, s. 26.

27. The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

Power to declare forest no longer reserved.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

28. Any forest which has been declared a reserved forest under any rules in force previous to the passing of this Act shall be deemed to have been reserved under this Act, all questions decided, orders issued and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued and prepared under this Act, and all the provisions of this Act relating to reserved forests shall apply to such forest.

Forests reserved under former rules.

CHAPTER III.

OF VILLAGE-FORESTS.

29. The Chief Commissioner may from time to time, by notification in the local official Gazette, constitute any land over which no person has a right created by any grant or lease made by or on behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of the Burma Land and Revenue Act, 1876, a village-forest for the benefit of any village community or group of village communities, and may by a like notification cancel any such notification:

Constitution of village-forests.

Provided that no such notification shall be deemed to affect any teak or other trees, which the Chief Commissioner may previous to the issue of such notification have declared to be reserved.

Every such notification shall specify definitely, according to boundary-marks erected or otherwise, the limits of such village-forest.

Cf. Act VII of 1878, s. 27, para. 2.

30. The Chief Commissioner may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the communities for the benefit of which such forests are constituted may be provided with timber or other forest-produce, or with pasture and their duties in respect of the protection and improvement of such forest.

Power to make rules for village-forests.

The Chief Commissioner may, by such rules, declare any of the provisions of this Act relating to the management, protection and improvement of reserved forests to be applicable to village-forests.

31. Nothing in this chapter shall be deemed to affect any existing rights of individuals or communities in or over any land constituted a village-forest:

Saving of private rights.

Provided that the Chief Commissioner may in any case inquire into and determine the existence, nature and extent of any such rights and deal with the same in the manner provided in Chapter II of this Act for reserved forests.

Power to inquire into and deal with such rights.

CHAPTER IV.

OF THE PROTECTION OF FORESTS ON GOVERNMENT LANDS NOT INCLUDED IN RESERVED OR VILLAGE-FORESTS.

32. All teak trees standing on land to which the second part of the Burma Land and Revenue Act, 1876, applies, and over which no person has a right created by any grant or lease made by or on behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of that Act, shall be reserved, and the Chief Commissioner may from time to time, by notification in the local official Gazette, declare any other trees or class of trees standing on such land to be reserved from a date fixed by such notification, and may alter or cancel any such notification.

Reserved trees.

33. Except as provided by rules made by the Chief Commissioner in this behalf, or with the permission in writing of a Forest-officer specially empowered, no reserved tree may be cut, marked, lopped, girdled or injured by fire or otherwise.

Protection of reserved trees.

Whoever cuts, marks, lops, girdles or injures by fire or otherwise any reserved tree in contravention of this section, shall be punished with fine which may extend to twenty rupees, or when the damage resulting from his offence amounts to more than ten rupees to double the amount of such damage.

34. The Chief Commissioner may from time to time make rules relating to the forest on the land referred to in section thirty-two.

Power to make rules generally.

Cf. Act VII of 1878, s. 31.

Such rules may—

(*a*) prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(*b*) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce;

(*c*) regulate or prohibit the quarrying of stone or the burning of lime or charcoal;

(*d*) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments (if any) to be made for such pasturing;

(*e*) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares; and

(*f*) regulate the sale or free grant of timber or other forest-produce.

The Chief Commissioner may, by such rules, prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for acts in contravention of rules.

35. Nothing in this chapter or in any rule made under this chapter shall be deemed to prohibit any act done with the permission in writing of a Forest-officer specially empowered, or in the exercise of any right.

Nothing in this chapter to prohibit acts done in certain cases.

CHAPTER V.

OF THE DUTY ON TIMBER.

Cf. Act VII of 1878, s. 39.

36. The Chief Commissioner may levy a duty, in such manner, at such places, and at such rates as he may from time to time prescribe by notification in the local official Gazette, on all timber which is brought into British Burma from any place beyond the frontier of British Burma.

Power to impose duty on timber.

In every case in which such duty is directed to be levied *ad valorem*, the Chief Commissioner may, from time to time fix, by like notification, the value on which such duty shall be assessed.

Power to fix value for *ad valorem* duty.

37. On all logs cut within the limits of the Attaran and Pandau Forests and floated down the Attaran and Salween rivers, duty shall be levied at the following rates, that is to say—

Duty on certain timber floated down the Salween and Attaran.

On logs floated down the Attaran river:

	Rs.	A.	P.	
Above five feet in girth	4	0	0	per log.
Below „ „	2	0	0	„
Stem pieces	0	9	0	„
Ship crooks	0	4	0	„
Boat „	0	1	0	„
Small „	0	0	6	„
„ pieces	0	2	0	„

On logs floated down the Salween river:

	Rs.	A.	P.	
Above five feet in girth	2	12	0	per log.
Below „ „	1	6	0	„
Stem pieces	0	9	0	„
Ship crooks	0	4	0	„
Boat „	0	1	0	„
Small „	0	0	6	„
„ pieces	0	2	0	„

38. The Chief Commissioner may exempt any timber from duty, and may revoke such exemption.

Power to exempt timber from duty.

CHAPTER VI.

OF THE CONTROL OF TIMBER IN TRANSIT.

Cf. Act VII of 1878, s. 41. 'Forest-produce' omitted.

39. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber in transit by land or water, is vested in the Chief Commissioner, and he may from time to time make rules to regulate the transit of all timber:

Power to make rules to regulate transit of timber.

Such rules may (among other matters)—

(*a*) prescribe the routes by which alone timber may be imported into, exported from, or moved within, British Burma;

(*b*) prohibit the import and export or moving of such timber without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(*c*) provide for the issue, production and return of such passes and for the payment of fees therefor;

(*d*) prohibit the loosening of timber formed into a raft or the setting adrift of any raft, by any person not the owner of such timber or raft, or not acting on behalf of the owner, or of Government;

Cl. (*d*).

(*e*) provide for the stoppage, reporting, examination and marking of timber in transit in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark;

Cl. (*e*). 'stations' substituted for 'depôt.'

(*f*) provide for the establishment and regulation of stations to which such timber shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such mark may be affixed to it; and the conditions under which such timber shall be brought to, stored at, and removed from, such station;

New.

(*g*) authorize the transport of timber the property of Government across any land which is not the property of Government, and regulate the compensation to be paid for any damage done by the transport of such timber;

Cl.

(*h*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber, and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be obstructed;

Cl. (*g*).

(*i*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal from the person causing such obstruction.

Cl. (*h*).

(*j*) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or supermarking of timber, the altering or effacing of any marks on the same, and possession or carrying of marking-hammers or other implements used for marking timber;

'supermarking of timber' new.

(*k*) regulate the use of property-marks for timber, and the registration of such marks; lay down the rules under which the registration of any property-marks may be refused or cancelled; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

Cl. (*i*). With additions.

Nothing in this section shall be held to affect any private rights in immoveable property situate on the banks of rivers.

New.

40. The Chief Commissioner may by such rules prescribe as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Cf. Act VII of 1878, s. 42.

Penalties for breach of rules made under section 39.

In cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalties so prescribed.

41. The Government shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a rule made under section thirty-nine, or while detained elsewhere for the purposes of this Act; and no Forest-

Cf. Act VII of 1878, s. 43. 'station' substituted for 'depôt.'

Government and Forest-officers not liable for damage to timber at station.

officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

Act VII of 1878, s. 44.

42. In case of any accident or emergency involving danger to any property at any such station, every person employed at such station, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at station.

CHAPTER VII.

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER.

Act VII of 1878, s. 45.

43. All timber found adrift, beached, stranded or sunk;

all timber bearing marks which have not been registered under rules made under section thirty-nine, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Chief Commissioner directs, all unmarked timber,

shall be deemed to be the property of Government unless and until any person establishes his right thereto as provided in this chapter.

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section forty-nine, and may be brought to such stations as a Forest-officer specially empowered may from time to time notify as stations for the reception of drift-timber.

The words 'by Notification in local official Gazette' omitted.

The Chief Commissioner may exempt any class of timber from the provisions of this section, and withdraw such exemption.

Cf. Act VII of 1878, s. 46.

44. Public notice shall from time to time be given by a Forest-officer specially empowered, of timber collected under section forty-three. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Notice to claimants of drift-timber.

'One month' substituted for 'two months.'

Act VII of 1878, s. 47.

45. When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

Procedure on claim preferred to such timber.

If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

Any person whose claim has been rejected under this section may, within two months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

On rejection of claim to such timber, claimant may institute suit.

No such timber shall be subject to process of any Civil Court until it has been delivered, or a suit brought under this section has been decided.

Words 'Criminal or Revenue' omitted before 'Court.'

Act VII of 1878, s. 48.

46. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by the notice issued under section forty-four, or, on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period limited by section forty-five, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section forty-five, in such other person, free from all incumbrances.

Disposal of unclaimed timber.

Act VII of 1878, s. 49.

47. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section forty-three.

Government and its officers not liable for damage to such timber.

Act VII of 1878, s. 50.

48. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section forty-nine.

Payments to be made by claimant before timber is delivered to him.

Act VII of 1878, s. 51.

49. The Chief Commissioner may from time to time make rules to regulate the following matters (namely):—

Power to make rules and prescribe penalties.

(*a*) the salving, collection and disposal of all timber mentioned in section forty-three;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber;

(*d*) the use and registration of hammers and other instruments to be used for marking such timber.

The Chief Commissioner may from time to time prescribe, as penalties for the infringement of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Cf. Act VII of 1878, s. 52.

50. When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Seizure of property liable to confiscation.

Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report

Application for confiscation.

of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that when no property is seized except the forest-produce with respect to which such offence is believed to have been committed and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Cf. Act VII of 1878, s. 53. Slight changes.

51. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the appearance and trial of the accused and the disposal of the property according to law.

Procedure thereupon.

Cf. Act VII of 1878, s. 54. Words 'which is not the property of Government' omitted. See sec. 56.

52. When any person is convicted of a forest-offence all timber or forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

Forest-produce, tools, &c., when liable to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Act VII of 1878, s. 55.

53. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken charge of by a Forest-officer specially empowered; and in any other case may be disposed of in such manner as the Court may order.

Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.

Cf. Act VII of 1878, s. 56. Slight changes.

54. When the offender is not known or cannot be found, the Magistrate may, on application in that behalf, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by a Forest-officer specially empowered, or to be made over to such Forest-officer or to any other person whom he deems to be entitled to the same:

Procedure when offender not known or cannot be found.

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

New.

The Magistrate may cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or he may publish such notice in any way which he thinks fit.

Act VII of 1878, s. 57.

55. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section fifty and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Procedure as to perishable property seized under section 50.

Cf. Act VII of 1878, s. 58. Change; right of Forest-officer to appeal taken away.

56. Any person claiming to be interested in property seized under section fifty may, within one month from the date of any order passed under section fifty-two, fifty-three or fifty-four, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Appeal from orders under sections 52, 53 and 54.

Act VII of 1878, s. 59.

57. When an order for the confiscation of any property has been passed under section fifty-two or fifty-four, as the case may be, and the period limited by section fifty-six for presenting an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Property when to vest in Government.

Cf. Act VII of 1878, s. 60. The words 'and the withdrawal of any proceedings instituted' added.

58. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Chief Commissioner from directing at any time the immediate release of any property seized under section fifty and the withdrawal of any proceedings instituted in respect of such property.

Saving of power to release property seized.

Cf. Act VII of 1878, s. 61.

59. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for wrongful seizure.

Last sentence new.

Any fine so imposed, or any portion thereof, may be given as compensation to the person aggrieved.

Cf. Act VII of 1878, s. 62. Slight change.

60. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

Penalty for counterfeiting or defacing marks in trees and timber and for altering boundary-marks.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

New.

(*b*) unlawfully affixes a mark used by Forest-officers; or

(*c*) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Cf. Act VII of 1878, s. 63.

61. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

Power to arrest without warrant.

Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case.

Third para. of s. 63 of Indian Forest Act omitted.

Act VII of 1878, s. 64.

62. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to prevent commission of offence.

Sec. 65 of Indian Forest Act omitted. Act VII of 1878, s. 66.

63. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the rules made under this Act:

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

Cf. Act VII of 1878, s. 67. Slight change.

64. Any Forest-officer specially empowered may accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence other than an offence under section fifty-nine or section sixty a sum of money by way of compensation for any damage which may have been committed, and may release any property which has been seized as liable to confiscation on payment of the value thereof as estimated by such officer.

Power to compound offences.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken under this Act against such person or property; but nothing herein contained shall exempt such person from prosecution on the same facts under any other law for the time being in force.

Act VII of 1878, s. 65.

65. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

Presumption that forest-produce belongs to Government.

CHAPTER IX.

CATTLE-TRESPASS.

Act VII of 1878, s. 69.

66. Cattle trespassing in a reserved forest or a village-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Cattle-trespass Act, 1871, to apply.

Act VII of 1878, s. 70.

67. The Chief Commissioner may from time to time, by notification in the local official Gazette, direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section sixty-six of this Act, such fines as he thinks fit, but not exceeding the following (that is to say):—

Power to alter fines fixed by that Act.

[illegible] omit.

	Rs.	A.
For each elephant... ...	10	0
For each buffalo	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer ...	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid ...	0	8

CHAPTER X.

OF FOREST-OFFICERS.

Act VII of 1878, s. 71.

68. The Chief Commissioner may invest any Forest-officer by name, or as holding an office, with the following powers (that is to say):—

Chief Commissioner may invest Forest-officers with certain powers.

(*a*) the powers of a Demarcation-officer under the Burma Boundaries Act, 1880;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue search-warrants under the Code of Criminal Procedure;

(*d*) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence.

Any evidence recorded under clause (*d*) of this section shall be admissible in any subsequent trial before a Magistrate: provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 333 or section 334 of the Code of Criminal Procedure.

Last part of proviso new.

Act VII of 1878, s. 72.

69. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Forest-officers deemed public servants.

Cf. Act VII of 1878, s. 73. The words 'or criminal action' new.

70. No suit or criminal prosecution shall lie against any public servant for anything done by him in good faith under this Act.

Indemnity for acts done in good faith.

Act VII of 1878, s. 74.

71. Except with the permission in writing of the Chief Commissioner, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in British or foreign territory.

Forest-officers not to trade.

CHAPTER XI.

MISCELLANEOUS.

Cf. Act VII of 1878, s. 75.

72. The Chief Commissioner may from time to time make rules consistent with this Act—

Additional powers to make rules.

(*a*) to prescribe and limit the powers and duties of any Forest-officer;

(*b*) to regulate the powers and proceedings of Forest-Settlement-officers;

New.

(*c*) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act; and

Cl. (*c*) of s. 75 of I. F. Act omitted.

(*d*) generally to carry out the provisions of this Act.

Sec. 76 of I. F. Act omitted.

Cf. Act VII of 1878, s. 77. Second para. omitted.

73. All rules made by the Chief Commissioner under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

Rules when to have force of law.

Act VII of 1878, s. 78.

74. Every person who exercises any right in a reserved forest or a village-forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and

Persons bound to assist Forest-officer and Police-officer.

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall assist any Forest-officer or Police-officer demanding his aid

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Act VII of 1878, s. 81.

75. All money payable to the Government under this Act, or under any rule made hereunder, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Recovery of money due to Government.

Act VII of 1878, s. 82.

76. When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer specially empowered and retained by him until such amount has been paid.

Lien on forest-produce for such money.

If such amount is not paid when due, such Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Power to sell such produce.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Her Majesty.

Act VII of 1878, s. 88.

77. Whenever it appears to the Chief Commissioner that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section four.

Land required under this Act to be deemed to be needed for a public purpose under Land Acquisition Act.

SCHEDULE.

(*See section 1.*)

ENACTMENTS REPEALED.

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act VII of 1865 ...	An Act to give effect to rules for the management and preservation of Government forests.	So much as has not been repealed.
Act VII of 1869...	An Act to give validity to certain rules relating to forests in British Burma.	The whole.
Act XIII of 1873	An Act to amend the law relating to timber floated down the rivers of British Burma.	So much as has not been repealed.
Regulation IX of 1874.	The Arakan Hill District Laws Regulation, 1874.	So far as it relates to Acts VII of 1865 and VII of 1869.

STATEMENT OF OBJECTS AND REASONS.

1. The necessity for placing forest-legislation in British Burma upon a satisfactory footing has been felt for a considerable time. The present state of the law is as follows:—

The Government Forests Act (Act No. VII of 1865) is in force, but it does not provide for all requirements. That Act gave power to make rules, having the force of law, for the management and preservation of the Government forests and for the control of the timber floated down rivers. Accordingly in August, 1865, rules for the administration of forests in British Burma were promulgated. These rules, though purporting to have been made under the Government Forest Act, were not covered by its provisions, and accordingly they were legalized by Act No. VII of 1869.

In 1873 it was deemed advisable to amend and consolidate the law relating to timber floated down the rivers of Burma. Accordingly the Burma Timber Act (No. XIII of 1873) was passed. This Act repealed Act No. VII of 1869 and the rules legalized by that Act as far as they related to duty on timber floated down the rivers of British Burma.

The rules of August, 1865, related only to a portion of the Government forests, as defined in the rules, and it became necessary to provide by another set of rules for the administration of the forests thus excluded. This was done by rules made under Act No. VII of 1865, which were promulgated in Burma in March, 1876, together with a notification defining the areas to which they were applicable.

Thus the administration of the Government forests in Burma and the management of the timber floated down its rivers is governed by three different enactments and two sets of rules having the force of law. Yet these enactments and rules leave several of the most important matters unprovided for, and hence it is necessary both to consolidate and to complete them.

Experience has shown that the only practical method to ensure the objects aimed at by forest-administration is to set apart and demarcate selected areas of Government forests, to liberate these areas as far as possible from rights of private persons, and to guard against the growth by prescription of fresh rights in forests thus set apart and demarcated.

Forests thus set apart and demarcated are called reserved forests, and the formation of such reserved forests in British Burma has proceeded steadily during the last five years. The formation of such reserved forests is preceded by a thorough and complete enquiry by a settlement-officer into the rights and requirements of the people residing in and in the immediate vicinity of these areas. The guiding principle followed in this enquiry is that such arrangements are made as will enable the people to provide for their requirements in the matter of forest-produce, either outside the reserved forests, or, under suitable rules, within their boundaries. And in the case of the tribes whose custom it is to carry on the shifting kind of cultivation by cutting and burning the forest which is called *toungya* cultivation, defined areas are assigned to them where they may practise this kind of cultivation. Under these arrangements the formation of Government forest domains has been commenced, and their area aggregated, on 31st March last, 1,442 square miles.

The practical result of these proceedings is that the forests thus set apart and demarcated can be effectively protected and steadily improved, so that eventually a limited area will yield all the timber and other forest-produce required for home consumption and export, while the remainder can be thrown open for the use of the people and the extension of cultivation. The system here sketched enables Government to concentrate forest-conservancy upon limited areas, instead of attempting to enforce restrictions over the whole of the forests.

The procedure, however, hitherto followed in this respect in Burma, in some particulars, wants legal sanction, and hence the action of Government in setting apart reserved forests is not final, and may be called in question. The object of the present Bill is to legalize what has been done in this respect, and to lay down a procedure for the future.

3. The Indian Forest Act, which was passed in 1878, had the same object, and it must now be explained why it was not considered advisable to make the provisions of the Indian Forest Act applicable to Burma. One reason is that the procedure followed in the enquiry into, and the settlement of, forest-rights and in the demarcation of forests, as it has been developed by practical experience, is somewhat different from that prescribed by the Indian Forest Act. But this is a minor matter. The chief reason for special forest-legislation in Burma, consists in the provisions of the Burma Land and Revenue Act (Act No. II of 1876). Section 6 of that Act defines the rights in land subject to the second part of that Act, which are recognized by law, and clause (*b*) recognizes rights acquired under sections 27 and 28 of the Indian Limitation Act, 1871. The rights thus recognized are "easements" in the ordinary English acceptation of that term, including the use of light or air, way, watercourse, use of water, but not any prescriptive right by which one person is entitled to remove and appropriate, for his own profit, any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon, the land of another.

The Indian Limitation Act of 1877 extended the definition of the term "easement" including in it all rights of the latter class. But it has been held that this did not affect the construction of the Burma Land and Revenue Act, and consequently the practical effect of section 6 of that Act is to deny the existence of all prescriptive rights of user of forest-produce in the forests of Burma.

But as a matter of fact there is no doubt that such rights existed in the Burma forests before the Burma Land and Revenue Act was passed, and their existence has been recognized in the enquiries which have preceded the demarcation of the existing reserved forests.

No forest-legislation for Burma could ignore these rights, and in framing the present Bill it was necessary to save them.

4. Several other important subjects have also been treated differently from the Indian Forest Act.

Thus the penalties for offences committed in reserved forests are all uniform in the Indian Forest Act, while in the present Bill it has been thought better to classify offences into two classes, and to assign to each class separate limits of punishment.

5. Again, as regards reserved forests which have already been demarcated, it is proposed, having regard to the careful investigations made at the time they were reserved, that they should be placed by the direct operation of the Act in the position of reserved forests made under the Act, instead of leaving it to the local Government, as the Indian Forest Act does, to class them as such.

6. The provisions relating to village-forests differ from the corresponding provisions in the Indian Forest Act, in as far as they give power to constitute any forest which is at the disposal of Government, a village-forest, and not only such as have already been declared reserved forests.

7. A fundamental difference between the present Bill and the Indian Forest Act is in the chapter which deals with the protection of forests on Government lands not included in reserved or village-forests. The Indian Forest Act attempts to solve this question by authorizing the constitution of protected forests. These protected forests are intended to be defined areas in which the rights of Government and of private persons are enquired into and recorded.

In Burma, where a large portion (in many districts more than three-fourths of the area) is forest, this plan would be unnecessary. It would also be impracticable. Hence the present Bill only contemplates the formation of two classes of forests—reserved forests and village-forests. The object of the former class is to furnish timber and other useful produce for the consumption of the Province and for export, while the object of the village-forests is to ensure a permanent supply of pasture and of wood and bamboos to the villages to which such forests are assigned. And while the first step is the formation of the State forest domains, which are styled reserved forests, it is intended that the formation of village-forests shall be taken in hand gradually as the growth of population and the clearing of the forests for cultivation may render necessary the setting apart of a certain area for the use of villages.

Outside these two classes of forests the great object in Burma must be to facilitate the extension of cultivation as much as possible. Hence it would not be expedient in any way to impede or limit the extension of cultivation by the establishment of a third class analogous to the protected forests of the Indian Forest Act. What is required is, outside the reserved forests and village-forests, to give a certain protection to the teak tree and to a few other reserved kinds, and to realize revenue from the timber, bamboos and other forest-produce used for purposes of trade.

These provisions must be maintained until the demarcation of the State (reserved) and village-forests has been completed, and until the forests of these two classes have been brought to such a condition by efficient protection and steadily-continued works of improvement, that they are capable of furnishing the timber and forest-produce required for the agricultural population, for the Province generally, and for export.

This aim cannot be expected to be accomplished for many years to come. But as it is accomplished in one district after another, the restrictions imposed upon the use of the forests outside the State and village-forests may be abolished in such districts.

8. That chapter of the Indian Forest Act which authorizes Government to exercise control in certain cases, for the public good, over forests which are not the property of Government is not required in Burma, and has therefore been omitted.

9. The power to impose a duty on foreign timber (section 36) is taken from the Indian Forest Act, and the duty imposed by section 37 on timber produced in certain forests in our own territory is one which has been levied for the last thirty years.

10. In the concluding chapters, which relate to the control of timber in transit, to the collection of drift or stranded timber, to penalties, cattle trespass, forest officers and to miscellaneous matters, the Bill follows generally the Indian Forest Act.

Briefly, it may be said that the Bill now published is the Indian Forest Act of 1878, with such changes as were necessary to adapt it to the peculiar circumstances of British Burma.

R. THOMPSON.

The 30th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1881, and was referred to a Select Committee :—

No. 2 OF 1881.

A Bill to provide for the better government of Fort William.

WHEREAS it is expedient to empower the Local Government to make rules for the better government of Fort William in Bengal and to provide for the establishment of a Court within the said Fort for the trial of persons charged with breaches of such rules; It is hereby enacted as follows :—

Preamble.

Short title.

1. This Act may be called "The Fort William Act, 1881;"

Commencement.

and it shall come into force on the first day of April, 1881.

But nothing herein contained shall be deemed to confer jurisdiction over any persons to whom the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, 1869, is or are applicable.

"The Fort."

2. The Local Government may from time to time, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, define, for the purposes of this Act, the limits of Fort William in Bengal, and in this Act the expression "the Fort" means the area so defined.

Local Government may make rules.

3. The Local Government may from time to time, with the like sanction and in like manner, make rules, to provide, within the Fort, for the matters specified in the schedule hereto annexed, and may by such rules prescribe as penalties for the infringement thereof, fine, which may extend to fifty rupees, or imprisonment for a term which may extend to four days or both.

When a sentence of fine is passed under any such rule, the term, for which the Court directs the offender to be imprisoned in default of payment of such fine, may extend to, and shall not exceed, four days.

When any rule is made under this section, a copy thereof in English and such other languages as the Local Government may from time to time direct, shall be exhibited in such conspicuous places within the Fort as the officer commanding the Fort may from time to time direct.

Local Government may invest officer with power to try breaches of rules.

4. The Local Government may invest any commissioned officer in Her Majesty's Army, with power to try persons charged with any infringement of the rules made under section three.

The officer so invested is hereinafter called the Fort Magistrate.

Procedure to be followed.

5. In the case of all offences punishable under this Act, the Fort Magistrate shall, except as herein otherwise provided, exercise within the Fort the powers, and as nearly as may be follow the procedure, conferred on, and prescribed for, a Presidency Magistrate by the Presidency Magistrates Act, 1877; and subject to the power conferred by the High Courts Criminal Procedure Act, 1875, section 147, every finding, sentence or order of such Magistrate under this Act shall be final.

Power to arrest without warrant.

6. Any Police-officer, or any other person empowered in this behalf by the Local Government, by name or as a member of a specified class, may arrest without warrant any person who in his sight commits an offence punishable under this Act.

Power to Police-officer to release on bail.

Every person so arrested shall be taken to the Police-station within the Fort, and shall be detained there until he can be brought before the Fort Magistrate, or until he gives to the Police-officer in charge of such station a bond, with or without sureties, as such officer may require, for a sum not exceeding one hundred rupees, to appear before such Magistrate at a time to be specified in such bond.

See Ben. Act IV of 1866, ss. 76—78.

Jurisdiction of Presidency Magistrates and prosecutions under other laws saved.

7. Nothing in this Act or in any rule made hereunder shall affect the jurisdiction of the Magistrates appointed under the Presidency Magistrates Act, 1877, or shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable to any other punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

Limitation of time of prosecutions under Act.

8. No prosecution for any offence under this Act shall be commenced after the expiration of three months next after such offence has been committed.

9. All penalties heretofore imposed by the Garrison Quarter-master of the Fort for offences against garrison rules and regulations, shall be deemed to have been imposed in accordance with law.

Validation of penalties heretofore imposed by Garrison Quarter-master.

THE SCHEDULE.

(*See section 3*).

Cf. Act III of 1880, s. 27, cl. 6.

See sched. to Ben. draft, Nos. 1—8, 19, 24, 25, 39, 43.

1. The conservancy of the buildings, roads, drainage—channels and lands, the regulation and inspection of public and private necessaries, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited, the prevention and cure of disease and the maintenance generally of the Fort in a proper sanitary condition.

2. The definition and prohibition of public nuisances and trespasses.

3. The regulation of public traffic and the picketing of animals. — See sched. to Ben. draft, Nos. 9—12, 34.

4. The regulation of the sale of goods and the removal of property. — *ib.*, Nos. 13, 31. *ib.*, No. 41.

5. The maintenance of public peace and quiet, and the prevention of disorderly conduct. — *ib.*, Nos. 14, 16, 28, 34—37.

6. The maintenance, in a neat and well-ordered state, of the buildings, roads, ramparts, parade-grounds and other parts of the Fort. — *ib.*, Nos. 15, 18—26, 29, 36.

7. The apprehension, custody and trial of persons who are drunk and incapable. — *ib.*, *ib.*, No. 30.

8. The regulation of admission to, and residence in, the Fort. — *ib.*, Nos. 32, 33, 48.

9. The precautions to be taken against fire. — *ib.*, Nos. 39, 40.

10. The keeping of animals. — *ib.*, Nos. 42, 44, 45.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the punishment of certain petty offences when committed within the limits of Fort William. At present the Garrison Quarter-master of the Fort is in the habit of punishing camp-followers and other Natives connected with the Fort who are guilty of certain offences against the garrison rules; but the jurisdiction of this officer, though it has been long exercised, has recently been called in question. As it is necessary, on sanitary grounds and for the maintenance of order, that there should be some officer within the Fort legally empowered to punish persons guilty of acts or omissions of the nature of those now punished by the Garrison Quarter-master, the present Bill has been prepared. It is based on a draft submitted by the Government of Bengal, and comprises two main provisions: *first*, it empowers the Local Government to lay down rules with light penalties attached in respect of certain matters which correspond generally with the matters to which the present garrison rules relate; *secondly*, it provides for the appointment of a commissioned officer (to be called the Fort Magistrate) with power to try persons guilty of breaches of these rules. The other provisions of the Bill are subsidiary to these. Those that appear to call for notice here are section 7, under which the present jurisdiction of the Presidency Magistrates is saved, and section 9, which validates all punishments which may have been heretofore inflicted by the Garrison Quarter-master. Lastly, the Bill exempts from its operation all persons subject to military law as it is thought that such persons can be more fittingly punished under such law.

H. J. REYNOLDS.

The 8th January, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to regulate the importation, possession and transport of petroleum and other substances of a like nature was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Officiating Secretary to Government, Bengal, to Secretary to Government of India, Home, Revenue and Agricultural Department, No. 901, dated 15th November, 1879, and enclosures [Papers No. 1].
„ Acting Secretary to Government, Bombay, to ditto, No. 820, dated 19th March, 1880, and enclosure [Papers No. 2].
„ Officiating Secretary to Chief Commissioner, Assam, No. 1701, dated 2nd September, 1880 [Paper No. 3].
„ Secretary to Chief Commissioner, Mysore and Coorg, No. 696-3, dated 31st August, 1880 [Paper No. 4.].
„ Chief Commissioner, Ajmer-Merwára, No. 647, dated 17th September, 1880 [Paper No. 5].
„ Secretary for Birár to Resident, Haidarábád, No. 278, dated 22nd September, 1880 [Paper No. 6].
„ Secretary to Government, North-Western Provinces and Oudh, No. 1148, dated 29th September, 1880, and enclosure. [Papers No. 7].
„ Chief Secretary to Government, Madras, No. 2341, dated 28th September, 1880, and enclosure [Papers No. 8].
„ Secretary to Government, Panjáb, No. 3239, dated 9th October, 1880, and enclosures [Papers No. 9].
„ Acting Secretary to Government, Bombay, No. 3041, dated 8th October, 1880, and enclosures [Papers No. 10].
„ Secretary for Birár to Resident, Haidarábád, No. 300, dated 6th October, 1880, and enclosures [Papers No. 11].
„ Officiating Secretary to Government, Bengal, No. 468T, dated 23rd October, 1880, and enclosures [Papers No. 12].
„ Officiating Secretary to Chief Commissioner, British Burma, No. 7571-15-5, dated 29th October, 1880, and enclosures [Papers No. 13].
„ Secretary, Chamber of Commerce, Bombay, dated 14th August, 1880, and enclosure [Papers No. 14].
Telegram from Government of Bombay, dated 7th December, 1880 [Papers No. 14].

2. We propose, in accordance with the opinion now expressed by the Government of Bengal, to do away with the distinction between first and second class petroleum introduced by the Bengal Committee. This distinction appears to us unnecessary, and its abolition will much simplify the measure by reducing the classes of petroleum to be dealt with to two, as in England, namely, dangerous petroleum and ordinary petroleum.

3. The flashing point of dangerous petroleum, as originally fixed in accordance with the recommendation of the Bengal Committee at 83° F. by Abel's test, has been objected to in many quarters as unnecessarily and inconveniently high. The Lieutenant-Governor of Bengal now proposes to reduce it to 78°; and on fully considering the papers submitted to us, we are prepared to reduce it even lower. There can be no doubt that the circumstance that the temperature of the air in most parts of India is throughout a great portion of the year higher than that which prevails in England, would, all other things being equal, make a petroleum flashing at a temperature between 70° and 80° F. more dangerous here than in England; but against this must be set off the greater openness and airiness of Indian buildings and the comparative absence of carpets, curtains and other such articles likely to catch fire; and, though at times serious accidents have occurred in this country, it can hardly be said that there is evidence to show that the danger is so serious as to warrant our extending the severe restrictions which the Bill imposes on dangerous petroleum to any petroleum flashing above the point, which has, after full consideration, been fixed upon in England and which has hitherto been adopted in Bengal. We have accordingly fixed the flashing point of dangerous petroleum at 73° F. by Abel's test equal to 100° F. by the old test.

4. We have made some other amendments in the Bill, with a view to relaxing in certain particulars the restrictions it imposes; thus, in order to avoid the delay, to which ships bringing petroleum to our ports might have been subjected if the samples furnished had to be tested before the petroleum was landed, we have altered the wording of the Bill so as to allow of the petroleum being landed directly the samples are delivered. We think that the control which the Bill gives over the petroleum when landed will be amply sufficient to secure the object in view.

5. Again, we have confined the provision of the Bill which requires petroleum to be kept in indelibly marked vessels, to *dangerous* petroleum, and we have reduced the maximum penalty

for illegally importing, possessing or transporting petroleum from three months' imprisonment and one thousand rupees fine, to one month's imprisonment and five hundred rupees fine.

6. The power given by the Bill to extend the Act to other inflammable substances appears to be unnecessarily large, and we have therefore confined it to cases in which those substances are fluid.

7. The only other alterations we have made which are of sufficient importance to call for notice here are the insertion of a provision in section 7 of the Bill as now amended, empowering the Government to fix ports at which only petroleum may be imported, the addition of a clause to section 12 entitling a dealer, whose petroleum is tested under the Act, to a copy of the certificate of the result of the testing, free of charge, the insertion in section 16 of words providing that the tins or other vessels in which confiscated petroleum is contained may be confiscated with it, and the addition of a provision in section 18 requiring all rules made under the Act to be published for a month before they take effect.

8. The Bill, with its Statement of Objects and Reasons, has been published in English, in the local official Gazettes, except those of the Central Provinces and Assam. Its publication in the vernacular Gazettes has been reported by the Governments of Bengal and the North-Western Provinces and Oudh, and the Chief Commissioner of Mysore. It has met with considerable opposition on account of its stringency, but, if the important mitigations of its provisions which we now recommend are approved by the Council, we think it may safely be passed without being again re-published. The measure having been now before the public for six months, it can hardly be said that timely notice of it has not been given to all concerned; but in order to guard against the possibility of hardship to holders or consignees of dangerous petroleum, we propose that it should not come into force till the 1st of July.

WHITLEY STOKES.
J. GIBBS.
B. W. COLVIN.
G. F. MEWBURN.

The 14th January, 1881.

No. II.

THE PETROLEUM BILL, 1881.

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8. Possession and transport of petroleum.
9. Power to make rules as to such possession and transport.
10. Power to inspect and require dealer to sell samples.
11. Notice to be given when officer proposes to test samples.
12. Certificate as to result of such testing.

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14. Penalty for keeping, transporting or exposing for sale, petroleum in contravention of section 6.
15. Penalty for refusing to comply with section 10.
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Miscellaneous.

18. Rules when to have force of law.
19. Power to apply this Act to other fluids.

THE SCHEDULE.

No. II.

A Bill to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title. Commencement.

1. This Act may be called "The Petroleum Act, 1881"; and it shall come into force on the first day of July, 1881.

Committee's recommendations, para. 1.

Local extent.

The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments.

2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"Petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum,

"Petroleum."

but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer.

Act 35 Vic., c. 105, s. 3, with additions from Committee's report.

Committee's recommendations, para. 3.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed.

Committee's recommendations, para. 4.

"Dangerous petroleum" means petroleum having its flashing point below seventy-three degrees of Fahrenheit's thermometer:

"Dangerous petroleum."

"Import" means to bring into British India by sea or land:

"Import."

and "importation" means the bringing into British India as aforesaid.

"Transport" means to remove from one place to another within British India:

"Transport."

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

4. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Application for license to import, transport or possess such petroleum.

Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

Power to grant license.

If the Local Government sees reason to believe that such petroleum will be used for such purpose, and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding 40 gallons.

5. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and such petroleum is placed in separate glass, earthenware or metal vessels, each of which contains not more than a pint and is securely stopped.

34 & 35 Vic., c. 105, s. 7.

Vessels containing dangerous petroleum to be marked.

6. All dangerous petroleum—

34 & 35 Vic., c. 105, s. 8.

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or a label in conspicuous characters, stating the nature of the contents thereof.

Cf. Act 1878, s. 7.

Petroleum generally.

Power to make rules as to the importation of petroleum.

7. The Local Government may, from time to time, make rules consistent with this Act to regulate the importation of petroleum and in particular—

Committee's recommendations, paras. 12 to 20.

(*a*) for ascertaining the quantity and description of any petroleum on board a ship;

(*b*) to provide for the delivery, by the master of a ship or the consignees of the cargo, of samples of petroleum before such petroleum is landed from such ship, and for the testing thereof;

(*c*) to determine the ports at which only petroleum may be imported; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any petroleum.

In this section—

"Ship" includes anything made for the conveyance by water of human beings or property:

"Ship."

"Master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship.

"Master."

Possession and transport of petroleum.

8. No quantity of petroleum exceeding five hundred gallons, shall be kept by any one person or on the same premises or shall be transported except under and in accordance with the conditions of a license granted under this Act.

Power to make rules as to such possession and transport.

9. The Local Government may from time to time make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of such premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*i*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

Vic., 11.

10. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of such petroleum on payment of the value of such samples.

Power to inspect and require dealer to sell samples.

11. When any such officer has, in exercise of the powers conferred by section ten, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his Agent may be present at such testing.

Notice to be given when officer proposes to test samples.

12. On any such testing if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is or is not dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of such certificate shall be given gratis to the dealer at his request.

Certificate as to result of such testing.

Penalties.

13. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum; and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, &c., of petroleum.

14. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked or labelled as prescribed by section six, shall be punished with fine which may extend to fifty rupees.

34 & 35 Vic. s. 63.

Penalty for keeping, transporting or exposing for sale petroleum in contravention of section 6.

15. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section ten any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

34 & 35 Vic. c. 105, s. 12.

Penalty for refusing to comply with section 10.

16. In any case in which an offence under section thirteen or section fourteen has been committed, the convicting Magistrate may direct that,—

Cf. Act I of 1878, s. 11.

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing, or transporting, or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

17. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate and elsewhere by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Miscellaneous.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall, on the expiry of one month from the date of such publication, have the force of law:

Rules when to have force of law.

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections four, five and eight, the quantities of such fluid to which these sections shall apply.

34 & 35 Vic. c. 105, s. 13.

Power to apply this Act to other fluids.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

Committee's recommendations, para. 5, and 42 & 43 Vic., c. 47.

The following is a description of the details of the apparatus:—

The oil-cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{1}{8}$″ from the bottom of the cup. It is made of gun metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$″, that is, its diameter is about $\frac{6}{8}$″ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath of the oil lamp is $1\frac{1}{2}$″. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}$″. One of the three legs of the stand serves as support for the spirit lamp, attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1″.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}$″ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{2}$″.

NOTE.—A model apparatus is deposited at the office of the Chemical Examiner to Government at Calcutta.

Directions for applying the Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of 1½ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

D. FITZPATRICK,
Secy. to the Govt of India.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 22, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th January, 1881, and was referred to a Select Committee:—

No. 1 OF 1881.

THE BURMA FOREST BILL, 1881.

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A Bill to amend the law relating to Forests, Forest-produce, and the duty leviable on Timber in British Burma.

WHEREAS it is expedient to amend the law relating to forests, forest-produce, and the duty leviable on timber in British Burma; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Forest Act, 1881:" Short-title.

It extends to all the territories for the time being administered by the Chief Commissioner of British Burma, provided that the Chief Commissioner may, from time to time, by notification in the local official Gazette, exempt any place from its operation; but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption; and Local extent.

it shall come into force on the first day of May, 1881. Commencement.

2. On and from that day the enactments mentioned in the schedule hereto annexed shall be repealed to the extent mentioned in the third column of the same schedule. Repeal of enactments.

and in all rules made hereunder" ew.

3. In this Act, and in all rules made hereunder, unless there is something repugnant in the subject or context,— Interpretation-clause.

"Forest-officer" means all persons appointed by name or as holding an office by or under the orders of the Chief Commissioner to be— "Forest-officer:"

lew.

Conservators, Deputy Conservators, Assistant Conservators, Sub-Assistant Conservators, Forest Rangers, Foresters, Forest Guards or Forest-officers, or to discharge any function of a Forest-officer under this Act or the rules made hereunder:

Act VII of 878, s. 2.

"Forest-officer specially empowered" means in any provision of this Act any person whom the Chief Commissioner, or any officer empowered by the Chief Commissioner in this behalf, may, from time to time, appoint by name, or as holding an office, to discharge the functions of a Forest-officer under such provision: "Forest-officer specially empowered:"

Ibid. "tree" includes bamboos, stumps and brushwood: "tree:"

Ibid. "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not: "timber:"

Ibid. "forest-produce" includes the following when found in, or brought from, a forest (that is to say) :— "forest-produce."

'Plants' nd 'seeds' dded, and he words honey', 'wax', grass-oil', silkworms' nd 'cocoons', shells', 'skins', tusks', bones' and horns' omitted.

minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac and charcoal;

Act VII of 1878, s. 2.

"forest-offence" means an offence punishable under this Act, or under any rule made under this Act: "forest-offence:"

Ibid. 'camels' omitted.

"cattle" includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: "cattle:"

"river" includes also streams, canals, creeks and other channels, natural or artificial: "river:"

Now.

"Magistrate" means a Magistrate of the first or second class, or (when specially empowered by the Chief Commissioner to try forest-offences) a Magistrate of the third class. "Magistrate."

Cf. Act XV of 1877, s. 3, cl. 2;

4. Nothing in the Burma Land and Revenue Act, 1876, shall be deemed to affect or ever to have affected any right by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another person or to the Government or anything growing in or attached to or subsisting upon the land of another person or of the Government; and Saving of rights of profit from the Burma Land and Revenue Act, 1876.

and of ss. 20 & 21 of that Act.

nothing in this Act shall be deemed to affect the provisions of sections twenty and twenty-one of the Burma Land and Revenue Act, 1876.

CHAPTER II.

OF RESERVED FORESTS.

Cf. Act VII of 1878, s. 3.

5. The Chief Commissioner may from time to time constitute any land over which no person has a right created by any grant or lease made by or in behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of the Burma Land and Revenue Act, 1876, a reserved forest in manner hereinafter provided. Power to reserve forests.

Cf. Act VII of 1878, s. 4

6. Whenever it is proposed to constitute any land a reserved forest, the Chief Commissioner may publish a notification in the local official Gazette— Notification by Chief Commissioner.

(*a*) specifying the limits of such land or describing it in such a manner that its limits shall be readily ascertainable;

(*b*) declaring that it is proposed to constitute such land a reserved forest;

(*c*) appointing an officer (hereinafter called "the Forest-Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, and to deal with the same as provided in this chapter.

The officer appointed under clause (*c*) of this section shall ordinarily be a person not holding any forest-office except that of Forest-Settlement-officer; but a Forest-officer may be appointed in subordination to the Forest-Settlement-officer to assist him in the inquiry prescribed by this chapter. New.

7. When a notification has been issued under section six, the Forest-Settlement-officer shall publish in the language of the country, at the head-quarters of each township in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation— Proclamation by Forest-Settlement-officer.

(*a*) specifying the limits of the proposed forest, or describing it in such a manner that its limits shall be readily ascertainable;

(*b*) setting forth the provisions of section eight; New.

(*c*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*d*) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right mentioned in section six either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right.

Cf. Act VII of 1878, s. 6.

8. During the interval between the publication of such proclamation and the date fixed by the notification under section eighteen, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right was vested when the proclamation was published; and on such land, except as hereinafter provided, no new house shall be built or plantation formed, and no fresh clearings for cultivation or for any other purpose shall be made and no trees Bar of accrual of forest-rights. Prohibition of building, clearing, &c.

shall be cut for the purpose of trade or manufacture.

New. Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-Settlement-officer, or any clearings made for toungya cultivation by tribes or families in the habit of practising such cultivation on such land: provided that such clearings are not in contravention of any rule made under section twenty-one of the Burma Land and Revenue Act, 1876, and for the time being in force.

Cf. Act VII of 1878, s. 7. The words 'at some convenient place' omitted.

9. The Forest-Settlement-officer shall take down in writing all statements made under section seven, and shall inquire into all claims preferred under that section, and the existence of any rights mentioned in section six and not claimed under section seven.

Inquiry by Forest-Settlement-officer.

New. The Forest-Settlement-officer shall at the same time consider and record any objection to any claim which the Forest-officer (if any), appointed to assist him under section six, may make.

Cf. Act VII of 1878, s. 8.

10. For the purposes of such inquiry, the Forest-Settlement-officer may exercise the following powers (that is to say):—

Powers of Forest-Settlement-officer.

Wording changed. (*a*) the powers of a Demarcation-officer under The Burma Boundaries Act, 1880; and

(*b*) the powers conferred on a Civil Court by the Code of Civil Procedure for compelling the attendance of witnesses and the production of documents.

Act VII of 1878, s. 9.

11. Rights in respect of which no claim has been preferred under section seven, and of the existence of which no knowledge has been acquired by enquiry under section nine, shall be extinguished, unless, before the notification under section eighteen is published, the person claiming them satisfies the Forest-Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section seven.

Extinction of rights not claimed.

Cf. Act VII of 1878, s. 10.

12. In the case of a claim to a right in or over any land other than the following:—

Power to acquire land over which right is claimed.

(*a*) right of way,
(*b*) right to a water-course,
(*c*) right of pasture,
(*d*) right to forest-produce,

the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

If such claim is admitted wholly or in part, the Forest-Settlement-officer may (1) come to an agreement with the claimant for the surrender of the right; (2) exclude the land from the limits of the proposed forest; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.

For the purpose of so acquiring such land—

(i) the Forest-Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870;

(ii) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section nine of that Act;

(iii) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(iv) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Cf. Act VII of 1878, ss. 11, 12 and 13. (That section relates only to the rights mentioned, cls. (*c*) and (*d*).)

13. In the case of a claim to rights of the kind specified in clauses (*a*), (*b*), (*c*) and (*d*) of section twelve, the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

Order on claims to rights of way, watercourse, pasture or to forest-produce.

Cf. Act VII of 1878, ss. 14 and 15.

14. When the Forest-Settlement-officer admits wholly or in part any claim to a right of the kind specified in clauses (*c*) and (*d*) of section twelve, he shall, if practicable, by an order in writing, either continue such right to the claimant, or alter the limits of the proposed reserved forest, so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient, for the purposes of the claimant; and permit him to exercise his right on such land.

Provision for rights of pasture or to forest-produce admitted.

The order passed under this section shall record—

(*a*) the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the season during which, such pasture is permitted; or

(*b*) the quantity of timber and other forest-produce which the claimant is authorized to take or receive, the local limits within which, and the season during which, the taking of such timber or forest-produce is permitted; and

(*c*) when the exercise of such right is claimed in respect of any land or buildings, the designation, position and area of such land, and the designation and position of such buildings; and

New. (*d*) such other particulars as may be required in order to specify the nature of the right which is continued.

Cf. Act VII of 1878, ss. 12 and 13.

15. Whenever any right of the kind specified in section twelve, clauses (*c*) and (*d*), and admitted under section thirteen, is not provided for in one of the ways prescribed in section fourteen, the Forest-Settlement-officer shall, subject to such rules as the Chief Commissioner may from time to time prescribe in this behalf, commute such right, by paying a sum of money in lieu thereof, or with the consent of the claimant, by the grant of land or in such other manner as such officer thinks fit;

Commutation of such rights.

For the purpose of granting land under this section, the Forest-Settlement-officer shall be deemed to be an Assistant Commissioner in charge of a sub-division.

Cf. Act VII of 1878, s. 16.

16. Any person who has made a claim under this chapter may, within three months from the date of any order passed on such claim by the Forest-Settlement-officer under section twelve, thirteen, fourteen or fifteen, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Chief Commissioner may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal from order passed under foregoing sections.

Proviso omitted.

Act VII of 1878, s. 17.

17. Every appeal under section sixteen shall be made by petition in writing, and may be delivered to the Forest-Settlement-officer, who shall forward it without delay to the officer competent to hear the same.

Appeal under section 16.

Every such appeal shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue, and the order passed thereon by such officer shall be final:

Hearing of appeals.

Provided that every order of a Forest-Settlement-officer, and every order passed on appeal under this section, shall be subject to revision by the Chief Commissioner.

Orders of Forest-Settlement-officer, and orders on appeal, subject to Chief Commissioner's confirmation.

Act VII of 1878, s. 19.

18. When the following events have occurred (namely)—

Notification declaring forest reserved.

(*a*) the period fixed under section seven for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-Settlement-officer; and

(*b*) if such claims have been made, the period limited by section sixteen for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer; and

(*c*) all lands (if any) to be included in the proposed forest, which the Forest-Settlement-officer has, under section twelve, elected to acquire under the Land Acquisition Act, 1870, have become vested in the Government under section sixteen of that Act,

the Chief Commissioner may publish a notification in the local official Gazette, specifying, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From the date so fixed, such forest shall be deemed to be a reserved forest.

Cf. Act VII of 1878, s. 20.

19. The Deputy Commissioner of the district in which the forest is situate shall, before the date fixed by such notification, cause a translation thereof into the language of the country to be published in the manner prescribed for the proclamation under section seven,

Publication of translation of such notification in neighbourhood of forest.

Act VII of 1878, s. 22.

20. No right of any description shall be acquired in or over a reserved forest, except by succession, or under a grant or contract in writing made by, or on behalf of, the Government, or some person in whom such right was vested when the notification under section eighteen was published.

No right acquired over reserved forest except as here provided.

Cf. Act VII of 1878, s. 23.

21. Notwithstanding anything herein contained, no right continued or created under section fourteen shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Chief Commissioner: provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house without such sanction.

Rights not to be alienated without sanction.

No timber or other forest-produce obtained in exercise of any right so continued or created shall be sold or bartered except to such extent as may be permitted by the Chief Commissioner.

Cf. Act VII of 1878, s. 24.

22. A Forest-officer may from time to time, with the previous sanction of the Chief Commissioner or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest: provided that a substitute for the way or water-course so stopped, which the Chief Commissioner deems to be reasonably convenient, already exists, or has been provided or constructed by such Forest-officer in lieu thereof.

Power to stop ways and water-courses in reserved forest.

Cf. Act VII of 1878, s. 25.

23. Any person who in a reserved forest—

Penalties for trespass or damage in reserved forests.

(*a*) trespasses, or pastures cattle, or permits cattle to trespass;

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(*c*) in contravention of any rules which the Chief Commissioner may from time to time make in this behalf, hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty-five rupees to double the amount of such damage.

Cf. Act VII of 1878, s. 25.

24. Any person who—

Acts prohibited in such forests.

(*a*) makes any fresh clearing prohibited by section eight, or

(*b*) sets fire to a reserved forest, or kindles any fire in such manner as to endanger the same,

or who, in a reserved forest,

(*c*) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest-officer specially empowered may from time to time notify in this behalf;

(*d*) fells, girdles, lops, taps or burns any tree, or strips off the bark or leaves from, or otherwise damages the same;

(*e*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce;

(*f*) clears or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or when the damage resulting from his offence amounts to more than two hundred and fifty rupees to double the amount of such damage.

Act VII of 1878, s. 26.

25. Nothing in section twenty-three or section twenty-four shall be deemed to prohibit (*a*) any act done by permission in writing of a Forest-officer, specially empowered or under any rule made by the Chief Commissioner in that behalf; or (*b*) the exercise of any right continued or created under section fourteen or created by grant or contract in the manner described in section twenty.

Acts excepted from prohibition contained in sections 23 and 24.

Cf. Act VII of 1878, s. 25.

26. Whenever fire is caused wilfully or by gross negligence in a reserved forest, by any person having rights in such forest or by any person in his employ-

Penalty for offences committed by persons having rights in reserved forests.

ment, or whenever any person having rights in such forest contravenes the provisions of section twenty-one, the Chief Commissioner may (notwithstanding that a penalty has been inflicted under section twenty-four) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be extinguished or suspended for such period as he thinks fit.

Act VII of 1878, s. 26.

27. The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

Power to declare forest no longer reserved.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

New.

28. Any forest which has been declared a reserved forest under any rules in force previous to the passing of this Act shall be deemed to have been reserved under this Act, all questions decided, orders issued and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued and prepared under this Act, and all the provisions of this Act relating to reserved forests shall apply to such forest.

Forests reserved under former rules.

CHAPTER III.

OF VILLAGE-FORESTS.

New.

29. The Chief Commissioner may from time to time, by notification in the local official Gazette, constitute any land over which no person has a right created by any grant or lease made by or on behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of the Burma Land and Revenue Act, 1876, a village-forest for the benefit of any village community or group of village communities, and may by a like notification cancel any such notification:

Constitution of village-forests.

Provided that no such notification shall be deemed to affect any teak or other trees, which the Chief Commissioner may previous to the issue of such notification have declared to be reserved.

Every such notification shall specify definitely, according to boundary-marks erected or otherwise, the limits of such village-forest.

Cf. Act VII of 1878, s. 27, para. 2.

30. The Chief Commissioner may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the communities for the benefit of which such forests are constituted may be provided with timber or other forest-produce, or with pasture and their duties in respect of the protection and improvement of such forest.

Power to make rules for village-forests.

The Chief Commissioner may, by such rules, declare any of the provisions of this Act relating to the management, protection and improvement of reserved forests to be applicable to village-forests.

31. Nothing in this chapter shall be deemed to affect any existing rights of individuals or communities in or over any land constituted a village-forest:

Saving of private rights.

Provided that the Chief Commissioner may in any case inquire into and determine the existence, nature and extent of any such rights and deal with the same in the manner provided in Chapter II of this Act for reserved forests.

Power to inquire into and deal with such rights.

CHAPTER IV.

OF THE PROTECTION OF FORESTS ON GOVERNMENT LANDS NOT INCLUDED IN RESERVED OR VILLAGE-FORESTS.

32. All teak trees standing on land to which the second part of the Burma Land and Revenue Act, 1876, applies, and over which no person has a right created by any grant or lease made by or on behalf of the British Government or mentioned in section seven, eighteen, nineteen, twenty, twenty-one, forty or forty-eight of that Act, shall be reserved, and the Chief Commissioner may from time to time, by notification in the local official Gazette, declare any other trees or class of trees standing on such land to be reserved from a date fixed by such notification, and may alter or cancel any such notification.

Reserved trees.

33. Except as provided by rules made by the Chief Commissioner in this behalf, or with the permission in writing of a Forest-officer specially empowered, no reserved tree may be cut, marked, lopped, girdled or injured by fire or otherwise.

Protection of reserved trees.

Whoever cuts, marks, lops, girdles or injures by fire or otherwise any reserved tree in contravention of this section, shall be punished with fine which may extend to twenty rupees, or when the damage resulting from his offence amounts to more than ten rupees to double the amount of such damage.

34. The Chief Commissioner may from time to time make rules relating to the forest on the land referred to in section thirty-two.

Cf. Act VII of 1878, s. 31.

Power to make rules generally.

Such rules may—

(*a*) prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(*b*) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce;

(*c*) regulate or prohibit the quarrying of stone or the burning of lime or charcoal;

(*d*) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments (if any) to be made for such pasturing;

(*e*) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares; and

(*f*) regulate the sale or free grant of timber or other forest-produce.

The Chief Commissioner may, by such rules, prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for acts in contravention of rules.

35. Nothing in this chapter or in any rule made under this chapter shall be deemed to prohibit any act done with the permission in writing of a Forest-officer specially empowered, or in the exercise of any right.

Nothing in this chapter to prohibit acts done in certain cases.

CHAPTER V.

OF THE DUTY ON TIMBER.

Cf. Act VII of 1878, s. 39.

36. The Chief Commissioner may levy a duty, in such manner, at such places, and at such rates as he may from time to time prescribe by notification in the local official Gazette, on all timber which is brought into British Burma from any place beyond the frontier of British Burma.

Power to impose duty on timber.

In every case in which such duty is directed to be levied *ad valorem*, the Chief Commissioner may, from time to time fix, by like notification, the value on which such duty shall be assessed.

Power to fix value for *ad valorem* duty.

37. On all logs cut within the limits of the Attaran and Pandau Forests and floated down the Attaran and Salween rivers, duty shall be levied at the following rates, that is to say—

Duty on certain timber floated down the Salween and Attaran.

On logs floated down the Attaran river:

		Rs.	A.	P.	
Above five feet in girth	... ...	4	0	0	per log.
Below „ „	... ...	2	0	0	„
Stem pieces	... ...	0	9	0	„
Ship crooks	... ...	0	4	0	„
Boat „	... ...	0	1	0	„
Small „	... ...	0	0	6	„
„ pieces	... ...	0	2	0	„

On logs floated down the Salween river:

		Rs.	A.	P.	
Above five feet in girth	... ...	2	12	0	per log.
Below „ „	... ...	1	6	0	„
Stem pieces	... ...	0	9	0	„
Ship crooks	... ...	0	4	0	„
Boat „	... ...	0	1	0	„
Small „	... ...	0	0	6	„
„ pieces	... ...	0	2	0	„

New.

38. The Chief Commissioner may exempt any timber from duty, and may revoke such exemption.

Power to exempt timber from duty.

CHAPTER VI.

OF THE CONTROL OF TIMBER IN TRANSIT.

Cf. Act VII of 1878, s. 41. 'Forest-produce' omitted.

39. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber in transit by land or water, is vested in the Chief Commissioner, and he may from time to time make rules to regulate the transit of all timber:

Power to make rules to regulate transit of timber.

Such rules may (among other matters)—

Cl. (*a*).

(*a*) prescribe the routes by which alone timber may be imported into, exported from, or moved within, British Burma;

Cl. (*b*).

(*b*) prohibit the import and export or moving of such timber without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

Cl. (*c*).

(*c*) provide for the issue, production and return of such passes and for the payment of fees therefor;

New.

(*d*) prohibit the loosening of timber formed into a raft or the setting adrift of any raft, by any person not the owner of such timber or raft, or not acting on behalf of the owner, or of Government;

Cl. (*d*).

(*e*) provide for the stoppage, reporting, examination and marking of timber in transit in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark;

Cl. (*e*). 'stations' substituted for 'depôt.'

(*f*) provide for the establishment and regulation of stations to which such timber shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such mark may be affixed to it; and the conditions under which such timber shall be brought to, stored at, and removed from, such station;

New.

(*g*) authorize the transport of timber the property of Government across any land which is not the property of Government, and regulate the compensation to be paid for any damage done by the transport of such timber;

Cl. (*f*).

(*h*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber, and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be obstructed;

Cl. (*g*).

(*i*) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal from the person causing such obstruction.

Cl. (*h*).

(*j*) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or supermarking of timber, the altering or effacing of any marks on the same, and possession or carrying of marking-hammers or other implements used for marking timber;

'supermarking of timber' New.

(*k*) regulate the use of property-marks for timber, and the registration of such marks; lay down the rules under which the registration of any property-marks may be refused or cancelled; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

Cl. (*i*). With additions.

Nothing in this section shall be held to affect any private rights in immoveable property situate on the banks of rivers.

New.

40. The Chief Commissioner may by such rules prescribe as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Cf. Act VII of 1878, s. [illegible]. Penalties for breach of rules made under section 39.

In cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalties so prescribed.

41. The Government shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a rule made under section thirty-nine, or while detained elsewhere for the purposes of this Act; and no Forest-

Cf. Act VII of 1878, s. 42. 'station' substituted for 'depôt.' Government and Forest-officers not liable for damage to timber at station.

officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

Act VII of 1878, s. 44.

42. In case of any accident or emergency involving danger to any property at any such station, every person employed at such station, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at station.

CHAPTER VII.

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER.

Act VII of 1878, s. 45.

43. All timber found adrift, beached, stranded or sunk;

all timber bearing marks which have not been registered under rules made under section thirty-nine, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Chief Commissioner directs, all unmarked timber,

shall be deemed to be the property of Government unless and until any person establishes his right thereto as provided in this chapter.

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section forty-nine, and may be brought to such stations as a Forest-officer specially empowered may from time to time notify as stations for the reception of drift-timber.

The words 'by Notification in local official Gazette' omitted.

The Chief Commissioner may exempt any class of timber from the provisions of this section, and withdraw such exemption.

Cf. Act VII of 1878, s. 46.

44. Public notice shall from time to time be given by a Forest-officer specially empowered, of timber collected under section forty-three. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Notice to claimants of drift-timber.

'One month' substituted for 'two months.'

Act VII of 1878, s. 47.

45. When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

Procedure on claim preferred to such timber.

If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

Any person whose claim has been rejected under this section may, within two months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

On rejection of claim to such timber, claimant may institute suit.

No such timber shall be subject to process of any Civil Court until it has been delivered, or a suit brought under this section has been decided.

Words 'Criminal or Revenue' omitted before 'Court.'

Act VII of 1878, s. 48.

46. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by the notice issued under section forty-four, or, on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period limited by section forty-five, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section forty-five, in such other person, free from all incumbrances.

Disposal of unclaimed timber.

Act VII of 1878, s. 49.

47. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section forty-three.

Government and its officers not liable for damage to such timber.

Act VII of 1878, s. 50.

48. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section forty-nine.

Payments to be made by claimant before timber is delivered to him.

Act VII of 1878, s. 51.

49. The Chief Commissioner may from time to time make rules to regulate the following matters (namely):—

Power to make rules and prescribe penalties.

(*a*) the salving, collection and disposal of all timber mentioned in section forty-three;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber;

(*d*) the use and registration of hammers and other instruments to be used for marking such timber.

The Chief Commissioner may from time to time prescribe, as penalties for the infringement of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Cf. Act VII of 1878, s. 52.

50. When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Seizure of property liable to confiscation.

Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report

Application for confiscation.

of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Change.

Provided that when no property is seized except the forest-produce with respect to which such offence is believed to have been committed and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Cf. Act VII of 1878, s. 53. Slight changes.

51. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the appearance and trial of the accused and the disposal of the property according to law.

Procedure thereupon.

Cf. Act VII of 1878, s. 54. Words 'which is not the property of Government' omitted. See sec. 56.

52. When any person is convicted of a forest-offence all timber or forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

Forest-produce, tools, &c., when liable to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Act VII of 1878, s. 55.

53. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken charge of by a Forest-officer specially empowered; and in any other case may be disposed of in such manner as the Court may order.

Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.

Cf. Act VII of 1878, s. 56. Slight changes.

54. When the offender is not known or cannot be found, the Magistrate may, on application in that behalf, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by a Forest-officer specially empowered, or to be made over to such Forest-officer or to any other person whom he deems to be entitled to the same:

Procedure when offender not known or cannot be found.

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

New.

The Magistrate may cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or he may publish such notice in any way which he thinks fit.

Act VII of 1878, s. 57.

55. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section fifty and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Procedure as to perishable property seized under section 50.

Cf. Act VII of 1878, s. 58. Change; right of Forest-officer to appeal taken away.

56. Any person claiming to be interested in property seized under section fifty may, within one month from the date of any order passed under section fifty-two, fifty-three or fifty-four, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Appeal from orders under sections 52, 53 and 54.

Act VII of 1878, s. 59.

57. When an order for the confiscation of any property has been passed under section fifty-two or fifty-four, as the case may be, and the period limited by section fifty-six for presenting an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Property when to vest in Government.

Cf. Act VII of 1878, s. 60. The words 'and the withdrawal of any proceedings' instituted' added.

58. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Chief Commissioner from directing at any time the immediate release of any property seized under section fifty and the withdrawal of any proceedings instituted in respect of such property.

Saving of power to release property seized.

Cf. Act VII of 1878, s. 61.

59. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for wrongful seizure.

Last sentence new.

Any fine so imposed, or any portion thereof, may be given as compensation to the person aggrieved.

Cf. Act VII of 1878, s. 62. Slight change.

60. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

Penalty for counterfeiting or defacing marks in trees and timber and for altering boundary-marks.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

New.

(*b*) unlawfully affixes a mark used by Forest-officers; or

(*c*) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Cf. Act VII of 1878, s. 63.

61. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

Power to arrest without warrant.

Third para. of s. 63 of Indian Forest Act omitted.

Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case.

Act VII of 1878, s. 64.

62. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to prevent commission of offence.

Sec. 65 of Indian Forest Act omitted. Act VII of 1878, s. 66.

63. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the rules made under this Act:

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

Cf. Act VII of 1878, s. 67. Slight change.

64. Any Forest-officer specially empowered may accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence other than an offence under section fifty-nine or section sixty a sum of money by way of compensation for any damage which may have been committed, and may release any property which has been seized as liable to confiscation on payment of the value thereof as estimated by such officer.

Power to compound offences.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken under this Act against such person or property; but nothing herein contained shall exempt such person from prosecution on the same facts under any other law for the time being in force.

Act VII of 1878, s. 65.

65. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

Presumption that forest-produce belongs to Government.

CHAPTER IX.

CATTLE-TRESPASS.

Act VII of 1878, s. 69.

66. Cattle trespassing in a reserved forest or a village-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Cattle-trespass Act, 1871, to apply.

Act VII of 1878, s. 70.

67. The Chief Commissioner may from time to time, by notification in the local official Gazette, direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section sixty-six of this Act, such fines as he thinks fit, but not exceeding the following (that is to say):—

Power to alter fines fixed by that Act.

Clause omitted.

	Rs.	A.
For each elephant... ...	10	0
For each buffalo	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer ...	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid ...	0	8

CHAPTER X.

OF FOREST-OFFICERS.

Act VII of 1878, s. 71.

68. The Chief Commissioner may invest any Forest-officer by name, or as holding an office, with the following powers (that is to say):—

Chief Commissioner may invest Forest-officers with certain powers.

(*a*) the powers of a Demarcation-officer under the Burma Boundaries Act, 1880;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue search-warrants under the Code of Criminal Procedure;

(*d*) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence.

Any evidence recorded under clause (*d*) of this section shall be admissible in any subsequent trial before a Magistrate: provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 333 or section 334 of the Code of Criminal Procedure.

Last part of proviso new.

Act VII of 1878, s. 72.

69. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Forest-officers deemed public servants.

Cf. Act VII of 1878, s. 73. The words 'or criminal action' new.

70. No suit or criminal prosecution shall lie against any public servant for anything done by him in good faith under this Act.

Indemnity for acts done in good faith.

Act VII of 1878, s. 74.

71. Except with the permission in writing of the Chief Commissioner, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in British or foreign territory.

Forest-officers not to trade.

CHAPTER XI.

MISCELLANEOUS.

Cf. Act VII of 1878, s. 75.

72. The Chief Commissioner may from time to time make rules consistent with this Act—

Additional powers to make rules.

(*a*) to prescribe and limit the powers and duties of any Forest-officer;

(*b*) to regulate the powers and proceedings of Forest-Settlement-officers;

New.

(*c*) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act; and

Cl. (*c*) of s. 7 of I. F. Act omitted.

(*d*) generally to carry out the provisions of this Act.

Sec. 76 of I. F. Act omitted.

Cf. Act VII of 1878, s. 77.

73. All rules made by the Chief Commissioner under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

Rules when to have force of law.

Second para. omitted.

Act VII of 1878, s. 78.

74. Every person who exercises any right in a reserved forest or a village-forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and

Persons bound to assist Forest-officer and Police-officer.

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall assist any Forest-officer or Police-officer demanding his aid

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Act VII of 1878, s. 81.

75. All money payable to the Government under this Act, or under any rule made hereunder, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Recovery of money due to Government.

Act VII of 1878, s. 82.

76. When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer specially empowered and retained by him until such amount has been paid.

Lien on forest-produce for such money.

If such amount is not paid when due, such Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Power to sell such produce.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Her Majesty.

Act VII of 1878, s. 83.

77. Whenever it appears to the Chief Commissioner that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section four.

Land required under this Act to be deemed to be needed for a public purpose under Land Acquisition Act.

SCHEDULE.

(*See section 1.*)

ENACTMENTS REPEALED.

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act VII of 1865 ...	An Act to give effect to rules for the management and preservation of Government forests.	So much as has not been repealed.
Act VII of 1869...	An Act to give validity to certain rules relating to forests in British Burma.	The whole.
Act XIII of 1873	An Act to amend the law relating to timber floated down the rivers of British Burma.	So much as has not been repealed.
Regulation IX of 1874.	The Arakan Hill District Laws Regulation, 1874.	So far as it relates to Acts VII of 1865 and VII of 1869.

STATEMENT OF OBJECTS AND REASONS.

1. The necessity for placing forest-legislation in British Burma upon a satisfactory footing has been felt for a considerable time. The present state of the law is as follows:—

The Government Forests Act (Act No. VII of 1865) is in force, but it does not provide for all requirements. That Act gave power to make rules, having the force of law, for the management and preservation of the Government forests and for the control of the timber floated down rivers. Accordingly in August, 1865, rules for the administration of forests in British Burma were promulgated. These rules, though purporting to have been made under the Government Forest Act, were not covered by its provisions, and accordingly they were legalized by Act No. VII of 1869.

In 1873 it was deemed advisable to amend and consolidate the law relating to timber floated down the rivers of Burma. Accordingly the Burma Timber Act (No. XIII of 1873) was passed. This Act repealed Act No. VII of 1869 and the rules legalized by that Act as far as they related to duty on timber floated down the rivers of British Burma.

The rules of August, 1865, related only to a portion of the Government forests, as defined in the rules, and it became necessary to provide by another set of rules for the administration of the forests thus excluded. This was done by rules made under Act No. VII of 1865, which were promulgated in Burma in March, 1876, together with a notification defining the areas to which they were applicable.

Thus the administration of the Government forests in Burma and the management of the timber floated down its rivers is governed by three different enactments and two sets of rules having the force of law. Yet these enactments and rules leave several of the most important matters unprovided for, and hence it is necessary both to consolidate and to complete them.

Experience has shown that the only practical method to ensure the objects aimed at by forest-administration is to set apart and demarcate selected areas of Government forests, to liberate these areas as far as possible from rights of private persons, and to guard against the growth by prescription of fresh rights in forests thus set apart and demarcated.

Forests thus set apart and demarcated are called reserved forests, and the formation of such reserved forests in British Burma has proceeded steadily during the last five years. The formation of such reserved forests is preceded by a thorough and complete enquiry by a settlement-officer into the rights and requirements of the people residing in and in the immediate vicinity of these areas. The guiding principle followed in this enquiry is that such arrangements are made as will enable the people to provide for their requirements in the matter of forest-produce, either outside the reserved forests, or, under suitable rules, within their boundaries. And in the case of the tribes whose custom it is to carry on the shifting kind of cultivation by cutting and burning the forest which is called *toungya* cultivation, defined areas are assigned to them where they may practise this kind of cultivation. Under these arrangements the formation of Government forest domains has been commenced, and their area aggregated, on 31st March last, 1,442 square miles.

The practical result of these proceedings is that the forests thus set apart and demarcated can be effectively protected and steadily improved, so that eventually a limited area will yield all the timber and other forest-produce required for home consumption and export, while the remainder can be thrown open for the use of the people and the extension of cultivation. The system here sketched enables Government to concentrate forest-conservancy upon limited areas, instead of attempting to enforce restrictions over the whole of the forests.

The procedure, however, hitherto followed in this respect in Burma, in some particulars, wants legal sanction, and hence the action of Government in setting apart reserved forests is not final, and may be called in question. The object of the present Bill is to legalize what has been done in this respect, and to lay down a procedure for the future.

3. The Indian Forest Act, which was passed in 1878, had the same object, and it must now be explained why it was not considered advisable to make the provisions of the Indian Forest Act applicable to Burma. One reason is that the procedure followed in the enquiry into, and the settlement of, forest-rights and in the demarcation of forests, as it has been developed by practical experience, is somewhat different from that prescribed by the Indian Forest Act. But this is a minor matter. The chief reason for special forest-legislation in Burma, consists in the provisions of the Burma Land and Revenue Act (Act No. II of 1876). Section 6 of that Act defines the rights in land subject to the second part of that Act, which are recognized by law, and clause (*b*) recognizes rights acquired under sections 27 and 28 of the Indian Limitation Act, 1871. The rights thus recognized are "easements" in the ordinary English acceptation of that term, including the use of light or air, way, watercourse, use of water, but not any prescriptive right by which one person is entitled to remove and appropriate, for his own profit, any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon, the land of another.

The Indian Limitation Act of 1877 extended the definition of the term "easement" including in it all rights of the latter class. But it has been held that this did not affect the construction of the Burma Land and Revenue Act, and consequently the practical effect of section 6 of that Act is to deny the existence of all prescriptive rights of user of forest-produce in the forests of Burma.

But as a matter of fact there is no doubt that such rights existed in the Burma forests before the Burma Land and Revenue Act was passed, and their existence has been recognized in the enquiries which have preceded the demarcation of the existing reserved forests.

No forest-legislation for Burma could ignore these rights, and in framing the present Bill it was necessary to save them.

4. Several other important subjects have also been treated differently from the Indian Forest Act.

Thus the penalties for offences committed in reserved forests are all uniform in the Indian Forest Act, while in the present Bill it has been thought better to classify offences into two classes, and to assign to each class separate limits of punishment.

5. Again, as regards reserved forests which have already been demarcated, it is proposed, having regard to the careful investigations made at the time they were reserved, that they should be placed by the direct operation of the Act in the position of reserved forests made under the Act, instead of leaving it to the local Government, as the Indian Forest Act does, to class them as such.

6. The provisions relating to village-forests differ from the corresponding provisions in the Indian Forest Act, in as far as they give power to constitute any forest which is at the disposal of Government, a village-forest, and not only such as have already been declared reserved forests.

7. A fundamental difference between the present Bill and the Indian Forest Act is in the chapter which deals with the protection of forests on Government lands not included in reserved or village-forests. The Indian Forest Act attempts to solve this question by authorizing the constitution of protected forests. These protected forests are intended to be defined areas in which the rights of Government and of private persons are enquired into and recorded.

In Burma, where a large portion (in many districts more than three-fourths of the area) is forest, this plan would be unnecessary. It would also be impracticable. Hence the present Bill only contemplates the formation of two classes of forests—reserved forests and village-forests. The object of the former class is to furnish timber and other useful produce for the consumption of the Province and for export, while the object of the village-forests is to ensure a permanent supply of pasture and of wood and bamboos to the villages to which such forests are assigned. And while the first step is the formation of the State forest domains, which are styled reserved forests, it is intended that the formation of village-forests shall be taken in hand gradually as the growth of population and the clearing of the forests for cultivation may render necessary the setting apart of a certain area for the use of villages.

Outside these two classes of forests the great object in Burma must be to facilitate the extension of cultivation as much as possible. Hence it would not be expedient in any way to impede or limit the extension of cultivation by the establishment of a third class analogous to the protected forests of the Indian Forest Act. What is required is, outside the reserved forests and village-forests, to give a certain protection to the teak tree and to a few other reserved kinds, and to realize revenue from the timber, bamboos and other forest-produce used for purposes of trade.

These provisions must be maintained until the demarcation of the State (reserved) and village-forests has been completed, and until the forests of these two classes have been brought to such a condition by efficient protection and steadily-continued works of improvement, that they are capable of furnishing the timber and forest-produce required for the agricultural population, for the Province generally, and for export.

This aim cannot be expected to be accomplished for many years to come. But as it is accomplished in one district after another, the restrictions imposed upon the use of the forests outside the State and village-forests may be abolished in such districts.

8. That chapter of the Indian Forest Act which authorizes Government to exercise control in certain cases, for the public good, over forests which are not the property of Government is not required in Burma, and has therefore been omitted.

9. The power to impose a duty on foreign timber (section 36) is taken from the Indian Forest Act, and the duty imposed by section 37 on timber produced in certain forests in our own territory is one which has been levied for the last thirty years.

10. In the concluding chapters, which relate to the control of timber in transit, to the collection of drift or stranded timber, to penalties, cattle trespass, forest officers and to miscellaneous matters, the Bill follows generally the Indian Forest Act.

Briefly, it may be said that the Bill now published is the Indian Forest Act of 1878, with such changes as were necessary to adapt it to the peculiar circumstances of British Burma.

R. THOMPSON.

The 30th December, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1881, and was referred to a Select Committee :—

No. 2 OF 1881.

A Bill to provide for the better government of Fort William.

WHEREAS it is expedient to empower the Local Government to make rules for the better government of Fort William in Bengal and to provide for the establishment of a Court within the said Fort for the trial of persons charged with breaches of such rules; It is hereby enacted as follows :—

Preamble.

Short title.

Commencement.

1. This Act may be called "The Fort William Act, 1881;" and it shall come into force on the first day of April, 1881.

But nothing herein contained shall be deemed to confer jurisdiction over any persons to whom the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, 1869, is or are applicable.

"The Fort."

2. The Local Government may from time to time, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, define, for the purposes of this Act, the limits of Fort William in Bengal, and in this Act the expression "the Fort" means the area so defined.

Local Government may make rules.

3. The Local Government may from time to time, with the like sanction and in like manner, make rules, to provide, within the Fort, for the matters specified in the schedule hereto annexed, and may by such rules prescribe as penalties for the infringement thereof, fine, which may extend to fifty rupees, or imprisonment for a term which may extend to four days or both.

When a sentence of fine is passed under any such rule, the term, for which the Court directs the offender to be imprisoned in default of payment of such fine, may extend to, and shall not exceed, four days.

When any rule is made under this section, a copy thereof in English and such other languages as the Local Government may from time to time direct, shall be exhibited in such conspicuous places within the Fort as the officer commanding the Fort may from time to time direct.

Local Government may invest officer with power to try breaches of rules.

4. The Local Government may invest any commissioned officer in Her Majesty's Army, with power to try persons charged with any infringement of the rules made under section three.

The officer so invested is hereinafter called the Fort Magistrate.

Procedure to be followed.

5. In the case of all offences punishable under this Act, the Fort Magistrate shall, except as herein otherwise provided, exercise within the Fort the powers, and as nearly as may be follow the procedure, conferred on, and prescribed for, a Presidency Magistrate by the Presidency Magistrates Act, 1877; and subject to the power conferred by the High Courts Criminal Procedure Act, 1875, section 147, every finding, sentence or order of such Magistrate under this Act shall be final.

Power to arrest without warrant.

6. Any Police-officer, or any other person empowered in this behalf by the Local Government, by name or as a member of a specified class, may arrest without warrant any person who in his sight commits an offence punishable under this Act.

Power to Police-officer to release on bail.

Every person so arrested shall be taken to the Police-station within the Fort, and shall be detained there until he can be brought before the Fort Magistrate, or until he gives to the Police-officer in charge of such station a bond, with or without sureties, as such officer may require, for a sum not exceeding one hundred rupees, to appear before such Magistrate at a time to be specified in such bond.

See Ben. Act IV of 1866, ss. 76—78.

Jurisdiction of Presidency Magistrates and prosecutions under other laws saved.

7. Nothing in this Act or in any rule made hereunder shall affect the jurisdiction of the Magistrates appointed under the Presidency Magistrates Act, 1877, or shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable to any other punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

Limitation of time of prosecutions under Act.

8. No prosecution for any offence under this Act shall be commenced after the expiration of three months next after such offence has been committed.

9. All penalties heretofore imposed by the Garrison Quarter-master of the Fort for offences against garrison rules and regulations, shall be deemed to have been imposed in accordance with law.

Validation of penalties heretofore imposed by Garrison Quarter-master.

THE SCHEDULE.

(See section 3).

Cf. Act III of 1880, s. 27, cl. 6.

See sched. to Ben. draft, Nos. 1—8, 19, 24, 25, 39, 43.

1. The conservancy of the buildings, roads, drainage—channels and lands, the regulation and inspection of public and private necessaries, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited, the prevention and cure of disease and the maintenance generally of the Fort in a proper sanitary condition.

2. The definition and prohibition of public nuisances and trespasses.

3. The regulation of public traffic and the picketing of animals. — See sched. to Ben. draft, Nos. 9—12, 34.

4. The regulation of the sale of goods and the removal of property. — *ib.*, Nos. 13, 31. *ib.*, No. 41.

5. The maintenance of public peace and quiet, and the prevention of disorderly conduct. — *ib.*, Nos. 14, 16, 28, 34—37.

6. The maintenance, in a neat and well-ordered state, of the buildings, roads, ramparts, parade-grounds and other parts of the Fort. — *ib.*, Nos. 15, 18—26, 29, 36.

7. The apprehension, custody and trial of persons who are drunk and incapable. — *ib.*, No. 27. *ib.*, No. 30.

8. The regulation of admission to, and residence in, the Fort. — *ib.*, Nos. 32, 33, 48.

9. The precautions to be taken against fire. — *ib.*, Nos. 39, 40.

10. The keeping of animals. — *ib.*, Nos. 42, 44, 45.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the punishment of certain petty offences when committed within the limits of Fort William. At present the Garrison Quarter-master of the Fort is in the habit of punishing camp-followers and other Natives connected with the Fort who are guilty of certain offences against the garrison rules; but the jurisdiction of this officer, though it has been long exercised, has recently been called in question. As it is necessary, on sanitary grounds and for the maintenance of order, that there should be some officer within the Fort legally empowered to punish persons guilty of acts or omissions of the nature of those now punished by the Garrison Quarter-master, the present Bill has been prepared. It is based on a draft submitted by the Government of Bengal, and comprises two main provisions: *first*, it empowers the Local Government to lay down rules with light penalties, attached in respect of certain matters which correspond generally with the matters to which the present garrison rules relate; *secondly*, it provides for the appointment of a commissioned officer (to be called the Fort Magistrate) with power to try persons guilty of breaches of these rules. The other provisions of the Bill are subsidiary to these. Those that appear to call for notice here are section 7, under which the present jurisdiction of the Presidency Magistrates is saved, and section 9, which validates all punishments which may have been heretofore inflicted by the Garrison Quarter-master. Lastly, the Bill exempts from its operation all persons subject to military law as it is thought that such persons can be more fittingly punished under such law.

H. J. REYNOLDS.

The 8th January, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to regulate the importation, possession and transport of petroleum and other substances of a like nature was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Officiating Secretary to Government, Bengal, to Secretary to Government of India, Home, Revenue and Agricultural Department, No. 901, dated 15th November, 1879, and enclosures [Papers No. 1].
„ Acting Secretary to Government, Bombay, to ditto, No. 820, dated 19th March, 1880, and enclosure [Papers No. 2].
„ Officiating Secretary to Chief Commissioner, Assam, No. 1701, dated 2nd September, 1880 [Paper No. 3].
„ Secretary to Chief Commissioner, Mysore and Coorg, No. 696-3, dated 31st August, 1880 [Paper No. 4].
„ Chief Commissioner, Ajmer-Merwára, No. 647, dated 17th September, 1880 [Paper No. 5].
„ Secretary for Birár to Resident, Haidarábád, No. 278, dated 22nd September, 1880 [Paper No. 6].
„ Secretary to Government, North-Western Provinces and Oudh, No. 1148, dated 29th September, 1880, and enclosure [Papers No. 7].
„ Chief Secretary to Government, Madras, No. 2341, dated 28th September, 1880, and enclosure [Papers No. 8].
„ Secretary to Government, Panjáb, No. 3239, dated 9th October, 1880, and enclosures [Papers No. 9].
„ Acting Secretary to Government, Bombay, No. 3041, dated 8th October, 1880, and enclosures [Papers No. 10].
„ Secretary for Birár to Resident, Haidarábád, No. 300, dated 6th October, 1880, and enclosures [Papers No. 11].
„ Officiating Secretary to Government, Bengal, No. 468T, dated 23rd October, 1880, and enclosures [Papers No. 12].
„ Officiating Secretary to Chief Commissioner, British Burma, No. 7571-15-5, dated 29th October, 1880, and enclosures [Papers No. 13].
„ Secretary, Chamber of Commerce, Bombay, dated 14th August, 1880, and enclosure [Papers No. 14].
Telegram from Government of Bombay, dated 7th December, 1880 [Papers No. 14].

2. We propose, in accordance with the opinion now expressed by the Government of Bengal, to do away with the distinction between first and second class petroleum introduced by the Bengal Committee. This distinction appears to us unnecessary, and its abolition will much simplify the measure by reducing the classes of petroleum to be dealt with to two, as in England, namely, dangerous petroleum and ordinary petroleum.

3. The flashing point of dangerous petroleum, as originally fixed in accordance with the recommendation of the Bengal Committee at 83° F. by Abel's test, has been objected to in many quarters as unnecessarily and inconveniently high. The Lieutenant-Governor of Bengal now proposes to reduce it to 78°; and on fully considering the papers submitted to us, we are prepared to reduce it even lower. There can be no doubt that the circumstance that the temperature of the air in most parts of India is throughout a great portion of the year higher than that which prevails in England, would, all other things being equal, make a petroleum flashing at a temperature between 70° and 80° F. more dangerous here than in England; but against this must be set off the greater openness and airiness of Indian buildings and the comparative absence of carpets, curtains and other such articles likely to catch fire; and, though at times serious accidents have occurred in this country, it can hardly be said that there is evidence to show that the danger is so serious as to warrant our extending the severe restrictions which the Bill imposes on dangerous petroleum to any petroleum flashing above the point, which has, after full consideration, been fixed upon in England and which has hitherto been adopted in Bengal. We have accordingly fixed the flashing point of dangerous petroleum at 73° F. by Abel's test equal to 100° F. by the old test.

4. We have made some other amendments in the Bill, with a view to relaxing in certain particulars the restrictions it imposes; thus, in order to avoid the delay, to which ships bringing petroleum to our ports might have been subjected if the samples furnished had to be tested before the petroleum was landed, we have altered the wording of the Bill so as to allow of the petroleum being landed directly the samples are delivered. We think that the control which the Bill gives over the petroleum when landed will be amply sufficient to secure the object in view.

5. Again, we have confined the provision of the Bill which requires petroleum to be kept in indelibly marked vessels, to *dangerous* petroleum, and we have reduced the maximum penalty

for illegally importing, possessing or transporting petroleum from three months' imprisonment and one thousand rupees fine, to one month's imprisonment and five hundred rupees fine.

6. The power given by the Bill to extend the Act to other inflammable substances appears to be unnecessarily large, and we have therefore confined it to cases in which those substances are fluid.

7. The only other alterations we have made which are of sufficient importance to call for notice here are the insertion of a provision in section 7 of the Bill as now amended, empowering the Government to fix ports at which only petroleum may be imported, the addition of a clause to section 12 entitling a dealer, whose petroleum is tested under the Act, to a copy of the certificate of the result of the testing, free of charge, the insertion in section 16 of words providing that the tins or other vessels in which confiscated petroleum is contained may be confiscated with it, and the addition of a provision in section 18 requiring all rules made under the Act to be published for a month before they take effect.

8. The Bill, with its Statement of Objects and Reasons, has been published in English, in the local official Gazettes, except those of the Central Provinces and Assam. Its publication in the vernacular Gazettes has been reported by the Governments of Bengal and the North-Western Provinces and Oudh, and the Chief Commissioner of Mysore. It has met with considerable opposition on account of its stringency, but, if the important mitigations of its provisions which we now recommend are approved by the Council, we think it may safely be passed without being again re-published. The measure having been now before the public for six months, it can hardly be said that timely notice of it has not been given to all concerned; but in order to guard against the possibility of hardship to holders or consignees of dangerous petroleum, we propose that it should not come into force till the 1st of July.

WHITLEY STOKES.
J. GIBBS.
B. W. COLVIN.
G. F. MEWBURN.

The 14th January, 1881.

No. II.

THE PETROLEUM BILL, 1881.

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THE SCHEDULE.

No. II.

A Bill to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

Preamble.

Preliminary.

Short title. Commencement.

1. This Act may be called "The Petroleum Act, 1881"; and it shall come into force on the first day of July, 1881.

Committee's recommendations, para. 4.

Local extent.

The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments.

2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

34 & 35 Vic., c. 105, s. 3, with additions from Committee's report.

"Petroleum."

"Petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum,

Committee's recommendations, para. 3.

but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed.

"Dangerous petroleum."

"Dangerous petroleum" means petroleum having its flashing point below seventy-three degrees of Fahrenheit's thermometer:

"Import."

"Import" means to bring into British India by sea or land:

and "importation" means the bringing into British India as aforesaid.

"Transport."

"Transport" means to remove from one place to another within British India:

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

4. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Application for license to import, transport or possess such petroleum.

Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

Power to grant license.

If the Local Government sees reason to believe that such petroleum will be used for such purpose, and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding 40 gallons.

5. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and such petroleum is placed in separate glass, earthenware or metal vessels, each of which contains not more than a pint and is securely stopped. 34 & 35 Vic. c. 105, s. 7.

Vessels containing dangerous petroleum to be marked.

6. All dangerous petroleum— 34 & 35 Vic. c. 105, s. 6.

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or a label in conspicuous characters, stating the nature of the contents thereof. Cf. Act I of 1878, s. 9.

Petroleum generally.

Power to make rules as to the importation of petroleum.

7. The Local Government may, from time to time, make rules consistent with this Act to regulate the importation of petroleum and in particular— Cf. Act I of 1878, s. 20.

(*a*) for ascertaining the quantity and description of any petroleum on board a ship;

(*b*) to provide for the delivery, by the master of a ship or the consignees of the cargo, of samples of petroleum before such petroleum is landed from such ship, and for the testing thereof;

(*c*) to determine the ports at which only petroleum may be imported; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any petroleum.

In this section—

"Ship."

"Ship" includes anything made for the conveyance by water of human beings or property:

"Master."

"Master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship.

Possession and transport of petroleum.

8. No quantity of petroleum exceeding five hundred gallons, shall be kept by any one person or on the same premises or shall be transported except under and in accordance with the conditions of a license granted under this Act.

Power to make rules as to such possession and transport.

9. The Local Government may from time to time make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of such premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*i*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

10. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of such petroleum on payment of the value of such samples.

Power to inspect and require dealer to sell samples.

11. When any such officer has, in exercise of the powers conferred by section ten, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his Agent may be present at such testing.

Notice to be given when officer proposes to test samples.

12. On any such testing if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is or is not dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of such certificate shall be given gratis to the dealer at his request.

Certificate as to result of such testing.

Penalties.

13. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum; and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, &c., of petroleum.

14. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked or labelled as prescribed by section six, shall be punished with fine which may extend to fifty rupees.

34 & 35 Vic., c. 63.

Penalty for keeping, transporting or exposing for sale petroleum in contravention of section 6.

15. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section ten any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

34 & 35 Vic., c. 105, s. 12.

Penalty for refusing to comply with section 10.

16. In any case in which an offence under section thirteen or section fourteen has been committed, the convicting Magistrate may direct that,—

Cf. Act I of 1878, s. 11.

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing, or transporting, or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

17. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate and elsewhere by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Miscellaneous.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall, on the expiry of one month from the date of such publication, have the force of law:

Rules when to have force of law.

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections four, five and eight, the quantities of such fluid to which these sections shall apply.

Power to apply this Act to other fluids.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

Committee's recommendations, para. 5, and 42 & 43 Vic., c. 47.

The following is a description of the details of the apparatus:—

The oil-cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{1}{8}$″ from the bottom of the cup. It is made of gun metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{6}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{4}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$″, that is, its diameter is about $\frac{3}{8}$″ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath of the oil lamp is $1\frac{1}{4}$″. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}$″. One of the three legs of the stand serves as support for the spirit lamp, attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1″.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}$″ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{4}$″.

NOTE.—A model apparatus is deposited at the office of the Chemical Examiner to Government at Calcutta.

Directions for applying the Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of 1½ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

D. FITZPATRICK,
Secy. to the Govt of India.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 29, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1881, and was referred to a Select Committee:—

No. 2 OF 1881.

A Bill to provide for the better government of Fort William.

WHEREAS it is expedient to empower the Local Government to make rules for the better government of Fort William in Bengal and to provide for the establishment of a Court within the said Fort for the trial of persons charged with breaches of such rules; It is hereby enacted as follows:—

Preamble.

Short title. 1. This Act may be called "The Fort William Act, 1881;"

Commencement. and it shall come into force on the first day of April, 1881.

But nothing herein contained shall be deemed to confer jurisdiction over any persons to whom the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, 1869, is or are applicable.

"The Fort." 2. The Local Government may from time to time, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, define, for the purposes of this Act, the limits of Fort William in Bengal, and in this Act the expression "the Fort" means the area so defined.

Local Government may make rules. 3. The Local Government may from time to time, with the like sanction and in like manner, make rules, to provide, within the Fort, for the matters specified in the schedule hereto annexed, and may by such rules prescribe as penalties for the infringement thereof, fine, which may extend to fifty rupees, or imprisonment for a term which may extend to four days or both.

When a sentence of fine is passed under any such rule, the term, for which the Court directs the offender to be imprisoned in default of payment of such fine, may extend to, and shall not exceed, four days.

When any rule is made under this section, a copy thereof in English and such other languages as the Local Government may from time to time direct, shall be exhibited in such conspicuous places within the Fort as the officer commanding the Fort may from time to time direct.

Local Government may invest officer with power to try breaches of rules. 4. The Local Government may invest any commissioned officer in Her Majesty's Army, with power to try persons charged with any infringement of the rules made under section three.

The officer so invested is hereinafter called the Fort Magistrate.

Procedure to be followed. 5. In the case of all offences punishable under this Act, the Fort Magistrate shall, except as herein otherwise provided, exercise within the Fort the powers, and as nearly as may be follow the procedure, conferred on, and prescribed for, a Presidency Magistrate by the Presidency Magistrates Act, 1877; and subject to the power conferred by the High Courts Criminal Procedure Act, 1875, section 147, every finding, sentence or order of such Magistrate under this Act shall be final.

Power to arrest without warrant. 6. Any Police-officer, or any other person empowered in this behalf by the Local Government, by name or as a member of a specified class, may arrest without warrant any person who in his sight commits an offence punishable under this Act.

See Ben. Act IV of 1866, ss. 76—78.

Every person so arrested shall be taken to the Police-station within the Fort, and shall be detained there until he can be brought before the Fort Magistrate, or until he gives to the Police-officer in charge of such station a bond, with or without sureties, as such officer may require, for a sum not exceeding one hundred rupees, to appear before such Magistrate at a time to be specified in such bond.

Power to Police-officer to release on bail.

7. Nothing in this Act or in any rule made hereunder shall affect the jurisdiction of the Magistrates appointed under the Presidency Magistrates Act, 1877, or shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable to any other punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

Jurisdiction of Presidency Magistrates and prosecutions under other laws saved.

8. No prosecution for any offence under this Act shall be commenced after the expiration of three months next after such offence has been committed.

Limitation of time of prosecutions under Act.

9. All penalties heretofore imposed by the Garrison Quarter-master of the Fort for offences against garrison rules and regulations, shall be deemed to have been imposed in accordance with law.

Validation of penalties heretofore imposed by Garrison Quarter-master.

THE SCHEDULE.

(See section 3).

1. The conservancy of the buildings, roads, drainage—channels and lands, the regulation and inspection of public and private necessaries, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited, the prevention and cure of disease and the maintenance generally of the Fort in a proper sanitary condition.	Cf. Act III of 1880, s. 27, cl. 6. See sched. to Ben. draft, Nos. 1—8, 19, 24, 25, 39, 42.
2. The definition and prohibition of public nuisances and trespasses.	
3. The regulation of public traffic and the picketing of animals.	See sched. to Ben. draft, Nos. 9—12, 34.
4. The regulation of the sale of goods and the removal of property.	*ib.*, Nos. 13, 31. *ib.*, No. 41.
5. The maintenance of public peace and quiet, and the prevention of disorderly conduct.	*ib.*, Nos. 14, 16, 28, 34—37.
6. The maintenance, in a neat and well-ordered state, of the buildings, roads, ramparts, parade-grounds and other parts of the Fort.	*ib.*, Nos. 15, 18—26, 29, 36.
7. The apprehension, custody and trial of persons who are drunk and incapable.	*ib.*, No. 27. *ib.*, No. 30.
8. The regulation of admission to, and residence in, the Fort.	*ib.*, Nos. 32, 33, 43.
9. The precautions to be taken against fire.	*ib.*, Nos. 39, 40.
10. The keeping of animals.	*ib.*, Nos. 42, 44, 45.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the punishment of certain petty offences when committed within the limits of Fort William. At present the Garrison Quarter-master of the Fort is in the habit of punishing camp-followers and other Natives connected with the Fort who are guilty of certain offences against the garrison rules; but the jurisdiction of this officer, though it has been long exercised, has recently been called in question. As it is necessary, on sanitary grounds and for the maintenance of order, that there should be some officer within the Fort legally empowered to punish persons guilty of acts or omissions of the nature of those now punished by the Garrison Quarter-master, the present Bill has been prepared. It is based on a draft submitted by the Government of Bengal, and comprises two main provisions: *first*, it empowers the Local Government to lay down rules with light penalties attached in respect of certain matters which correspond generally with the matters to which the present garrison rules relate; *secondly*, it provides for the appointment of a commissioned officer (to be called the Fort Magistrate) with power to try persons guilty of breaches of these rules. The other provisions of the Bill are subsidiary to these. Those that appear to call for notice here are section 7, under which the present jurisdiction of the Presidency Magistrates is saved, and section 9, which validates all punishments which may have been heretofore inflicted by the Garrison Quarter-master. Lastly, the Bill exempts from its operation all persons subject to military law as it is thought that such persons can be more fittingly punished under such law.

H. J. REYNOLDS.

The 8th January, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to regulate the importation, possession and transport of petroleum and other substances of a like nature was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Officiating Secretary to Government, Bengal, to Secretary to Government of India, Home, Revenue and Agricultural Department, No. 901, dated 25th November, 1879, and enclosures [Papers No. 1].
„ Acting Secretary to Government, Bombay, to ditto, No. 820, dated 19th March, 1880, and enclosure [Papers No. 2].
„ Officiating Secretary to Chief Commissioner, Assam, No. 1701, dated 2nd September, 1880 [Paper No. 3].
„ Secretary to Chief Commissioner, Mysore and Coorg, No. 696-3, dated 31st August, 1880 [Paper No. 4].
„ Chief Commissioner, Ajmer-Merwára, No. 647, dated 17th September, 1880 [Paper No. 5].
„ Secretary for Bihár to Resident, Haidarábád, No. 278, dated 22nd September, 1880 [Paper No. 6].
„ Secretary to Government, North-Western Provinces and Oudh, No. 1148, dated 29th September, 1880, and enclosure [Papers No. 7].
„ Chief Secretary to Government, Madras, No. 2341, dated 28th September, 1880, and enclosure [Papers No. 8].
„ Secretary to Government, Panjáb, No. 3239, dated 9th October, 1880, and enclosures [Papers No. 9].
„ Acting Secretary to Government, Bombay, No. 3041, dated 8th October, 1880, and enclosures [Papers No. 10].
„ Secretary for Bihár to Resident, Haidarábád, No. 300, dated 6th October, 1880, and enclosures [Papers No. 11].
„ Officiating Secretary to Government, Bengal, No. 4627, dated 23rd October, 1880, and enclosures [Papers No. 12].
„ Officiating Secretary to Chief Commissioner, British Burma, No. 7671-15-5, dated 20th October, 1880, and enclosures [Papers No. 13].
„ Secretary, Chamber of Commerce, Bombay, dated 14th August, 1880, and enclosure [Papers No. 14].
Telegram from Government of Bombay, dated 7th December, 1880 [Papers No. 14].

2. We propose, in accordance with the opinion now expressed by the Government of Bengal, to do away with the distinction between first and second class petroleum introduced by the Bengal Committee. This distinction appears to us unnecessary, and its abolition will much simplify the measure by reducing the classes of petroleum to be dealt with to two, as in England, namely, dangerous petroleum and ordinary petroleum.

3. The flashing point of dangerous petroleum, as originally fixed in accordance with the recommendation of the Bengal Committee at 83° F. by Abel's test, has been objected to in many quarters as unnecessarily and inconveniently high. The Lieutenant-Governor of Bengal now proposes to reduce it to 78°; and on fully considering the papers submitted to us, we are prepared to reduce it even lower. There can be no doubt that the circumstance that the temperature of the air in most parts of India is throughout a great portion of the year higher than that which prevails in England, would, all other things being equal, make a petroleum flashing at a temperature between 70° and 80° F. more dangerous here than in England; but against this must be set off the greater openness and airiness of Indian buildings and the comparative absence of carpets, curtains and other such articles likely to catch fire; and, though at times serious accidents have occurred in this country, it can hardly be said that there is evidence to show that the danger is so serious as to warrant our extending the severe restrictions which the Bill imposes on dangerous petroleum to any petroleum flashing above the point which has, after full consideration, been fixed upon in England, and which has hitherto been adopted in Bengal. We have accordingly fixed the flashing point of dangerous petroleum at 73° F. by Abel's test equal to 100° F. by the old test.

4. We have made some other amendments in the Bill, with a view to relaxing in certain particulars the restrictions it imposes; thus, in order to avoid the delay to which ships bringing petroleum to our ports might have been subjected if the samples furnished had to be tested before the petroleum was landed, we have altered the wording of the Bill so as to allow of the petroleum being landed directly the samples are delivered. We think that the control which the Bill gives over the petroleum when landed will be amply sufficient to secure the object in view.

5. Again, we have confined the provision of the Bill which requires petroleum to be kept in indelibly marked vessels, to *dangerous* petroleum, and we have reduced the maximum penalty

for illegally importing, possessing or transporting petroleum from three months' imprisonment and one thousand rupees fine, to one month's imprisonment and five hundred rupees fine.

6. The power given by the Bill to extend the Act to other inflammable substances appears to be unnecessarily large, and we have therefore confined it to cases in which those substances are fluid.

7. The only other alterations we have made which are of sufficient importance to call for notice here are the insertion of a provision in section 7 of the Bill as now amended, empowering the Government to fix ports at which only petroleum may be imported, the addition of a clause to section 12 entitling a dealer, whose petroleum is tested under the Act, to a copy of the certificate of the result of the testing, free of charge, the insertion in section 16 of words providing that the tins or other vessels in which confiscated petroleum is contained may be confiscated with it, and the addition of a provision in section 18 requiring all rules made under the Act to be published for a month before they take effect.

8. The Bill, with its Statement of Objects and Reasons, has been published in English, in the local official Gazettes, except those of the Central Provinces and Assam. Its publication in the vernacular Gazettes has been reported by the Governments of Bengal and the North-Western Provinces and Oudh, and the Chief Commissioner of Mysore. It has met with considerable opposition on account of its stringency, but, if the important mitigations of its provisions which we now recommend are approved by the Council, we think it may safely be passed without being again re-published. The measure having been now before the public for six months, it can hardly be said that timely notice of it has not been given to all concerned; but in order to guard against the possibility of hardship to holders or consignees of dangerous petroleum, we propose that it should not come into force till the 1st of July.

WHITLEY STOKES.
J. GIBBS.
B. W. COLVIN.
G. F. MEWBURN.

The 14th January, 1881.

No. II.

THE PETROLEUM BILL, 1881.

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THE SCHEDULE.

No. II.

A Bill to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

Preamble. WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title. 1. This Act may be called "The Petroleum Act, 1881"; Committee's recommendations, para. 1.

Commencement. and it shall come into force on the first day of July, 1881.

Local extent. The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments. 2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

Interpretation-clause. 3. In this Act, unless there is something repugnant in the subject or context,—

34 & 35 Vic., c. 105, s. 3, with additions from Committee's report. "Petroleum." "Petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum,

Committee's recommendations, para. 3. but it does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer.

Committee's recommendations, para. 4. *Explanation.*—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed.

"Dangerous petroleum." "Dangerous petroleum" means petroleum having its flashing point below seventy-three degrees of Fahrenheit's thermometer:

"Import." "Import" means to bring into British India by sea or land:

and "importation" means the bringing into British India as aforesaid.

"Transport." "Transport" means to remove from one place to another within British India.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons. 4. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Application for license to import, transport or possess such petroleum. Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

Power to grant license. If the Local Government sees reason to believe that such petroleum will be used for such purpose, and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding 40 gallons. 5. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and such petroleum is placed in separate glass, earthenware or metal vessels, each of which contains not more than a pint and is securely stopped. 34 & 35 Vic. c. 105, s. 7.

Vessels containing dangerous petroleum to be marked. 6. All dangerous petroleum— 34 & 35 Vic. c. 105, s. 6.

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or a label in conspicuous characters, stating the nature of the contents thereof. Cf. Act I of 1878, s. 9.

Petroleum generally.

Power to make rules as to the importation of petroleum. 7. The Local Government may, from time to time, make rules consistent with this Act to regulate the importation of petroleum and in particular— Committee's recommendations, paras. 19 to 20.

(*a*) for ascertaining the quantity and description of any petroleum on board a ship;

(*b*) to provide for the delivery, by the master of a ship or the consignees of the cargo, of samples of petroleum before such petroleum is landed from such ship, and for the testing thereof;

(*c*) to determine the ports at which only petroleum may be imported; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any petroleum.

In this section—

"Ship." "Ship" includes anything made for the conveyance by water of human beings or property:

"Master." "Master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship.

Possession and transport of petroleum. 8. No quantity of petroleum exceeding five hundred gallons, shall be kept by any one person or on the same premises or shall be transported except under and in accordance with the conditions of a license granted under this Act.

Power to make rules as to such possession and transport. 9. The Local Government may from time to time make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of such premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*i*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

34 & 35 Vic., c. 105, s. 11.

Power to inspect and require dealer to sell samples.

10. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of such petroleum on payment of the value of such samples.

Notice to be given when officer proposes to test samples.

11. When any such officer has, in exercise of the powers conferred by section ten, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his Agent may be present at such testing.

Certificate as to result of such testing.

12. On any such testing if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is or is not dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of such certificate shall be given gratis to the dealer at his request.

Penalties.

Penalty for illegal importation, &c., of petroleum.

13. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum; and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

34 & 35 Vic., c. 63.

Penalty for keeping, transporting or exposing for sale petroleum in contravention of section 6.

14. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked or labelled as prescribed by section six, shall be punished with fine which may extend to fifty rupees.

34 & 35 Vic., c. 105, s. 12.

Penalty for refusing to comply with section 10.

15. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section ten any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

Cf. Act I of 1878, s. 11.

Confiscation of petroleum.

16. In any case in which an offence under section thirteen or section fourteen has been committed, the convicting Magistrate may direct that,—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing, or transporting, or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

Jurisdiction.

17. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate and elsewhere by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Miscellaneous.

Rules when to have force of law.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall, on the expiry of one month from the date of such publication, have the force of law:

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

34 & 35 Vic., c. 105, s. 14.

Power to apply this Act to other fluids.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections four, five and eight, the quantities of such fluid to which these sections shall apply.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

mmittee's commenda-ns, para. 5, d 42 & 43 ic., c. 47.

The following is a description of the details of the apparatus:—

The oil-cup consists of a cylindrical vessel 2″ diameter, $2\frac{3}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{1}{8}$″ from the bottom of the cup. It is made of gun metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{8}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{4}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{3}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{3}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{4}$″ height, and an outer one of $5\frac{1}{4}$″ diameter and $5\frac{3}{4}$″ height; they are soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$″, that is, its diameter is about $\frac{6}{8}$″ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath of the oil lamp is $1\frac{1}{4}$″. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}$″. One of the three legs of the stand serves as support for the spirit lamp, attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1″.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}$″ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{4}$″.

NOTE.—A model apparatus is deposited at the office of the Chemical Examiner to Government at Calcutta.

Directions for applying the Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of 1½ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

D. FITZPATRICK,
Secy. to the Govt. of India.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st January, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques was referred, have had the report of the Indian Law Commissioners, 1879, duly communicated to us. We have carefully considered so much of it as relates to the present Bill, as well as the papers noted in the margin, and, in compliance with the wish of the Secretary of State for India, as expressed in his despatch (Legislative), No. 37, dated 7th October, 1880, we have the honour to submit this our fourth report.

From Secretary, Chamber of Commerce, Madras, dated 1st August, 1878, and enclosure [Papers No. 56].
„ Acting Chief Secretary to Government, Madras, No. 299, dated 14th February, 1879, and enclosures [Papers No. 58].
„ Ditto, ditto, ditto, No. 1343, dated 7th June, 1879, and enclosures [Papers No. 59].
„ J. Crawfurd, Esq., Registrar, High Court, Calcutta, No. 1123, dated 27th June, 1879 [Paper No. 60].
Note by Sir Charles Turner, Chief Justice, Madras, dated 22nd January, 1880 [Paper No. 61].
From Seth Lachman Dás, Muttra, dated 1st January, 1881 [Paper No. 62].

2. We agree with the Commissioners that uniformity of practice is particularly desirable in matters relating to negotiable paper, and, to facilitate the assimilation of the practice of shroffs to that of European merchants, we have declared (section 1) that local usages may be excluded by any words in the body of the instrument which indicate an intention that the legal relations of the parties thereto shall be governed by the proposed Act.

3. We have inserted explanations calculated to prevent doubts as to when a promise or order to pay is "conditional," when the sum payable is "certain," and when the person to whom the direction is given or payment is to be made is "a certain person," within the meaning of sections 4 and 5.

4. We have re-drawn section 20 as to inchoate stamped instruments, so as to make it express more accurately what we conceive to be the law on this subject.

5. We have also re-drawn sections 47 and 48 (as follows):—

"43. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

Negotiable instrument made, &c., without consideration.

"*Exception I.*—No party for whose accommodation a negotiable instrument has been made, drawn, accepted or indorsed, can, if he have paid the amount thereof, recover thereon such amount from any person who became a party to such instrument for his accommodation.

"*Exception II.*—No party to the instrument who has induced any other party to make, draw, accept, indorse or transfer the same to him for a consideration which he has failed to pay or perform in full, shall recover thereon an amount exceeding the value of the consideration (if any) which he has actually paid or performed."

6. We have prefixed to the sections relating to negotiation clauses (section 46) relating to delivery generally, and to the effect recommended by the Commissioners.

7. We think the section (67, now 63) relating to the drawee's time for deliberation should provide that the holder of a bill "must, if so required by the drawee," allow him twenty-four hours (exclusive of public holidays) to consider whether he will accept, and we have amended this section accordingly.

8. We have made (section 76) presentment for payment unnecessary as against any party sought to be charged, if he has engaged to pay notwithstanding non-presentment.

9. We have in section 90 (now 86) substituted "qualified" for "conditional" and added a paragraph shewing when an acceptance is qualified.

10. We have provided (section 90) for the extinguishment of rights of action on a negotiated bill held, at or after maturity, by the acceptor in his own right.

11. We agree with Sir C. Turner that section 108 of the Bill in its fourth form—as to reasonable time for presentment—should be omitted. It seems inconsistent with section 107 (now 105), and declares a rule which is not only stricter than the existing law, but would, in our opinion, be highly inconvenient.

12. We have inserted a statement of the procedure in the case of an acceptance *supra protest*, and to section 112 (now 109) we have prefixed a clause shewing how acceptance for honour must be made.

13. We have declared (section 116) that a drawee in case of need may accept and pay the bill without previous protest.

14. We have made it appear that inland (as well as foreign) bills may be drawn in sets, and altered Chapter XIV (now XV) accordingly. We have made the exception to section 126 (now 132) run thus:—

"*Exception.*—When a person accepts or indorses different parts of the bill in favour of different persons, he *and the subsequent indorser of each part* are liable on such part as if it were a separate bill."

15. We have amended the second clause of section 125 (now 130, 131) (as to the non-liability of a banker who has received payment for a customer of a crossed cheque) in accordance with *Matthiessen* v. *London and County Banking Company*, 48 L. J. C. P. 529.

16. We have made most of the changes in arrangement and wording advised by the Commissioners, and recommend that the Bill as now revised be passed. It has now been more than thirteen years before the Council of the Governor General; it has been redrawn, copiously criticised and repeatedly revised; and without the experience derived from its actual operation, it is not likely to be further improved. But it should be published in the Gazettes, and, according to the orders of the Secretary of State, it must, before being passed, be sent to the Local Governments, translated into the vernaculars and submitted to him with this report.

WHITLEY STOKES.
B. W. COLVIN.
J. PITT KENNEDY.
G. C. PAUL.

The 20th January, 1881.

No. V.

THE NEGOTIABLE INSTRUMENTS BILL, 1881.

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SCHEDULE.

No. V.

A Bill to Define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques.

Preamble.

WHEREAS it is expedient to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Negotiable Instruments Act, 1881:" Bill II, s. 1; Bill III, s. 2.

Local extent.

It extends to the whole of British India; but

Saving of usages relating to hundis, &c.

nothing herein contained affects the Indian Paper Currency Act, 1871, section twenty-one, or affects any local usage relating to any instrument in an oriental language: Provided that such usages may be excluded by any words in the body of the instrument which indicate an intention that the legal relations of the parties thereto shall be governed by this Act;

Commencement.

and it shall come into force on the first day of January, 1882.

Repeal of enactments.

2. On and from that day the enactments specified in the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof. Bill II, s. 2; Bill III, s. 2.

Interpretation-clause.

3. In this Act— Bill II, s. 3; Bill III, s. 2; 39 & 40 Vic., c. 81, s. 3.

"Banker."

"Banker" includes also persons or a corporation or company acting as bankers; and

"Notary Public."

"Notary Public" includes also any officer appointed by the Governor General in Council to perform the functions of a Notary Public under this Act.

CHAPTER II.

OF NOTES, BILLS AND CHEQUES.

Promissory Note.

4. A promissory note is an instrument in writing (not being a bank note or a currency note) containing an unconditional undertaking, signed by the maker, to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument. Bill II, s. 4; Bill III, s. 4. Byles on Bills, (12th edition), pp. 5, 94. 3 & 4 Anne, c. 9 (Byles 482). Byles 6, 109; Byles 10; Byles 98; Byles 6.

Illustrations.

A signs instruments in the following terms:—

(*a*) "I promise to pay B or order Rs. 500."

(*b*) "I acknowledge myself to be indebted to B in Rs. 1,000 to be paid on demand, for value received."

(*c*) "Mr. B, I O U Rs. 1,000."

(*d*) "I promise to pay B Rs. 500 and all other sums which shall be due to him."

(*e*) "I promise to pay B Rs. 500, first deducting thereout any money which he may owe me."

(*f*) "I promise to pay B Rs. 500 seven days after my marriage with C."

(*g*) "I promise to pay B Rs. 500 on D's death, provided D leaves me enough to pay that sum."

(*h*) "I promise to pay B Rs. 500 and to deliver to him my black horse on 1st January next."

The instruments respectively marked (*a*) and (*b*) are promissory notes. The instruments respectively marked (*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) are not promissory notes.

Bill II, s. 5; Bill III, s. 5; Byles 1, 75; 97; Byles 93, 94. Byles 75, 81.

Bill of exchange.

5. A bill of exchange is an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person or to the bearer of the instrument.

A promise or order to pay is not "conditional," within the meaning of this section and section four, by reason of the time for payment of the amount or any instalment thereof being expressed to be on the lapse of a certain period after the occurrence of a specified event which, according to the ordinary expectation of mankind, is certain to happen, although the time of its happening may be uncertain.

The sum payable may be "certain," within the meaning of this section and section four, although it includes future interest or is payable at an indicated rate of exchange, or is according to the course of exchange, and although the instrument provides that, on default of payment of an instalment, the balance unpaid shall become due.

The person to whom it is clear that the direction is given or that payment is to be made may be a "certain person," within the meaning of this section and section four, although he is mis-named or designated by description only.

Cheque.

6. A cheque is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand.

"Drawer." "Drawee."

7. The maker of a bill of exchange or cheque is called the "drawer;" the person thereby directed to pay is called the "drawee."

"Drawee in case of need."

When in the bill or in any indorsement thereon the name of any person is given in addition to the drawee to be resorted to in case of need, such person is called a "drawee in case of need."

"Acceptor."

After the drawee of a bill has signed his assent upon the bill, or if there are more parts thereof than one, upon one of such parts, and delivered the same, or given notice of such signing to the holder or to some person on his behalf, he is called the "acceptor."

"Acceptor for honour."

When acceptance is refused and the bill is protested for non-acceptance, and any person accepts it *supra protest* for honour of the drawer or of any one of the indorsers, such person is called an "acceptor for honour."

"Payee."

The person named in the instrument, to whom or to whose order the money is by the instrument directed to be paid, is called the "payee."

"Holder."

8. The "holder" of a promissory note, bill of exchange or cheque means any person entitled in his own name to the possession thereof and to receive or recover the amount due thereon from the parties thereto. Draft, s. 6; Bill II, s. 8; Bill III, s. 8; Byles 2.

Where the note, bill or cheque is lost or destroyed, its holder is the person so entitled at the time of such loss or destruction.

"Holder in due course."

9. "Holder in due course" means any person who for consideration became the possessor of a promissory note, bill of exchange or cheque if payable to bearer, Draft, s. 13; Bill II, s. 9; Bill III, s. 9; 1 Parsons 256, 257; Byles 164.

or the payee or indorsee thereof, if payable to, or to the order of, a payee,

before the amount mentioned in it became payable, and without having sufficient cause to believe that any defect existed in the title of the person from whom he derived his title.

"Payment in due course."

10. "Payment in due course" means payment in accordance with the apparent tenor of the instrument in good faith and without negligence to any person in possession thereof under circumstances which do not afford a reasonable ground for believing that he is not entitled to receive payment of the amount therein mentioned. Draft, s. 98, 115; Bill II, s. 10; Bill III, s. 10; Byles on Bills, (12th edition), 221; 39 & 40 Vic., c. 81, s. 11.

Inland instrument.

11. A promissory note, bill of exchange or cheque drawn or made in British India, and made payable in, or drawn upon any person resident in, British India shall be deemed to be an inland instrument. Bill II, s. 11; Bill III, s. 11; Act V of 1866, s. 12.

Foreign instrument.

12. Any such instrument not so drawn, made or made payable shall be deemed to be a foreign instrument. Bill II, s. Bill III, s.

"Negotiable instrument."

13. A "negotiable instrument" means a promissory note, bill of exchange or cheque expressed to be payable to a specified person or his order, or to the order of a specified person, or to the bearer thereof, or to a specified person or the bearer thereof. Draft, s. Bill II, s. Bill III, s.

Negotiation.

14. When a promissory note, bill of exchange or cheque is transferred to any person, so as to constitute that person the holder thereof, the instrument is said to be negotiated. Draft, s. 7; Bill II, s. 13; Bill III, s. 13.

Indorsement.

15. When the maker or holder of a negotiable instrument signs the same, otherwise than as such maker, for the purpose of negotiation, on the back or face thereof or on a slip of paper annexed thereto, or so signs for the same purpose a stamped paper intended to be completed as a negotiable instrument, he is said to indorse the same, and is called the "indorser." Draft, s. 99; Bill II, s. 14; Bill III, s. 14; Denton v. Peters, L. R. 5 Q. B. 475; Re parish Coste L. R. 9 Ch. App. 37; Byles 165; Byles 160.

"In blank" and "in full."

16. If the indorser signs his name only, the indorsement is said to be "in blank," and if he adds a direction to pay the amount mentioned in the instrument to, or to the order of, a specified person, the indorsement is said to be "in full;" Bill II, s. 16; Bill III, s. 16.

"Indorsee."

and the person so specified is called the "indorsee" of the instrument.

Bill II, s. 17: Bill III, s. 17: Byles 91: Bayley (6th edition) 8.

17. Where an instrument may be construed either as a promissory note or bill of exchange, the holder may at his election treat it as either, and the instrument shall be thenceforward treated accordingly.

Ambiguous instruments.

Draft, s. 2: Bill II, s. 18: Bill III, s. 18: Byles 84: Bayley 12 (*Saunderson v. Piper*).

18. If the amount undertaken or ordered to be paid is stated differently in figures and in words, the amount stated in words shall be the amount undertaken or ordered to be paid.

Where amount is stated differently in figures and words.

Bill II, s. 19: Bill III, s. 19: 2 Parsons 271: Byles 13, 212: *Aldous v. Cornwell*, L. R. 3 Q. B. 573.

19. A promissory note or bill of exchange, in which no time for payment is specified, and a cheque are payable on demand.

Instruments payable on demand.

Bill II, s. 20: Bill III, s. 20: Byles 88, 165, 188: *Foster v. Mackinnon*, L. R. 4 C. P. 704: Byles 84.

20. Where one person signs and delivers to another a paper stamped in accordance with the law relating to negotiable instruments then in force in British India, and either wholly blank or having written thereon an incomplete negotiable instrument, he thereby gives *primâ facie* authority to the holder thereof to make or complete, as the case may be, upon it a negotiable instrument, for any amount specified therein and not exceeding the amount covered by the stamp. The person so signing shall be liable upon such instrument, in the capacity in which he signed the same, to any holder in due course for such amount: provided that no person other than a holder in due course shall recover from the person delivering the instrument anything in excess of the amount intended by him to be paid thereunder.

Inchoate stamped instruments.

Bill II, s. 23: Bill III, s. 22: Byles 80, 180, 206, 209, 528: 24 & 25 Vic., c. 74, s. 2.

21. In a promissory note or bill of exchange the expressions "at sight" and "on presentment" mean on demand. The expression "after sight" means, in a promissory note, after presentment for sight, and, in a bill of exchange, after acceptance, or noting for non-acceptance, or protest for non-acceptance.

"At sight."
"On presentment."
"After sight."

Draft, s. 78: Bill II, s. 22: Bill III, s. 22. New.

22. The maturity of a promissory note or bill of exchange is the date at which it falls due.

"Maturity."

Every promissory note or bill of exchange which is not expressed to be payable on demand, at sight, or on presentment, is at maturity on the third day after the day on which it is expressed to be payable.

Days of grace.

Draft, s. 79: Bill II, s. 24: Bill III, s. 24: Byles 206.

23. In calculating the date at which a promissory note or bill of exchange, made payable a stated number of months after date or after sight, or after a certain event, is at maturity, the period stated shall be held to terminate on the day of the month which corresponds with the day on which the instrument is dated, or presented for acceptance or sight, or noted for non-acceptance, or protested for non-acceptance, or the event happens, or, where the instrument is a bill of exchange made payable a stated number of months after sight and has been accepted for honour, with the day on which it was so accepted. If the month in which the period would terminate has no corresponding day, the period shall be held to terminate on the last day of such month.

Calculating maturity of bill or note payable so many months after date or sight.

Illustrations.

(*a*). A negotiable instrument, dated 29th January, 1878, is made payable at one month after date. The instrument is at maturity on the third day after the 28th February, 1878.

(*b*). A negotiable instrument, dated 30th August, 1878, is made payable three months after date. The instrument is at maturity on the 3rd December, 1878.

(*c*). A promissory note or bill of exchange, dated 31st August, 1878, is made payable three months after date. The instrument is at maturity on the 3rd December, 1878.

Draft, s. 80: Bill II, s. 25: Bill III, s. 25: Byles 206.

24. In calculating the date at which a promissory note or bill of exchange made payable a certain number of days after date or after sight or after a certain event, is at maturity, the day of the date, or of presentment for acceptance or sight, or of protest for non-acceptance, or on which the event happens, shall be excluded.

Calculating maturity of bill or note payable so many days after date or sight.

Draft, s. 80: Bill II, s. 26: Bill III, s. 26: Byles 206.

25. When the day on which a promissory note or bill of exchange is at maturity is a public holiday, the instrument shall be deemed to be due on the next preceding business day.

When day of maturity is a holiday.

Explanation.—The expression "public holiday" includes Sundays: New-Year's day, Christmas day; if either of such days falls on a Sunday, the next following Monday: Good-Friday; and any other day declared by the Local Government, by notification in the official Gazette, to be a public holiday.

CHAPTER III.

PARTIES TO NOTES, BILLS AND CHEQUES.

Bill II, s. 28 Bill III, s. 28: See 37 & 38 Vic., c. 62, 1 (Byles 209).

26. Every person capable of contracting, according to the law to which he is subject, may bind himself and be bound by the making, drawing, acceptance, indorsement, delivery and negotiation of a promissory note, bill of exchange or cheque.

Capacity to make, &c., promissory notes, &c.

Byles 60.

A minor may draw, indorse, deliver and negotiate such instruments so as to bind all parties except himself.

Minor.

Byles 61.

Nothing herein contained shall be deemed to empower a corporation to make, indorse or accept such instruments except in cases in which, under the law for the time being in force, they are so empowered.

Bill II, s. 29: Bill III, s. 29: Byles 91.

27. Every person capable of binding himself or of being bound, as mentioned in section twenty-six, may so bind himself or be bound by a duly authorized agent acting in his name.

Agency.

Byles 92.

A general authority to transact business and to receive and discharge debts does not confer upon an agent the power of accepting or indorsing bills of exchange so as to bind his principal.

Byles 96.

An authority to draw bills of exchange does not of itself import an authority to indorse.

Draft, s. 15: Bill II, s. 30: Bill III, s. 30:

28. An agent who signs his name to a promissory note, bill of exchange or cheque, without indicating thereon that he signs as agent, or that he does not intend thereby to incur personal responsibility, is liable personally on the

Liability of agent signing.

Act IX of 1872, s. 234.

instrument, except to those who induced him to sign upon the belief that the principal only would be held liable.

Byles 57: Bill III, s. 31.

29. A legal representative of a deceased person who signs his name to a promissory note, bill of exchange or cheque is liable personally thereon unless he expressly limits his liability to the extent of the assets received by him as such.

Liability of legal representative signing.

Draft, ss. 17, 73: Bill II, s. 44: Bill III, s. 34: Byles 3, 245: Bayley 43: Byles 290.

30. The drawer of a bill of exchange or cheque is bound, in case of dishonour by the drawee or acceptor thereof, to compensate the holder under Chapter XII, provided due notice of dishonour has been given to, or received by, the drawer as hereinafter provided.

Liability of drawer.

Bill II, s. 45: Bill III, s. 35: Byles 18, 19, 166: Chitty 56: Grant on Bankers, 51: *Gray v. Johnston*, L. R. 3 E. and I. App. 1.

31. The drawee of a cheque having sufficient funds of the drawer in his hands properly applicable to the payment of such cheque, must pay the cheque when duly required so to do, and, in default of such payment, must compensate the drawer for any loss or damage caused by such default.

Liability of drawee of cheque.

Draft, ss. 60, 65: Bill II, s. 46: Bill III, s. 36: Byles 190, 193: Draft, s. 60: Bayley 44: Byles 210.

32. In the absence of a contract to the contrary, the maker of a promissory note and the acceptor before maturity of a bill of exchange, are bound to pay the amount thereof at maturity according to the apparent tenor of the note or acceptance respectively, and the acceptor of a bill of exchange at or after maturity is bound to pay the amount thereof to the holder on demand.

Liability of maker of note and acceptor of bill.

In default of such payment as aforesaid, such maker or acceptor is bound to compensate any party to the note or bill for any loss or damage sustained by him, and caused by such default.

Draft, s. 61: Bill II, s. 47: Bill III, s. 37: Byles 197, 200.

33. No person except the drawee of a bill of exchange, or all or some of several drawees, or a person named therein as a drawee in case of need, or an acceptor for honour, can bind himself by an acceptance.

Only drawee can be acceptor except in need or for honour.

Draft, s. 59: Bill II, s. 41: Bill III, s. 33.

34. Where there are several drawees of a bill of exchange who are not partners, each of them can accept it for himself, but none of them can accept it for another without his authority.

Acceptance by several drawees not partners.

Draft, ss. 38, 42, 57 (part. 1, 46, 54, 55, 59 and 93: Bill II, s. 48: Bill III, s. 38: Byles 153, 205: Anderson v. Hamilton, 4 Exch. 30: Byles 153, 205: Rose v. Hogg, 30 L. J., C. P. 75: Morse v. Slue, 1 Vent. 190, 238: Mason v. Hunt, Doug. 297: Grant on Bankers, 51: Byles 153, 205.

35. In the absence of a contract to the contrary, whoever indorses and delivers a negotiable instrument before maturity, without, in such indorsement, expressly excluding or making conditional his own liability, is bound thereby to every subsequent holder, in case of dishonour by the drawee, acceptor or maker, to compensate such holder for any loss or damage caused to him by such dishonour, provided due notice of dishonour has been given to, or received by, such indorser as hereinafter provided.

Liability of indorser.

Draft, s. 44.

Every indorser after dishonour is liable as upon an instrument payable on demand.

Draft, ss. 71: Bill II, s. [illegible] Bill III, s. [illegible] Byles 166: *O'Keefe v. Dunn*, 6 Taunt. 305: 1 M. & S. 269.

36. Every prior party to a negotiable instrument is liable thereon to a holder in due course until the instrument is duly satisfied.

Liability of prior parties to holder in due course.

Bill II, s. [illegible] Bill III, s. [illegible] Byles 245.

37. The maker of a promissory note or cheque, the drawer of a bill of exchange until acceptance, and the acceptor are, in the absence of a contract to the contrary, respectively liable thereon as principal debtors, and the other parties thereto are liable thereon as sureties for the maker, drawer or acceptor, as the case may be.

Maker, drawer and acceptor principals.

Bill II, s. [illegible] Bill III, s. [illegible] Byles 245.

38. As between the parties so liable as sureties, each prior party is, in the absence of a contract to the contrary, also liable thereon as a principal debtor in respect of each subsequent party.

Prior party a principal in respect of each subsequent party.

Illustration.

A draws a bill payable to his own order on B, who accepts. A afterwards indorses the bill to C, C to D, and D to E. As between E and B, B is the principal debtor, and A, C and D are his sureties. As between E and A, A is the principal debtor, and C and D are his sureties. As between E and C, C is the principal debtor and D is his surety.

Bill II, s. [illegible] Bill III, s. [illegible] Owen v. Homan, 4 H. L. Cas. 997: Muir v. Crawford, L. R. 2 Sc. App. 456.

39. When the holder of an accepted bill of exchange enters into any contract with the acceptor which under section 134 or 135 of the Indian Contract Act, 1872, would discharge the other parties, the holder may expressly reserve his right to charge the other parties, and in such case they are not discharged.

Suretyship.

Draft, [illegible] Bill II, s. [illegible] Bill III, s. [illegible] Byles 166: *O'Keefe v. Dunn*, 6 Taunt. 305: 1 M. & S. 269.

40. Where the holder of a negotiable instrument without the consent of the indorser, destroys or impairs the indorser's remedy against a prior party, the indorser is discharged from liability to the holder to the same extent as if the instrument had been paid at maturity.

Discharge of indorser's liability.

Illustration.

A is the holder of a bill of exchange made payable to the order of B, which contains the following indorsements in blank:—

First indorsement, "B."
Second indorsement, "Peter Williams."
Third indorsement, "Wright and Co."
Fourth indorsement, "John Rozario."

This bill A puts in suit against John Rozario and strikes out, without John Rozario's consent, the indorsements by Peter Williams and Wright and Co. A is not entitled to recover anything from John Rozario.

Draft, s. [illegible] Bill II, s. [illegible] Bill III, s. [illegible] Byles 206, 201.

41. An acceptor of a bill of exchange already indorsed is not relieved from liability by reason that such indorsement is forged, if he knew or had reason to believe the indorsement to be forged when he accepted the bill.

Acceptor bound, although indorsement forged.

Bill II, s. [illegible] Bill III, s. [illegible] Byles 201: *Cooper v. Meyer*, 10 B. & C. 468: Act I of 18[illegible] s. 117.

42. An acceptor of a bill of exchange drawn in a fictitious name and payable to the drawer's order is not, by reason that such name is fictitious, relieved from liability to any holder in due course claiming under an indorsement by the same hand as the drawer's signature, and purporting to be made by the drawer.

Acceptance of bill drawn in fictitious name.

43. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

Negotiable instrument made, &c., without consideration.

Exception I.—No party for whose accommodation a negotiable instrument has been made, drawn, accepted or indorsed, can, if he have paid the amount thereof, recover thereon such amount from any person who became a party to such instrument for his accommodation.

Exception II.—No party to the instrument who has induced any other party to make, draw, accept, indorse or transfer the same to him for a consideration which he has failed to pay or perform in full, shall recover thereon an amount exceeding the value of the consideration (if any) which he has actually paid or performed.

Draft, s. 54: Bill II, s. 62: Bill III, s. 51: Bykes 180.

44. When the consideration for which a person signed a promissory note, bill of exchange or cheque consisted of money, and was originally absent in part or has subsequently failed in part, the sum which a holder standing in immediate relation with such signer is entitled to receive from him is proportionally reduced.

Partial absence or failure of money-consideration.

Explanation.—The drawer of a bill of exchange stands in immediate relation with the acceptor. The maker of a promissory note, bill of exchange or cheque, stands in immediate relation with the payee, and the indorser with his indorsee. Other signers may by agreement stand in immediate relation with a holder.

Illustration.

A draws a bill on B for Rs. 500 payable to the order of A. B accepts the bill; but subsequently dishonours it by non-payment. A sues B on the bill. B proves that it was accepted for value as to Rs. 400, and as an accommodation to the plaintiff as to the residue. A can only recover Rs. 400.

Draft, s. 55: Bill II, s. 63: Bill III, s. 52.

45. Where a part of the consideration for which a person signed a promissory note, bill of exchange or cheque, though not consisting of money, is ascertainable in money without collateral enquiry, and there has been a failure of that part, the sum which a holder standing in immediate relation with such signer is entitled to receive from him is proportionally reduced.

Partial failure of consideration not consisting of money.

CHAPTER IV.

OF NEGOTIATION.

46. The making, acceptance or indorsement of a promissory note, bill of exchange or cheque is completed by delivery, actual or constructive.

Delivery.

As between parties standing in immediate relation, delivery to be effectual must be made by the party making, accepting or indorsing the instrument, or by a person authorized by him in that behalf.

As between such parties and any holder of the instrument other than a holder in due course, it may be shown that the instrument was delivered conditionally or for a special purpose only, and not for the purpose of transferring absolutely the property therein.

A promissory note, bill of exchange or cheque payable to bearer is negotiable by the delivery thereof.

A promissory note, bill of exchange or cheque payable to order is negotiable by the holder by indorsement and delivery thereof.

47. Subject to the provisions of section fifty-eight, a promissory note, bill of exchange or cheque payable to bearer is negotiable by delivery thereof.

Draft, s. 18: Bill II, s. 64: Bill III, s. 53: Bykes 148.

Negotiation by delivery.

Exception.—A promissory note, bill of exchange or cheque delivered on condition that it is not to take effect except in a certain event is not negotiable (except in the hands of a holder for value without notice of the condition) unless such event happens.

Illustrations.

(*a*). A, the holder of a negotiable instrument payable to bearer, delivers it to B's agent to keep for B. The instrument has been negotiated. Bykes 148, note (*t*).

(*b*). A, the holder of a negotiable instrument payable to bearer which is in the hands of A's banker, who is at the time the banker of B, directs the banker to transfer the instrument to B's credit in the banker's account with B. The banker does so, and accordingly now possesses the instrument as B's agent. The instrument has been negotiated, and B has become the holder of it.

48. Subject to the provisions of section fifty-eight, a promissory note, bill of exchange or cheque payable to the order of a specified person, or to a specified person or order, is negotiable by the holder by indorsement and delivery thereof.

Draft, s. 19: Bill II, s. 65: Bill III, s. 54: *Denton* v. *Peters*, L.R. 8 Q. B. 475: *Esparte Cote*, L. R. 9 Ch. App. 27.

Negotiation by indorsement.

49. The holder of a negotiable instrument indorsed in blank may, without signing his own name, by writing above the indorser's signature a direction to pay to any other person as indorsee, convert the indorsement in blank into an indorsement in full; and the holder does not thereby incur the responsibility of an indorser.

Draft, s. 21: Bill II, s. 66: Bill III, s. 57: Bykes 150, 151.

Conversion of indorsement in blank into indorsement in full.

50. The indorsement of a negotiable instrument followed by delivery transfers to the indorsee the property therein with the right of further negotiation; but the indorsement may, by express words, restrict or exclude such right, or may merely constitute the indorsee an agent to indorse the instrument, or to receive its contents for the indorser, or for some other specified person.

Draft, ss. 20, 20: Bill II, ss. 66, 70: Bill III, ss. 58, 59: Bykes 152.

Effect of indorsement.

Illustrations.

B signs the following indorsements on different negotiable instruments payable to bearer:—

(*a*) "Pay the contents to C only."

(*b*) "Pay C for my use."

(*c*) "Pay C or order for the account of B."

(*d*) "The within must be credited to C."

These indorsements exclude the right of further negotiation by C.

(*e*) "Pay C."

(*f*) "Pay C value in account with the Oriental Bank."

(*g*) "Pay the contents to C, being part of the consideration in a certain deed of assignment executed by C to the indorser and others."

These indorsements do not exclude the right of further negotiation by C.

Draft, ss. 20, 24, 27: Bill II, s. 71: Bill III, s. 60.

51. Every sole maker, drawer, payee or indorsee, or all of several joint makers, drawers, payees or indorsees, of a negotiable instrument may, if the negotiability of such instrument has not been restricted or excluded, as mentioned in section fifty indorse and negotiate the same.

Who may negotiate.

Explanation.—Nothing in this section enables a maker or drawer to indorse or negotiate an instrument, unless he is in lawful possession or is holder thereof; or enables a payee or indorsee to indorse or negotiate an instrument, unless he is holder thereof.

Illustration.

A bill is drawn payable to A or order. A indorses it to B, the indorsement not containing the words "or order" or any equivalent words. B may negotiate the instrument.

Draft, ss. 33, 34: Bill II, s. 72: Bill III, s. 61: Byles 158, 167.

52. The indorser of a negotiable instrument may, by express words in the indorsement, exclude his own liability thereon, or make such liability or the right of the indorsee to receive the amount due thereon, depend upon the happening of a specified event, although such event may never happen.

Indorser who excludes his own liability or makes it conditional.

Draft, s. 45.

Where an indorser so excludes his liability and afterwards becomes the holder of the instrument, all intermediate indorsers are liable to him.

Illustrations.

(*a*) The indorser of a negotiable instrument signs his name, adding the words—

"Without recourse."

Upon this indorsement he incurs no liability.

(*b*) A is the payee and holder of a negotiable instrument. Excluding personal liability by an endorsement "without recourse," he transfers the instrument to B, and B indorses it to C, who indorses it to A. A is not only reinstated in his former rights, but has the rights of an indorsee against B and C.

Draft, s. 49: Bill II, s. 73: Bill III, s. 64.

53. A holder of a negotiable instrument who derives title from a holder in due course has the rights thereon of that holder in due course.

Holder deriving title from holder in due course.

Draft, s. 25: Bill II, s. 74: Bill III, s. 63.

54. Subject to the provisions hereinafter contained as to crossed cheques, a negotiable instrument indorsed in blank is payable to the bearer thereof even although originally payable to order.

Instrument indorsed in blank.

Draft, s. 39: Bill II, s. 75: Bill III, s. 64.

55. If a negotiable instrument after having been indorsed in blank is indorsed in full, the amount of it cannot be claimed from the indorser in full, except by the person to whom it has been indorsed in full, or by one who derives title through such person.

Conversion of indorsement in blank into indorsement in full.

Draft, s. 23: Bill II, s. 76: Bill III, s. 65: Byles 178.

56. No writing on a negotiable instrument is valid for the purpose of negotiation if such writing purports to transfer only a part of the amount appearing to be due on the instrument; but where such amount has been partly paid, a note to that effect may be endorsed on the instrument, which may then be negotiated for the balance.

Indorsement for part of sum due.

Draft, s. 28: Bill II, s. 78: Bill III, s. 67: Byles 174.

57. The legal representative of a deceased person cannot negotiate by delivery only a promissory note, bill of exchange or cheque payable to order and indorsed by the deceased but not delivered.

Legal representative cannot by delivery only negotiate instrument indorsed by deceased.

Draft, ss. 53: Bill II, s. 77: Bill III, s. Byles 132, 164.

58. When a negotiable instrument has been lost, or has been obtained from any maker, acceptor or holder thereof by means of an offence or fraud, or for an unlawful consideration, no possessor or indorsee who claims through the person who found or so obtained the instrument is entitled to receive the amount due thereon from such maker, acceptor or holder, or from any party prior to such holder, unless such possessor or indorsee is, or some person through whom he claims was, a holder thereof in due course.

Instrument obtained by unlawful means or for unlawful consideration.

Draft, s. 43, and part of s. 52: Bill II, s. Bill III, s. Byles 166, 168.

59. The holder of a negotiable instrument, who has acquired it after dishonour, whether by non-acceptance or non-payment, with notice thereof, or after maturity, has only, as against the other parties, the rights thereon of his transferor:

Instrument acquired after dishonour or when overdue.

Provided that any person who, in good faith and for consideration, becomes the holder, after maturity, of a promissory note or bill of exchange made, drawn or accepted without consideration for the purpose of enabling some party thereto to raise money thereon, may recover the amount of the note or bill from any prior party.

Accommodation note or bill.

Illustration.

The acceptor of a bill of exchange, when he accepted it, deposited with the drawer certain goods as a collateral security for the payment of the bill, with power to the drawer to sell the goods and apply the proceeds in discharge of the bill if it were not paid at maturity. The bill not having been paid at maturity, the drawer sold the goods and retained the proceeds, but indorsed the bill to A. A's title is subject to the same objection as the drawer's title.

60. A negotiable instrument may be [illegible] tiated (except by the [illegible] drawee or acceptor after [illegible] turity) until payment or satisfaction thereof by the maker, drawee or acceptor at or after maturity, but not after such payment or satisfaction.

Instrument negotiable till payment or satisfaction.

Byles [illegible]

CHAPTER V.

OF PRESENTMENT.

Draft, s. Bill II, s. Bill III, s.

61. A bill of exchange payable after sight must, if no time or place is specified therein for presentment, be presented to the drawee thereof for acceptance, if he can, after reasonable search, be found, by a person entitled to demand acceptance, within a reasonable time after it is drawn, and in business-hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default.

Presentment for acceptance.

Walker v. McDonald, 2 Ex. 533; Leonard v. Wilson, 2 Cr. & M. 589; Byles 180 to 182.

If the drawee cannot, after reasonable search, be found, the bill is disbonoured.

Byles 184.

If the bill is directed to the drawee at a particular place, it must be presented at that place; and if at the due date for presentment he cannot, after reasonable search, be found there, the bill is dishonoured.

Byles 183, 184.

Bill II, s. 69; Bill III, s. 7.

62. A promissory note, payable at a certain period after sight, must be presented to the maker thereof for sight (if he can

Presentment of promissory note for sight.

after reasonable search be found) by a person entitled to demand payment, within a reasonable time after it is made and in business-hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default.

Draft, s. 56: Bill II, s. 84: Bill III, s. 73: Byles 183.

63. The holder must, if so required by the drawee of a bill of exchange presented to him for acceptance, allow the drawee twenty-four hours (exclusive of public holidays) to consider whether he will accept it.

Drawee's time for deliberation.

Draft, s. 133: [illegible] II, s. 85: Bill III, s. 74.

64. Promissory notes, bills of exchange and cheques must be presented for payment to the maker, acceptor or drawee thereof respectively, by or on behalf of the holder as hereinafter provided. In default of such presentment, the other parties thereto are not liable thereon to such holder.

Presentment for payment.

Byles 216.

Exception.—Where a promissory note is payable on demand and is not payable at a specified place, no presentment is necessary in order to charge the maker thereof.

[illegible] II, s. 86: [illegible] III, s. 75: [illegible], s. 197: [illegible] 213.

65. Presentment for payment must be made during the usual hours of business, and, if at a banker's, within banking hours.

Hours for presentment.

[illegible], s. 198: [illegible], s. 89: [illegible], s. 76:

66. A promissory note or bill of exchange, made payable at a specified period after date or sight thereof, must be presented for payment at maturity.

Presentment for payment of instrument payable after date or sight.

Bill II, s. 88: Bill III, s. 77: Byles 7.

67. A promissory note payable by instalments must be presented for payment on the third day after the date fixed for payment of each instalment; and non-payment on such presentment has the same effect as non-payment of a note at maturity.

Presentment for payment of promissory note payable by instalments.

Draft, s. 138: Bill II, s. 89: Bill III, s. 78:

68. A promissory note, bill of exchange or cheque made, drawn or accepted payable at a specified place and not elsewhere must, in order to charge any party thereto, be presented for payment at that place.

Presentment for payment of instrument payable at specified place and not elsewhere.

Draft, ss. 139, [illegible]

69. A promissory note or bill of exchange made, drawn or accepted payable at a specified place must, in order to charge the maker or drawer thereof, be presented for payment at that place.

Instrument payable at specified place.

[illegible] II, s. 90: [illegible] III, s. 79: Byles 214.

Draft, ss. 139, 142: Bill II, s. 91: Bill III, s. 80. Byles 214.

70. A promissory note or bill of exchange, not made payable as mentioned in sections sixty-eight and sixty-nine, must be presented for payment at the place of business (if any), or at the usual residence, of the maker, drawee or acceptor thereof, as the case may be.

Presentment where no exclusive place specified.

[illegible]: [illegible]: Bill III, s. 81.

71. If the maker, drawee or acceptor of a negotiable instrument has no known place of business or fixed residence, and no place is specified in the instrument for presentment for acceptance or payment, such presentment may be made to him in person wherever he can be found.

Presentment when maker, &c., has no known place of business or residence.

Bill II, s. 93: Bill III, s. 82: Byles 21, 210.

72. A cheque must, in order to charge the drawer, be presented at the bank upon which it is drawn before the relation between the drawer and his banker has been altered to the prejudice of the drawer.

Presentment of cheque to charge drawer.

Byles 20.

Bill II, s. 94: Bill III, s. 83: Byles 21.

73. A cheque must, in order to charge any person except the drawer, be presented within a reasonable time after delivery thereof by such person.

Presentment of cheque to charge any other person.

Draft, s. 134: Bill II, s. 95: Bill III, s. 84: Byles 211.

74. Subject to the provisions of section thirty-one, a negotiable instrument payable on demand must be presented for payment within a reasonable time after it is received by the holder.

Presentment of instrument payable on demand.

Bill II, s. 96: Bill III, s. 85: Parsons 500.

75. Presentment for acceptance or payment may be made to the duly authorized agent of the drawee, maker or acceptor, as the case may be, or, where the drawee, maker or acceptor has died, to his legal representative, or, where he has been declared an insolvent, to his assignee.

Presentment by or to agent, representative of deceased, or assignee of insolvent.

Draft, ss. 88, 91: Bill II, s. [illegible]: Bill III, s. [illegible]: Byles 213.

76. No presentment for payment is necessary, and the instrument is dishonoured at the due date for presentment, in any of the following cases:—

When presentment unnecessary.

(*a*) if the maker, drawee or acceptor intentionally prevents the presentment of the instrument,

or, if the instrument being payable at his place of business, he closes such place on a business day during the usual business-hours, or

if the instrument being payable at some other specified place, neither he nor any person authorized to pay it attends at such place during the usual business-hours, or

if the instrument not being payable at any specified place, he cannot after due search be found;

(*b*) as against any party sought to be charged therewith, if he has engaged to pay notwithstanding non-presentment;

(*c*) as against any party if, after maturity, with knowledge that the instrument has not been presented—

he makes a part payment on account of the amount due on the instrument,

or promises to pay the amount due thereon in whole or in part,

or otherwise waives his right to take advantage of any default in presentment for payment;

(*d*) as against the drawer, if the drawer could not suffer damage from the want of such presentment.

Terry v. Parker, 6 Ad. & E. 502: *Wirth v. Austin*, L. R. 10 C. P. 689.

77. When a bill of exchange, accepted payable at a specified bank, has been duly presented there for payment and dishonoured, if the banker so negligently or improperly keeps, deals with or delivers back such bill as to cause loss to the holder, he must compensate the holder for such loss.

Liability of banker for negligently dealing with bill presented for payment.

Draft, s. 84: Bill II, s. [illegible]: Bill III, s. [illegible]: Byles [illegible]

CHAPTER VI.

OF PAYMENT AND INTEREST.

Bill II, s. 100: Bill III, s. 88: Byles 220.

78. Subject to the provisions of section eighty-two, clause (*c*), payment of the amount due on a promissory note, bill of exchange or cheque must, in order to discharge the maker or acceptor, be made to the holder of the instrument.

To whom payment should be made.

Bill II, s. 101: Bill III, s. 89: Byles 206 207.

79. When interest at a specified rate is expressly made payable on a promissory note or bill of exchange, interest shall be calculated at the rate specified, on the amount of the principal money due thereon, from the date of the instrument, until tender or realization of such amount, or until such date after the institution of a suit to recover such amount as the Court directs.

Interest when rate specified.

Draft, s. 85: Bill II, s. 102: Bill III, s. 90: Byles 206, 207, 208.

80. When no rate of interest is specified in the instrument, interest on the amount due thereon shall, except in cases provided for by the Code of Civil Procedure, section 532, be calculated at the rate of six percentum per annum, from the date at which the same ought to have been paid by the party charged, until tender or realization of the amount due thereon or until such date after the institution of a suit to recover such amount as the Court directs.

Interest when no rate specified.

'ten,' Bank of Bengal.

Byles 208.

Explanation.—When the party charged is the indorser of an instrument dishonoured by non-payment, he is liable to pay interest only from the time that he receives notice of the dishonour.

Draft, s. 82: Bill II, s. 103: Bill III, s. 91: Byles 273: Civ. Pro. Code, s. 31.

81. Any person liable to pay, and called upon by the holder thereof to pay, the amount due on a promissory note, bill of exchange or cheque is before payment entitled to have it shown, and is on payment entitled to have it delivered up, to him, or, if the instrument is lost or cannot be produced, to be indemnified against any further claim thereon against him.

Delivery of instrument on payment, or indemnity in case of loss.

CHAPTER VII.

OF DISCHARGE FROM LIABILITY ON NOTES, BILLS AND CHEQUES.

Draft, s. 86: Bill II, s. 104: Bill III, s. 92.

82. The maker, acceptor or indorser respectively of a negotiable instrument is discharged from liability thereon—

Discharge from liability—

Byles 154, 200: Draft, s. 86.

(*a*) to a holder thereof who cancels such acceptor's or indorser's name with intent to discharge him, and to all parties claiming under such holder;

by cancellation;

Byles 198.

(*b*) to a holder thereof who otherwise discharges such maker, acceptor or indorser, and to all parties deriving title under such holder after notice of such discharge;

by release;

Draft., ss. 87, [illegible]: Byles 221.

(*c*) to all parties thereto, if the instrument is payable to bearer, or has been indorsed in blank, and such maker, acceptor or indorser makes payment in due course of the amount due thereon.

by payment.

Draft, s. 78: Bill II, s. 105: Bill III, s. 93:

83. If the holder of a bill of exchange allows the drawee more than twenty-four hours, exclusive of public holidays, to consider whether he will accept the same, all previous parties not consenting to such allowance are thereby discharged from liability to such holder.

Discharge by allowing drawee more than twenty-four hours to accept.

Draft, s. 102: Bill II, s. 106: Bill III, s. 94: Byles 20.

84. When the holder of a cheque fails to present it for payment within a reasonable time, and the drawer thereof sustains loss or damage from such failure, he is discharged from liability to the holder.

When cheque not duly presented and drawer damaged thereby.

Bill II, s. 107: Bill III, s. 95: 16 & 17 Vic. c. 59, s. 19: Byles 27, 206: *Charles v. Blackwell*, 1 C. P. D. 548.

85. Where a cheque payable to order, purports to be indorsed by or on behalf of the payee, the drawee is discharged by payment in due course.

Cheque payable to order.

Draft, s. 83: Bill II, s. 108: Bill III, s. 96: Byles 198, 204.

86. If the holder of a bill of exchange acquiesces in a qualified acceptance, or one limited to part of the sum mentioned in the bill, or which substitutes a different place or time for payment, or which, where the drawees are not partners is not signed by all the drawees, all previous parties whose consent is not obtained to such acceptance are discharged as against the holder and those claiming under him, unless on notice given by the holder, they assent to such acceptance.

Explanation.—An acceptance is qualified—

(*a*) where it is conditional, declaring the payment to be dependent on the happening of an event therein stated;

(*b*) where it undertakes the payment of part only of the sum ordered to be paid;

(*c*) where, no place of payment being specified on the order, it undertakes the payment at a specified place and not otherwise or elsewhere; or where, a place of payment being specified in the order, it undertakes the payment at some other place and not otherwise or elsewhere;

(*d*) where it undertakes the payment at a time other than that at which under the order it would be legally due.

Parties not consenting discharged by qualified or limited acceptance.

Draft, ss. 110: Bill II, s. 110: Bill III, s. 97: Byles [illegible]

87. Save as provided in sections twenty, forty-nine, eighty-six and one hundred and twenty-five, any material alteration of a negotiable instrument renders the same void as against any one who is a party thereto at the time of making such alteration and does not consent thereto, unless it was made in order to carry out the common intention of the original parties;

Effect of material alteration.

and any such alteration, if made by an indorsee, discharges his indorser from all liability to him in respect of the consideration thereof.

Alteration by indorsee.

Bill II, s. 111: Bill III, s. 98: Byles [illegible]

The provisions of this section are subject to those of sections twenty, forty-nine, eighty-six and one hundred and twenty-five.

Draft, ss. 112 to 114: Act I of [illegible] s. 112: Bill II, s. 112: Bill III, s. 99.

88. An acceptor or indorser of a negotiable instrument is bound by his acceptance or indorsement notwithstanding any previous alteration of the instrument.

Acceptor or indorser bound notwithstanding previous alteration.

Draft, s. 115: Bill II, s. 118: Bill III, s. 100: 39 & 40 Vic., c. 81, s. 11.

89. Where a promissory note, bill of exchange or cheque has been materially altered, but does not appear to have been so altered,

Payment of instrument on which alteration is not apparent.

or where a cheque is presented for payment which does not at the time of presentation appear to be crossed or to have had a crossing which has been obliterated,

payment thereof by a person or banker liable to pay and paying the same according to the apparent tenor thereof at the time of payment and otherwise in due course, shall discharge such person or banker from all liability thereon, and such payment shall not be questioned by reason of the instrument having been altered, or the cheque crossed.

90. If a bill of exchange which has been negotiated is, at or after maturity, held by the acceptor in his own right, all rights of action thereon are extinguished.

Extinguishment of rights of action on bill in acceptor's hands.

CHAPTER VIII.

OF NOTICE OF DISHONOUR.

Draft, s. 33: Bill II, s. 34: Bill III, s. 91: Byles 187.

91. A bill of exchange is said to be dishonoured by non-acceptance when the drawee, or one of several drawees not being partners, makes default in acceptance upon being duly required to accept the bill, or where presentment is excused and the bill is not accepted.

Dishonour by non-acceptance.

Where the drawee is incompetent to contract, or the acceptance is qualified, the bill may be treated as dishonoured.

Bill II, s. 115: Bill III, s. 102.

92. A promissory note, bill of exchange or cheque is said to be dishonoured by non-payment when the maker of the note, acceptor of the bill, or drawee of the cheque makes default in payment upon being duly required to pay the same.

Dishonour by non-payment.

Draft, ss. 125, 127, 131: Bill II, s. [illegible]: Bill III, s. [illegible]: [illegible] 273. [illegible] 288. [illegible] 293. [illegible] 290.

93. When a promissory note, bill of exchange or cheque is dishonoured by non-acceptance or non-payment, the holder thereof, or some party thereto who remains liable thereon, must give notice that the instrument has been so dishonoured to all other parties whom the holder seeks to make severally liable thereon, and to some one of several parties whom he seeks to make jointly liable thereon.

By and to whom notice should be given.

Nothing in this section renders it necessary to give notice to the maker of the dishonoured promissory note, or the drawee or acceptor of the dishonoured bill of exchange or cheque.

[illegible] ss. [illegible], 127, [illegible], 130: [illegible] II, s. [illegible]: [illegible] III, s. [illegible]: [illegible] 274, 275. [illegible] 280. [illegible] [illegible] notice must be [illegible] 306. [illegible] [illegible] 296. [illegible] s. 136. [illegible] 286.

94. Notice of dishonour may be given to a duly authorized agent of the person to whom it is required to be given, or, where he has died, to his legal representative, or, where he has been declared an insolvent, to his assignee; may be oral or written; may, if written, be sent by post; and may be in any form; but it must inform the party to whom it is given, either in express terms or by reasonable intendment, that the instrument has been dishonoured, and in what way, and that he will be held liable thereon; and it must be given within a reasonable time after dishonour, at the place of business, or (in case such party has no place of business) at the residence of the party for whom it is intended.

Mode in which notice may be given.

If the notice is duly directed and sent by post and miscarries, such miscarriage does not render the notice invalid.

Draft, s. 131: Bill II, s. 118: Bill III, s. 105.

95. Any party receiving notice of dishonour must, in order to render any prior party liable to himself, give notice of dishonour to such party within a reasonable time, unless such party otherwise receives due notice as provided by section ninety-three.

Party receiving must transmit notice of dishonour.

Draft, s. 132: Bill II, s. 119: Bill III. s. 106: Byles 286.

96. When the instrument is deposited with an agent for presentment, the agent is entitled to the same time to give notice to his principal as if he were the holder giving notice of dishonour, and the principal is entitled to a further like period to give notice of dishonour.

Agent for presentment.

Draft, s. 130: Bruce 2: Bill II, s. 120: Bill III, s. 107.

97. When the party to whom notice of dishonour is despatched is dead, but the party despatching the notice is ignorant of his death, the notice is sufficient.

When party to whom notice given is dead.

Draft, s. 92 Bill II, s. 121: Bill III, s. 108: Byles 296.

98. No notice of dishonour is necessary—

When notice of dishonour is unnecessary.

(*a*) when it is dispensed with by the party entitled thereto;

(*b*) in order to charge the drawer, when he has countermanded payment;

(*c*) when the party charged could not suffer damage for want of notice;

(*d*) when the party entitled to notice cannot after due search be found; or the party bound to give notice is, for any other reason, unable without any fault of his own to give it;

(*e*) to charge the drawers, when the acceptor is also a drawer;

Draft, ss. 67, 68, 93: Byles 301.

(*f*) in the case of a promissory note which is not negotiable;

Byles 302.

(*g*) when the party entitled to notice, knowing the facts, promises unconditionally to pay the amount due on the instrument.

CHAPTER IX.

OF NOTING AND PROTEST.

Draft, s. 119: Bill II, 122: Bill III, s. 109.

99. When a promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may cause such dishonour to be noted by a notary public upon the instrument, or upon a paper attached thereto, or partly upon each.

Noting.

Such note must be made within a reasonable time after dishonour, and must specify the date of dishonour, the reason, if any, assigned for such dishonour, or, if the instrument has not been expressly dishonoured, the reason why the holder treats it as dishonoured, and the notary's charges.

Draft, s. 119: Byles 261.

Draft, s. 120: Bill II, [illegible]: Bill III, s. [illegible]: Byles 260.

100. When a promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may, within a reasonable time, cause such dishonour to be noted and certified by a notary public. Such certificate is called a protest.

Protest.

Byles 261.

When the acceptor of a bill of exchange has become insolvent, or his credit has been publicly impeached, before the maturity of the bill, the holder may, within a reasonable time, cause a notary public to demand better security of the acceptor, and on its being refused may, within a reasonable time, cause such facts to be noted and certified as aforesaid. Such certificate is called a protest for better security.

Protest for better security.

Draft, s. 122: Bill II, s. 124: Bill III, s. 111: Byles 271.

101. A protest under section one hundred must contain—

Contents of protest.

(*a*) either the instrument itself, or a literal transcript of the instrument and of everything written or printed thereupon;

(*b*) the name of the person for whom and against whom the instrument has been protested;

(*c*) a statement that payment or acceptance, or better security, as the case may be, has been demanded of such person by the notary public; the terms of his answer, if any, or a statement that he gave no answer, or that he could not be found;

(*d*) when the note or bill has been dishonoured, the place and time of dishonour, and when better security has been refused, the place and time of refusal;

(*e*) the subscription of the notary public making the protest;

(*f*) in the event of an acceptance for honour or of a payment for honour, the name of the person by whom, of the person for whom, and the manner in which, such acceptance or payment was offered and effected.

Draft, s. 124: Bill II, s. 125: Bill III, s. 112: Byles 262.

102. When a promissory note or bill of exchange is required by law to be protested, notice of such protest must be given instead of notice of dishonour, in the same manner and subject to the same conditions; but the notice may be given by the notary public who makes the protest.

Notice of protest.

Bill II, s. 126: Bill III, s. 113: Act VI, 1840, s. 4: 2 & 3 Wm. IV, c. 98.

103. All bills of exchange drawn payable at some other place than the place mentioned as the residence of the drawee, and which are dishonoured by non-acceptance, may, without further presentment to the drawee, be protested for non-payment, in the place specified for payment, unless paid before or at maturity.

Protest for non-payment after dishonour by non-acceptance.

Draft, s. 108: Bill II, s. 139: Bill III, s. 128.

104. Foreign bills of exchange must be protested for dishonour when such protest is required by the law of the place where they are drawn.

Protest of foreign bills.

CHAPTER X.

OF REASONABLE TIME.

Draft, s. 56, Expln. 1: Bill II, s. 127: Bill III, s. 114: Byles 182, 210, 287.

105. In determining what is a reasonable time for presentment for acceptance or payment, for giving notice of dishonour and for noting, regard shall be had to the nature of the instrument and the usual course of dealing with respect to similar instruments; and in calculating such time, public holidays shall be excluded.

Reasonable time.

Draft, s. 129: Bill II, s. 129 Bill III, s. 116: Byles 284.

106. If the holder and the party to whom notice of dishonour is given carry on business or live (as the case may be) in different places, such notice is given within a reasonable time if it is despatched by the next post or on the day next after the day of dishonour.

Reasonable time of giving notice of dishonour.

Byles 285.

If the said parties carry on business or live in the same place, such notice is given within a reasonable time if it is despatched in time to reach its destination on the day next after the day of dishonour.

Draft, s. 131: Bill II, s. 130: Bill III, s. 117.

107. A party receiving notice of dishonour, who seeks to enforce his right against a prior party, transmits the notice within a reasonable time if he transmits it within the same time after its receipt as he would have had to give notice if he had been the holder.

Reasonable time for transmitting such notice.

CHAPTER XI.

OF ACCEPTANCE AND PAYMENT FOR HONOUR AND REFERENCE IN CASE OF NEED.

Draft, ss. 74, 76: Bill II, s. 131: Bill III, s. 118: Byles 265, 266.

108. When a bill of exchange has been noted or protested for non-acceptance or for better security, any person not being a party already liable thereon may, with the consent of the holder, by writing on the bill, accept the same for the honour of any party thereto.

Acceptance for honour.

An acceptor *supra protest* must personally appear before a notary public with two or more witnesses, and declare that he accepts, under protest, the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour, and that he will satisfy the same at the appointed time; and then must subscribe the bill with his own hand.

Unless the person who intends to accept *supra protest* first declares, in the presence of a notary, that he does it for honour, and has such declaration duly recorded in the notarial register at the time, his acceptance shall be a nullity.

New.

109. A person desiring to accept for honour must, in the presence of a notary public, subscribe the bill with his own hand, and declare that he accepts under protest the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour; and such declaration must be recorded by the notary in his register.

How acceptance for honour must be made.

Draft, s. 75 Bill II, s. 132: Bill III, s. 119: Byles 265, 266.

110. Where the acceptance does not express for whose honour it is made, it shall be deemed to be made for the honour of the drawer.

Acceptance not specifying for whose honour it is made.

Draft, s. 77: Bill II, s. 133: Bill III, s. 120: Byles 267.

111. An acceptor for honour binds himself to all parties subsequent to the party for whose honour he accepts to pay the amount of the bill if the drawee do not; and such party and all prior parties are liable in their respective capacities to compensate the acceptor for honour for all loss or damage sustained by him in consequence of such acceptance.

Liability of acceptor for honour.

Byles 268.

Draft, s. 845 Byles 266: Act VI of 1840, s. 3.

But an acceptor for honour is not liable to the holder of the bill unless it is presented, or (in case the address given by such acceptor on the bill is a place other than the place where the bill

is made payable) forwarded for presentment, not later than the day next after the day of its maturity.

Draft, s. 95: Bill II, s. 134: Bill III, s. 121.

When acceptor for honour may be charged.

112. An acceptor for honour cannot be charged unless the bill has at its maturity been presented to the drawee for payment and has been dishonoured by him, and noted or protested for such dishonour.

Draft, s. 96: Bill II, s. 135: Bill III, s. 122: Byles 270.

Payment for honour.

113. When a bill of exchange has been noted or protested for non-payment, any person may pay the same for the honour of any party liable to pay the same, provided that the person so paying has previously declared before a notary public the party for whose honour he pays, and that such declaration has been recorded by such notary public.

Draft, s. 97: Bill II, s. 136: Bill III, s. 123: Byles 271. *In re Overend, Gurney & Co.*, L. R. 6, Eq. 344.

Right of payer for honour.

114. Any person so paying is entitled to all the rights, in respect of the bill, of the holder at the time of such payment, and may recover from the party for whose honour he pays all sums so paid, with interest thereon and with all expenses properly incurred in making such payment.

Draft, s. 73: Bill II, s. 138: Bill III, s. 127: Byles 266.

Drawee in case of need.

115. Where a drawee in case of need is named in a bill of exchange, or in any endorsement thereon, the bill is not dishonoured until it has been dishonoured by such drawee.

Acceptance and payment without protest.

116. A drawee in case of need may accept and pay the bill of exchange without previous protest.

CHAPTER XII.

OF COMPENSATION.

Bill II, s. 137: Bill III, s. 124.

Rules as to compensation.

117. The compensation payable in case of dishonour of a promissory note, bill of exchange or cheque, by any party liable to the holder or any indorsee, shall (except in cases provided for by the Code of Civil Procedure, section 532) be determined by the following rules:—

Draft, s. 65: Byles 415.

(*a*) The holder is entitled to the amount due upon the instrument, together with the expenses properly incurred in presenting, noting and protesting it;

(*b*) When the person charged resides at a place different from that at which the instrument was payable, the holder is entitled to receive such sum at the current rate of exchange between the two places;

(*c*) An indorser who, being liable, has paid the amount due on the same is entitled to the amount so paid with interest at six per centum per annum from the date of payment until tender or realization thereof, together with all expenses caused by the dishonour and payment;

(*d*) When the person charged and such indorser reside at different places, the indorser is entitled to receive such sum at the current rate of exchange between the two places;

(*e*) The party entitled to compensation may draw a bill upon the party liable to compensate him, payable at sight or on demand, for the amount due to him together with all expenses properly incurred by him. Such bill must be accompanied by the instrument dishonoured and the protest thereof (if any). If such bill is dishonoured, the party dishonouring the same is liable to make compensation thereof in the same manner as in the case of the original bill.

CHAPTER XIII.

SPECIAL RULES OF EVIDENCE.

Draft, s. 12: Bill II, s. 27: Bill III, s. 26: Byles 3, 119.

Presumptions as to negotiable instruments.

118. Until the contrary is proved, the following presumptions shall be made:—

as to consideration;

(*a*) that every negotiable instrument was made or drawn for consideration, and that every such instrument, when it has been accepted, indorsed, negotiated or transferred, was accepted, indorsed, negotiated or transferred for consideration:

as to date;

(*b*) that every negotiable instrument bearing a date was made or drawn on such date:

Byles 190.

as to time of acceptance;

(*c*) that every accepted bill of exchange was accepted within a reasonable time after its date and before its maturity:

Byles 170.

as to time of transfer;

(*d*) that every transfer of a negotiable instrument was made before its maturity:

Draft, s. 37.

as to order of endorsements;

(*e*) that the endorsements appearing upon a negotiable instrument were made in the order in which they appear thereon:

Byles 117, 382.

as to stamp;

(*f*) that a lost promissory note, bill of exchange or cheque was duly stamped:

Draft, s. 13: Byles 122.

that holder is a holder in due course.

(*g*) that the holder of a negotiable instrument is a holder in due course: provided that where the instrument has been obtained from its lawful owner, or from any person in lawful custody thereof, by means of an offence or fraud, or has been obtained from the maker or acceptor thereof by means of an offence or fraud, or for unlawful consideration, the burthen of proving that the holder is a holder in due course lies upon him.

Draft, ss. 13 123: Act V of 186 s. 13.

Presumption on proof of protest.

119. In a suit upon an instrument, which has been dishonoured, the Court shall, on proof of the protest, presume the fact of dishonour, unless and until such fact is disproved.

Bill II, s. 5 Bill III, s. 4 *Phillips* v. *Im Thurn* 1 C. B., N. S. 694.

Estoppel against denying original validity of instrument.

120. No maker of a promissory note, and no drawer of a bill of exchange or cheque, and no acceptor of a bill of exchange for the honour of the drawer shall, in a suit thereon by a holder in due course, be permitted to deny the validity of the instrument as originally made or drawn

Bill II, s. 5 Bill III, s. Byles 200.

Estoppel against denying capacity of payee to indorse.

121. No maker of a promissory note and no acceptor of a bill of exchange payable to, or to the order of, a specified person shall, in a suit thereon by a holder in due course, be permitted to deny the payee's capacity, at the date of the note or bill, to indorse the same.

Draft, s. 35: Bill II, s. 57: Bill III, s. 46: Byles 153. See Byles 222, n. (*i*).

Estoppel against denying signature or capacity of prior party.

122. No indorser of a negotiable instrument shall, in a suit thereon by a subsequent holder, be permitted to deny the signature or capacity to contract of any prior party to the instrument.

CHAPTER XIV.

OF CROSSED CHEQUES.

Bill II, s. 30: Bill III, s. 129: 39 & 40 Vic., c. 81, s. 4.

Cheque crossed generally.

123. Where a cheque bears across its face an addition of the words "and company" or any abbreviation thereof, between two parallel transverse lines, or of two parallel transverse lines simply, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed generally.

Bill II, s. 31: Bill III, s. 130: 39 & 40 Vic., c. 81, s. 4.

Cheque crossed specially.

124. Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed specially, and to be crossed to that banker.

Bill II, s. 32: Bill III, s. 131: 39 & 40 Vic., c. 81, s. 5.

Crossing after issue.

125. Where a cheque is uncrossed, the holder may cross it generally or specially.

Where a cheque is crossed generally, the holder may cross it specially.

Where a cheque is crossed generally or specially, the holder may add the words "not negotiable."

Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker, his agent, for collection.

Draft, ss. 102, 103: Bill II, s. 33: Bill III, s. 132: 39 & 40 Vic., c. 81, s. 7.

Payment of cheque crossed generally.

126. Where a cheque is crossed generally, the banker on whom it is drawn shall not pay it otherwise than to a banker.

Payment of cheque crossed specially.

Where a cheque is crossed specially, the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or his agent for collection.

Bill II, s. 34: Bill III, s. 133: S. 8.

Payment of cheque crossed specially more than once.

127. Where a cheque is crossed specially to more than one banker, except when crossed to an agent for the purpose of collection, the banker on whom it is drawn shall refuse payment thereof.

Bill II, s. 35: Bill III, s. 134: S. 9.

Payment in due course of crossed cheque.

128. Where the banker on whom a crossed cheque is drawn has paid the same in due course, the banker paying the cheque, and (in case such cheque has come to the hands of the payee) the drawer thereof, shall respectively be entitled to the same rights, and be placed in the same position in all respects, as they would respectively be entitled to and placed in if the amount of the cheque had been paid to and received by the true owner thereof.

Bill II, s. 36: Bill III, s. 135: S. 10.

Payment of crossed cheque out of due course.

129. Any banker paying a cheque crossed generally otherwise than to a banker, or a cheque crossed specially otherwise than to the banker to whom the same is crossed, or his agent for collection, being a banker, shall be liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid.

Bill II, s. 37: Bill III, s. 136: S. 12.

Cheque bearing "not negotiable."

130. A person taking a cheque crossed generally or specially, bearing in either case the words "not negotiable," shall not have, and shall not be capable of giving, a better title to the cheque than that which the person from whom he took it had.

48 L. J. C. P. 529.

Non-liability of banker receiving payment of cheque.

131. A banker who has in good faith and without negligence received payment for a customer of a cheque crossed generally or specially to himself shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment.

CHAPTER XV.

OF BILLS IN SETS.

Draft, ss. 11, 116: Bill II, s. 38: Bill III, s. 125: Byles 393, 391.

Set of bills.

132. Bills of exchange may be drawn in parts, each part being numbered and containing a provision that it shall continue payable only so long as the others remain unpaid. All the parts together make a set; but the whole set constitutes only one bill, and is extinguished when one of the parts, if a separate bill, would be extinguished.

Byles 92: *Holdsworth* v. *Hunter*, 10 B. & C. 449.

Exception.—When a person accepts or indorses different parts of the bill in favour of different persons, he and the subsequent indorsers of each part are liable on such part as if it were a separate bill.

Bill II, s. 29 Bill III, s. 126: Byles 391: Bayley 80, 171.

Holder of first acquired part entitled to all.

133. As between holders in due course of different parts of the same set, he who first acquired title to his part is entitled to the other parts and the money represented by the bill.

CHAPTER XVI.

OF INTERNATIONAL LAW.

Draft, s. 104: Bill II, s. 140 Bill III, s. 137: Byles 399: *Rouquette* v. *Overmann*, L. R. 10 Q. B. 525: *Horne* v. *Rouquette*, 3 Q. B. Div. 514.

Law governing liability of maker, acceptor or indorser of foreign instrument.

134. In the absence of a contract to the contrary, the liability of the maker or drawer of a foreign promissory note, bill of exchange or cheque is regulated in all essential matters by the law of the place where he made the instrument, and the respective liabilities of the acceptor and indorser by the law of the place where the instrument is made payable.

Illustration.

Byles 402. A bill of exchange was drawn by A in California, where the rate of interest is 25 per cent., and accepted by B, payable in Washington, where the rate of interest is 6 per cent. The bill is endorsed in British India, and is dishonoured. An action on the bill is brought against B in British India. He is liable to pay interest at the rate of 6 per cent. only; but if A is charged as drawer, A is liable to pay interest at the rate of 25 per cent.

Draft, s. 105: Bill II, s. 141: Bill III, s. 136.

135. Where a promissory note, bill of exchange or cheque is made payable in a different place from that in which it is made or indorsed, the law of the place where it is made payable determines what constitutes dishonour and what notice of dishonour is sufficient.

Law of place of payment governs dishonour.

Illustration.

A bill of exchange drawn and indorsed in British India, but accepted payable in France, is dishonoured. The indorsee causes it to be protested for such dishonour, and gives notice thereof in accordance with the law of France, though not in accordance with the rules herein contained in respect of bills which are not foreign. The notice is sufficient.

Draft, s. 106: Bill II, s. 142: Bill III, s. 139.

136. If a negotiable instrument is made, drawn, accepted or indorsed out of British India, but in accordance with the law of British India, the circumstance that any agreement evidenced by such instrument is invalid according to the law of the country wherein it was entered into does not invalidate any subsequent acceptance or endorsement made thereon in British India.

Instrument made, &c., out of British India, but in accordance with its law.

Draft, s. 107: Bill II, s. 143: Bill III, s. 140: Act I of 1872, s. 4.

137. The law of any foreign country regarding promissory notes, bills of exchange and cheques shall be presumed to be the same as that of British India, unless and until the contrary is proved.

Presumption as to foreign law.

SCHEDULE.

(*a*)—STATUTES.

Year and chapter.	Title.	Extent of repeal.
9 Wm. III, c. 17	An Act for the better payment of Inland Bills of Exchange.	The whole.
3 & 4 Anne, c. 8.	An Act for giving like remedy upon promissory notes as is now used upon Bills of Exchange, and for the better payment of Inland Bills of Exchange.	The whole.

(*b*)—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

No. and year.	Title.	Extent of repeal.
VI of 1840 ...	An Act for the amendment of the law concerning the negotiation of Bills of Exchange.	The whole.
V of 1866 ...	An Act to amend in certain respects the Commercial Law of British India.	Sections 11, 12 and 13.
XV of 1874 ...	The Laws Local Extent Act, 1874.	The first schedule, so far as relates to Act VI of 1840 and Act V of 1866, sections 11, 12 and 13.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th January, 1881, and was referred to a Select Committee :—

No. 3 OF 1881.

A Bill for the amendment of the law relating to Insolvent Debtors in India.

WHEREAS it is expedient to amend the law relating to Insolvent Debtors in India; It is enacted as follows :— Preamble.

1. This Act may be called "The Insolvent Law Amendment Act, 1881." Short title.

it extends to the whole of British India; and Local extent.

it shall come into force on the first day of April 1881. Commencement.

2. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

the word "Insolvent" means a person of whose property a receiver has been appointed under the Code of Civil Procedure, section 351, a person upon whose petition a vesting order has been made under the seventh section of the eleventh and twelfth of Victoria, Chapter XXI, entitled an Act to consolidate and amend the laws relating to Insolvent Debtors in India, and a person who has been adjudged to have committed an act of insolvency under the provisions of section eight or under the provisions of the ninth section of the same Act : "Insolvent."

the word "adjudication" means the order under the said section 351 of the said Code appointing a receiver, a vesting order under the said seventh section of the said Act, and an order under the said eighth section or under the said ninth section of the said Act adjudging any person to have committed an act of insolvency; and "Adjudication."

the word "assignee" means the person in whom the property of any Insolvent has been vested by the adjudication of such Insolvent. "Assignee."

3. If, at the time of the adjudication of any insolvent, any of his property has been attached in execution of any decree or under any order for attachment before judgment, Attached property of insolvent.

the Court, under whose order such property has been attached, shall withdraw the attachment and permit his assignee to take possession of the same.

If, before the Court has had notice of such insolvency, the attached property has been sold, the proceeds of the sale, after deducting the costs of the attachment and sale and all other necessary costs incurred in and about the realization of such proceeds, shall be paid to the assignee of such insolvent :

Provided, that in case the Court has not had notice of the adjudication of such insolvent, before such proceeds are distributed, the same shall not, merely on account of such adjudication be recalled from the persons to whom they have been paid.

When the Court withdraws the attachment, it may, if it think fit, direct that the proper and necessary costs of the attachment and of the preservation of the property attached shall be charged upon the proceeds of such property; and if such order be made, the assignee shall apply the proceeds of such sale in payment of such costs after payment of the costs of such sale, but in priority to payment of all debts of the insolvent payable out of such proceeds.

4. No property which, under the provisions of the twenty-third section of the said Act would be deemed to be the property of such insolvent, shall be held to have been taken out of his order and disposition by reason only that such property has, before the adjudication of such insolvent, been attached in execution of a decree or under any order for an attachment before judgment. Order and disposition. Attachment not to alter.

5. Whenever any persons trading in partnership together have, by the consent and permission of the true owner thereof, in their possession, order or disposition, goods or chattels whereof such persons are reputed owners, or whereof they have taken upon them the sale, alteration or disposition as owner, and while they have such possession, order or disposition, any of such persons is, under the provisions of the said Act, adjudicated an insolvent, or obtains a vesting order on his petition, such goods and chattels shall be deemed to be the property of such partnership so as to become vested in the Official Assignee of the Insolvent Court by the order made in pursuance of the said Act for the purpose only, and so far as may be required, for the purpose of paying the joint creditors of the said partnership. Order and disposition of Firms whose owner becomes Insolvent.

6. Whenever any person who carries on trade within the local limits of the Ordinary Original Civil Jurisdiction of any of the Transfer of insolvencies from Mufussal Courts.

High Courts at Calcutta, Madras or Bombay is, under the provisions of section 351 of the Code of Civil Procedure, declared to be an insolvent, the Insolvent Court in any of the said towns in which he may carry on business at the time he is so declared to be an insolvent, may, if it think fit, on the application of any creditor of such trader, adjudge him to have committed an act of insolvency:

such adjudication shall have the same force and effect as if he had, under the provisions of the eighth section of the said Act, been adjudicated an insolvent by such Court, at the time when he was declared to be an insolvent under the provisions of the said Code;

and all the estate and effects of such insolvent shall, unless the said Court otherwise directs, vest in the Official Assignee of such Court,

and any person appointed receiver under the provisions of the said Code shall, unless such Court otherwise directs, thereupon make over to the Official Assignee all the property of the insolvent which may have come to his hands as such receiver:

Provided that no such adjudication shall avoid, or in any way affect, any dealing of such receiver with any of such property before he has notice of such adjudication.

Distribution of unclaimed dividends.

7. The assignee of each insolvent estate shall, on the expiration of six months from the declaration of any dividend, file in Court an account upon oath of every dividend remaining in his hands unclaimed, specifying the name of each creditor to whom each such dividend is due, as well as the amount of the debt due to each such creditor, and shall publish the same in the numbers of the local Gazette as are first and second successively printed next after such six months, and all dividends remaining unclaimed for a period of six years shall, after the second of such advertisements, revert to the general fund of each respective estate for re-distribution by the Official Assignee among the remaining creditors of such estate.

All such unclaimed dividends shall remain under the control and management of the Official Assignee pending payment and distribution in such manner as shall be prescribed and furnished by any rules to be made under the powers conferred by section seventy-six of the said Act.

STATEMENT OF OBJECTS AND REASONS.

THE Indian Insolvent Acts, following the analogy of the law of Bankruptcy in England at the time of the first of these Acts being passed, contained no provision for compelling the property of an insolvent, which had been attached in execution before his adjudication, to be distributed among the general body of his creditors. The later English Bankrupt Acts, however, provide for the distribution amongst the bankruptcy creditors of the proceeds of the execution if a petition be filed within fourteen days after the sale; thus securing, as far as possible, equality among creditors, a purpose which the Civil Procedure Code has generally in view; and one of the objects of this Bill is to give that equality of distribution, wherever the property attached has not actually been distributed among the attaching creditors.

The only power which the Insolvent Court now has to stay proceedings in execution does not arise till the Insolvent's schedule has been filed, and in the cases where the insolvent, is friendly to the execution creditor the filing of the schedule is invariably delayed for the purpose of giving him an advantage.

Further, the Code empowers Courts to attach the property of a defendant in cases where there is reason to believe that he is likely to make away with that property in fraud of the plaintiff. Under the language of the old Civil Procedure Code it was held that property so attached before judgment vested in the Official Assignee of the defendant, and was assets of his estate giving no preferential claim to the attaching creditor, but it has been successfully contended that the effect of the new Code, section 490, is to give to a creditor attaching before judgment priority over the assignee, even though the adjudication were before judgment obtained by the attaching creditor.

The third section of the Bill is intended to provide for the rateable distribution of the insolvent's property amongst his creditors in cases where the modern English law would so distribute it, instead of allowing one creditor to sweep away the whole or a large portion of the assets.

From a very early period the Bankruptcy law of England provided that persons who, by leaving goods in the hands of traders, enabled them to maintain a false appearance of wealth and thus obtain credit could not claim such goods from the assignee of the bankrupt, and this provision was introduced into this country by the Insolvent Act. There was nothing however to give similar rights to execution-creditors, and therefore this anomaly occurred that, where an attachment was laid on goods in the hands of a person who became insolvent, the custody of the law took the goods out of the order and disposition of the bankrupt so that a subsequent adjudication did not vest the goods in the assignee, but the attaching creditor was not able to treat the ostensible ownership of the judgment-debtor as giving him any claims. It is not easy to see any sound basis for this distinction, the injurious influence of which is, to some extent, obviated in England by the Bills of Sale Act. The fourth section is intended to avoid this anomaly.

Down to a very recent period it was generally supposed that where moveable property was in the possession and ostensible ownership of a partnership a member of which became bankrupt, the provisions of the Bankrupt Law vested such property in the assignee; it was however decided in *ex parte* Dorman L. R. 8 Ch. App. 51, that such was not the effect of the language

of the Acts upon the ground that it could not be the intention of the Statute to give such rights where the other partners were solvent. The Appellate Court however was of opinion that where the firm is in fact insolvent the case comes within the mischief against which the order and disposition clause is intended to provide, and in this country it has been decided that the existence of an absent partner does not prevent the provisions of that clause attaching. The fifth section is intended to apply the order and disposition-clause to such cases as fall within the mischief which it is intended to prevent.

Much of the trade of the Presidency-towns is carried on by Gumáshtas on behalf of persons residing in remote parts of the Mufassal, and in many cases if such traders became insolvent they might be able, by taking advantage of the insolvency proceedings in the Procedure Code,* to embarass their general trade-creditors who would have much difficulty in supervising the proceedings in a Mufassal Court. The sixth section is intended to enable the creditors of such persons to have the liquidation of their affairs transferred to a Court with machinery better organised for the administration of bankrupt estates in cases where such a course is deemed by the Court to be expedient.

Sums in the aggregate considerable, though, in general, individually small, are from time to time left unclaimed in the hands of the official assignee, and so long ago as 1841 an Act was passed empowering the official assignee after the lapse of six years to distribute the amount of such unclaimed dividends rateably among the creditors who had proved the claims.

The language of this Act however was so singularly framed that it seems impossible that there ever could be a distribution made of such unclaimed dividends. The seventh section is intended to correct this.

* It was found some years ago in England that similar powers given to Scotch Courts were applied to the detriment of English creditors, and a modification of the Scotch Law was enacted to prevent its application to persons whose creditors were principally in another part of the United Kingdom, see 23 & 24 Vic., c. 33.

J. PITT KENNEDY.

The 23rd January, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 5, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st January, 1881 :—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques was referred, have had the report of the Indian Law Commissioners, 1879, duly communicated to us. We have carefully considered so much of it as relates to the present Bill, as well as the papers noted in the margin, and, in compliance with the wish of the Secretary of State for India, as expressed in his despatch (Legislative), No. 37, dated 7th October, 1880, we have the honour to submit this our fourth report.

From Secretary, Chamber of Commerce, Madras, dated 1st August, 1878, and enclosure [Papers No. 56].
„ Acting Chief Secretary to Government, Madras, No. 299, dated 14th February, 1879, and enclosures [Papers No. 58].
„ Ditto, ditto, ditto, No. 1343, dated 7th June, 1879, and enclosures [Papers No. 59].
„ J. Crawfurd, Esq., Registrar, High Court, Calcutta, No. 1123, dated 27th June, 1879 [Paper No. 60].
Note by Sir Charles Turner, Chief Justice, Madras, dated 22nd January, 1880 [Paper No. 61].
From Seth Lachman Dás, Muttra, dated 1st January, 1881 [Paper No. 62].

2. We agree with the Commissioners that uniformity of practice is particularly desirable in matters relating to negotiable paper, and, to facilitate the assimilation of the practice of shroffs to that of European merchants, we have declared (section 1) that local usages may be excluded by any words in the body of the instrument which indicate an intention that the legal relations of the parties thereto shall be governed by the proposed Act.

3. We have inserted explanations calculated to prevent doubts as to when a promise or order to pay is "conditional," when the sum payable is "certain," and when the person to whom the direction is given or payment is to be made is "a certain person," within the meaning of sections 4 and 5.

4. We have re-drawn section 20 as to inchoate stamped instruments, so as to make it express more accurately what we conceive to be the law on this subject.

5. We have also re-drawn sections 47 and 48 (as follows) :—

"43. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

Negotiable instrument made, &c., without consideration.

"*Exception I.*—No party for whose accommodation a negotiable instrument has been made, drawn, accepted or indorsed, can, if he have paid the amount thereof, recover thereon such amount from any person who became a party to such instrument for his accommodation.

"*Exception II.*—No party to the instrument who has induced any other party to make, draw, accept, indorse or transfer the same to him for a consideration which he has failed to pay or perform in full, shall recover thereon an amount exceeding the value of the consideration (if any) which he has actually paid or performed."

6. We have prefixed to the sections relating to negotiation clauses (section 46) relating to delivery generally, and to the effect recommended by the Commissioners.

7. We think the section (67, now 63) relating to the drawee's time for deliberation should provide that the holder of a bill "must, if so required by the drawee," allow him twenty-four hours (exclusive of public holidays) to consider whether he will accept, and we have amended this section accordingly.

8. We have made (section 76) presentment for payment unnecessary as against any party sought to be charged, if he has engaged to pay notwithstanding non-presentment.

9. We have in section 90 (now 86) substituted "qualified" for "conditional" and added a paragraph shewing when an acceptance is qualified.

10. We have provided (section 90) for the extinguishment of rights of action on a negotiated bill held, at or after maturity, by the acceptor in his own right.

11. We agree with Sir C. Turner that section 108 of the Bill in its fourth form—as to reasonable time for presentment—should be omitted. It seems inconsistent with section 107 (now 105), and declares a rule which is not only stricter than the existing law, but would, in our opinion, be highly inconvenient.

12. We have inserted a statement of the procedure in the case of an acceptance *supra protest*, and to section 112 (now 109) we have prefixed a clause shewing how acceptance for honour must be made.

13. We have declared (section 116) that a drawee in case of need may accept and pay the bill without previous protest.

14. We have made it appear that inland (as well as foreign) bills may be drawn in sets, and altered Chapter XIV (now XV) accordingly. We have made the exception to section 126 (now 132) run thus:—

"*Exception.*—When a person accepts or indorses different parts of the bill in favour of different persons, he *and the subsequent indorser of each part* are liable on such part as if it were a separate bill."

15. We have amended the second clause of section 125 (now 130, 131) (as to the non-liability of a banker who has received payment for a customer of a crossed cheque) in accordance with *Matthiessen* v. *London and County Banking Company*, 48 L. J. C. P. 529.

16. We have made most of the changes in arrangement and wording advised by the Commissioners, and recommend that the Bill as now revised be passed. It has now been more than thirteen years before the Council of the Governor General; it has been redrawn, copiously criticised and repeatedly revised; and without the experience derived from its actual operation, it is not likely to be further improved. But it should be published in the Gazettes, and, according to the orders of the Secretary of State, it must, before being passed, be sent to the Local Governments, translated into the vernaculars and submitted to him with this report.

WHITLEY STOKES.
B. W. COLVIN.
J. PITT KENNEDY.
G. C. PAUL.

The 20th January, 1881.

No. V.

THE NEGOTIABLE INSTRUMENTS BILL, 1881.

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SCHEDULE.

No. V.

A Bill to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques.

Preamble. WHEREAS it is expedient to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called "The Negotiable Instruments Act, 1881:" Bill II, s. 1: Bill III, s. 2.

Local extent. It extends to the whole of British India; but

Saving of usages relating to hundís, &c. nothing herein contained affects the Indian Paper Currency Act, 1871, section twenty-one, or affects any local usage relating to any instrument in an oriental language: Provided that such usages may be excluded by any words in the body of the instrument which indicate an intention that the legal relations of the parties thereto shall be governed by this Act;

Commencement. and it shall come into force on the first day of January, 1882.

Repeal of enactments. 2. On and from that day the enactments specified in the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof. Bill II, s. 2: Bill III, s. 2.

Interpretation-clause. 3. In this Act—

"Banker." "Banker" includes also persons or a corporation or company acting as bankers; and Bill II, s. 3: Bill III, s. 2 & 39 & 40 Vic., c. 81, s. 3.

"Notary Public." "Notary Public" includes also any officer appointed by the Governor General in Council to perform the functions of a Notary Public under this Act.

CHAPTER II.

OF NOTES, BILLS AND CHEQUES.

Promissory Note. 4. A promissory note is an instrument in writing (not being a bank note or a currency note) containing an unconditional undertaking, signed by the maker, to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument. Bill II, s. 4: Bill III, s. 4. Byles on Bills, (12th edition), pp. 5, 94. 3 & 4 Anne, c. 9 (Byles 481). Byles 1, 203: Byles 10: Byles 93: Byles 6.

Illustrations.

A signs instruments in the following terms:—

(a) "I promise to pay B or order Rs. 500."

(b) "I acknowledge myself to be indebted to B in Rs. 1,000 to be paid on demand, for value received."

(c) "Mr. B, I O U Rs. 1,000."

(d) "I promise to pay B Rs. 500 and all other sums which shall be due to him."

(e) "I promise to pay B Rs. 500, first deducting thereout any money which he may owe me."

(f) "I promise to pay B Rs. 500 seven days after my marriage with C."

(g) "I promise to pay B Rs. 500 on D's death, provided D leaves me enough to pay that sum."

(h) "I promise to pay B Rs. 500 and to deliver to him my black horse on 1st January next."

The instruments respectively marked (a) and (b) are promissory notes. The instruments respectively marked (c), (d), (e), (f), (g) and (h) are not promissory notes.

Bill II, s. 5: Bill III, s. 5: Byles 1, 75: 81, 94, 97: Byles 1, 794, 96: Byles 75, 81.

Bill of exchange. 5. A bill of exchange is an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person or to the bearer of the instrument.

A promise or order to pay is not "conditional," within the meaning of this section and section four, by reason of the time for payment of the amount or any instalment thereof being expressed to be on the lapse of a certain period after the occurrence of a specified event which, according to the ordinary expectation of mankind, is certain to happen, although the time of its happening may be uncertain.

The sum payable may be "certain," within the meaning of this section and section four, although it includes future interest or is payable at an indicated rate of exchange, or is according to the course of exchange, and although the instrument provides that, on default of payment of an instalment, the balance unpaid shall become due.

The person to whom it is clear that the direction is given or that payment is to be made may be a "certain person," within the meaning of this section and section four, although he is mis-named or designated by description only.

Bill II, s. 6: Bill III, s. 6: Byles 12.

Cheque. 6. A cheque is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand.

Bill II, s. 7: Bill III, s. 7.

"Drawer." "Drawee." 7. The maker of a bill of exchange or cheque is called the "drawer;" the person thereby directed to pay is called the "drawee."

"Drawee in case of need." When in the bill or in any indorsement thereon the name of any person is given in addition to the drawee to be resorted to in case of need, such person is called a "drawee in case of need."

"Acceptor." After the drawee of a bill has signed his assent upon the bill, or if there are more parts thereof than one, upon one of such parts, and delivered the same, or given notice of such signing to the holder or to some person on his behalf, he is called the "acceptor."

"Acceptor for honour." When acceptance is refused and the bill is protested for non-acceptance, and any person accepts it *supra protest* for honour of the drawer or of any one of the indorsers, such person is called an "acceptor for honour."

"Payee." The person named in the instrument, to whom or to whose order the money is by the instrument directed to be paid, is called the "payee."

"Holder." 8. The "holder" of a promissory note, bill of exchange or cheque means any person entitled in his own name to the possession thereof and to receive or recover the amount due thereon from the parties thereto. Draft, s. 8: Bill II, s. 8: Bill III, s. 8: Byles 2.

Where the note, bill or cheque is lost or destroyed, its holder is the person so entitled at the time of such loss or destruction.

"Holder in due course." 9. "Holder in due course" means any person who for consideration became the possessor of a promissory note, bill of exchange or cheque if payable to bearer, Draft, s. 12: Bill II, s. 9: Bill III, s. 9: 1 Parsons 255: Byles 164.

or the payee or indorsee thereof, if payable to, or to the order of, a payee,

before the amount mentioned in it became payable, and without having sufficient cause to believe that any defect existed in the title of the person from whom he derived his title.

"Payment in due course." 10. "Payment in due course" means payment in accordance with the apparent tenor of the instrument in good faith and without negligence to any person in possession thereof under circumstances which do not afford a reasonable ground for believing that he is not entitled to receive payment of the amount therein mentioned. Draft, ss. 36, 115: Bill II, s. 10: Bill III, s. 10: Byles on Bills (12th edition), 221: 39 & 40 Vic., c. 81, s. 11.

Inland instrument. 11. A promissory note, bill of exchange or cheque drawn or made in British India, and made payable in, or drawn upon any person resident in, British India shall be deemed to be an inland instrument. Bill II, s. 11: Bill III, s. 11: Act V of 1866, s. 12.

Foreign instrument. 12. Any such instrument not so drawn, made or made payable shall be deemed to be a foreign instrument. Bill II, s. [illegible]: Bill III, s. [illegible].

"Negotiable instrument." 13. A "negotiable instrument" means a promissory note, bill of exchange or cheque expressed to be payable to a specified person or his order, or to the order of a specified person, or to the bearer thereof, or to a specified person or the bearer thereof. Draft, s. [illegible]: Bill II, s. [illegible]: Bill III, s. [illegible].

Negotiation. 14. When a promissory note, bill of exchange or cheque is transferred to any person, so as to constitute that person the holder thereof, the instrument is said to be negotiated. Draft, s. [illegible]: Bill II, s. [illegible]: Bill III, s. [illegible].

Indorsement. 15. When the maker or holder of a negotiable instrument signs the same, otherwise than as such maker, for the purpose of negotiation, on the back or face thereof or on a slip of paper annexed thereto, or so signs for the same purpose a stamped paper intended to be completed as a negotiable instrument, he is said to indorse the same, and is called the "indorser." Draft, s. 20: Bill II, s. 15: Bill III, s. 15: *Denton* v. *Peters*, L. R. 5 Q. B. [illegible]: *Ex parte Cole*, L. R. 9 Ch. App. 27: Byles 165: Byles 150.

Indorsement "in blank" and "in full." 16. If the indorser signs his name only, the indorsement is said to be "in blank," and if he adds a direction to pay the amount mentioned in the instrument to, or to the order of, a specified person, the indorsement is said to be "in full;" and the person so specified is called the "indorsee" of the instrument. Bill II, s. 16: Bill III, s. 16.

"Indorsee."

Bill II, s. 17: Bill III, s. 17: Byles 91: Bayley (6th edition) 8.

17. Where an instrument may be construed either as a promissory note or bill of exchange, the holder may at his election treat it as either, and the instrument shall be thenceforward treated accordingly.

Ambiguous instruments.

Draft, s. 2: Bill II, s. 18: Bill III, s. 18: Byles 84: Bayley 12 (*Saunderson* v. *Piper*).

18. If the amount undertaken or ordered to be paid is stated differently in figures and in words, the amount stated in words shall be the amount undertaken or ordered to be paid.

Where amount is stated differently in figures and words.

Bill II, s. 19: Bill III, s. 19: 1 Parsons 271: Byles 13, 212: *Aldous* v. *Cornwell*, L. R. 3 Q. B. 573.

19. A promissory note or bill of exchange, in which no time for payment is specified, and a cheque are payable on demand.

Instruments payable on demand.

Bill II, s. 20: Bill III, s. 20: Byles 88, 165, 188: *Foster* v. *Mackinnon*, L. R. 4 C. P. 704: Byles 84.

20. Where one person signs and delivers to another a paper stamped in accordance with the law relating to negotiable instruments then in force in British India, and either wholly blank or having written thereon an incomplete negotiable instrument, he thereby gives *primâ facie* authority to the holder thereof to make or complete, as the case may be, upon it a negotiable instrument, for any amount specified therein and not exceeding the amount covered by the stamp. The person so signing shall be liable upon such instrument, in the capacity in which he signed the same, to any holder in due course for such amount: provided that no person other than a holder in due course shall recover from the person delivering the instrument anything in excess of the amount intended by him to be paid thereunder.

Inchoate stamped instruments.

Bill II, s. 23: Bill III, s. 22: Byles 80, 180, 206, 209, 528: 24 & 25 Vic., c. 74, s. 2.

21. In a promissory note or bill of exchange the expressions "at sight" and "on presentment" mean on demand. The expression "after sight" means, in a promissory note, after presentment for sight, and, in a bill of exchange, after acceptance, or noting for non-acceptance, or protest for non-acceptance.

"At sight."
"On presentment."
"After sight."

Draft, s. 78: Bill II, s. 22: Bill III, s. 23.

New.

22. The maturity of a promissory note or bill of exchange is the date at which it falls due.

Every promissory note or bill of exchange which is not expressed to be payable on demand, at sight, or on presentment, is at maturity on the third day after the day on which it is expressed to be payable.

"Maturity."

Days of grace.

Draft, s. 79: Bill II, s. 24: Bill III, s. 24: Byles 206.

23. In calculating the date at which a promissory note or bill of exchange, made payable a stated number of months after date or after sight, or after a certain event, is at maturity, the period stated shall be held to terminate on the day of the month which corresponds with the day on which the instrument is dated, or presented for acceptance or sight, or noted for non-acceptance, or protested for non-acceptance, or the event happens, or, where the instrument is a bill of exchange made payable a stated number of months after sight and has been accepted for honour, with the day on which it was so accepted. If the month in which the period would terminate has no corresponding day, the period shall be held to terminate on the last day of such month.

Calculating maturity of bill or note payable so many months after date or sight.

Illustrations.

(*a*). A negotiable instrument, dated 29th January, 1878, is made payable at one month after date. The instrument is at maturity on the third day after the 28th February, 1878.

(*b*). A negotiable instrument, dated 30th August, 1878, is made payable three months after date. The instrument is at maturity on the 3rd December, 1878.

(*c*). A promissory note or bill of exchange, dated 31st August, 1878, is made payable three months after date. The instrument is at maturity on the 3rd December, 1878.

Draft, s. 80: Bill II, s. 25: Bill III, s. 25: Byles 206.

24. In calculating the date at which a promissory note or bill of exchange made payable a certain number of days after date or after sight or after a certain event, is at maturity, the day of the date, or of presentment for acceptance or sight, or of protest for non-acceptance, or on which the event happens, shall be excluded.

Calculating maturity of bill or note payable so many days after date or sight.

Draft, s. 80: Bill II, s. 26: Bill III, s. 26: Byles 208.

25. When the day on which a promissory note or bill of exchange is at maturity is a public holiday, the instrument shall be deemed to be due on the next preceding business day.

Explanation.—The expression "public holiday" includes Sundays: New-Year's day, Christmas day: if either of such days falls on a Sunday, the next following Monday: Good-Friday; and any other day declared by the Local Government, by notification in the official Gazette, to be a public holiday.

When day of maturity is a holiday.

CHAPTER III.

PARTIES TO NOTES, BILLS AND CHEQUES.

Bill II, s. 28: Bill III, s. 28: See 37 & 38 Vic., c. 62, s. 1 (Byles 8th edition) 28.

26. Every person capable of contracting, according to the law to which he is subject, may bind himself and be bound by the making, drawing, acceptance, indorsement, delivery and negotiation of a promissory note, bill of exchange or cheque.

Capacity to make, &c., promissory notes, &c.

Byles 61.

A minor may draw, indorse, deliver and negotiate such instruments so as to bind all parties except himself.

Minor.

Nothing herein contained shall be deemed to empower a corporation to make, indorse or accept such instruments except in cases in which, under the law for the time being in force, they are so empowered.

Bill II, s. 29: Bill III, s. 29: Byles 31.

27. Every person capable of binding himself or of being bound, as mentioned in section twenty-six, may so bind himself or be bound by a duly authorized agent acting in his name.

Agency.

A general authority to transact business and to receive and discharge debts does not confer upon an agent the power of accepting or indorsing bills of exchange so as to bind his principal.

Byles 30.

An authority to draw bills of exchange does not of itself import an authority to indorse.

Byles 30.

Draft, s. 81: Bill II, s. 30: Bill III, s. 30.

28. An agent who signs his name to a promissory note, bill of exchange or cheque, without indicating thereon that he signs as agent, or that he does not intend thereby to incur personal responsibility, is liable personally on the

Liability of agent signing.

Act IX of 1872, s. 234.

instrument, except to those who induced him to sign upon the belief that the principal only would be held liable.

Byles 57: Bill III, s. 31.

29. A legal representative of a deceased person who signs his name to a promissory note, bill of exchange or cheque is liable personally thereon unless he expressly limits his liability to the extent of the assets received by him as such.

Liability of legal representative signing.

Draft, ss. 17, 73: Bill II, s. 44: Bill III, s. 34: Byles 3, 245: Bayley 48: Byles 220.

30. The drawer of a bill of exchange or cheque is bound, in case of dishonour by the drawee or acceptor thereof, to compensate the holder under Chapter XII, provided due notice of dishonour has been given to, or received by, the drawer as hereinafter provided.

Liability of drawer.

Bill II, s. 45: Bill III, s. 35: Byles 18, 19, 185: Chitty 56: Grant on Bankers, 51: *Gray* v. *Johnston*, L. R. 3 E. and I. App. 1.

31. The drawee of a cheque having sufficient funds of the drawer in his hands properly applicable to the payment of such cheque, must pay the cheque when duly required so to do, and, in default of such payment, must compensate the drawer for any loss or damage caused by such default.

Liability of drawee of cheque.

Draft, ss. 60, 65: Bill II, s. 46: Bill III, s. 36: Byles 190, 193: Draft, s. 60: Bayley 44: Byles 210.

32. In the absence of a contract to the contrary, the maker of a promissory note and the acceptor before maturity of a bill of exchange, are bound to pay the amount thereof at maturity according to the apparent tenor of the note or acceptance respectively, and the acceptor of a bill of exchange at or after maturity is bound to pay the amount thereof to the holder on demand.

Liability of maker of note and acceptor of bill.

In default of such payment as aforesaid, such maker or acceptor is bound to compensate any party to the note or bill for any loss or damage sustained by him, and caused by such default.

Draft, s. 61: Bill II, s. 47: Bill III, s. 37: Byles 197, 198.

33. No person except the drawee of a bill of exchange, or all or some of several drawees, or a person named therein as a drawee in case of need, or an acceptor for honour, can bind himself by an acceptance.

Only drawee can be acceptor except in need or for honour.

Draft, s. 59: Bill II, s. 41: Bill III, s. 33.

34. Where there are several drawees of a bill of exchange who are not partners, each of them can accept it for himself, but none of them can accept it for another without his authority.

Acceptance by several drawees not partners.

Draft, ss. 26, 33, 37 (para. 2), 46, 64, 65, 69 and 98: Bill II, s. 48: Bill III, s. 38: Byles 153, 205, 206: Robertson v. Kensington, 4 Taunt. 30: Byles 153, 155: Shaw v. Pompe, 30 L. J., C. P. 75: Horwitz v. Bourgeois, 3 C. P. Div. 9.

35. In the absence of a contract to the contrary, whoever indorses and delivers a negotiable instrument before maturity, without, in such indorsement, expressly excluding or making conditional his own liability, is bound thereby to every subsequent holder, in case of dishonour by the drawee, acceptor or maker, to compensate such holder for any loss or damage caused to him by such dishonour, provided due notice of dishonour has been given to, or received by, such indorser as hereinafter provided.

Liability of indorser.

Draft, s. 44.

Every indorser after dishonour is liable as upon an instrument payable on demand.

Draft, ss. 68, 71: Bill II, s. 49: Bill III, s. 39: Byles 166: *O'Keefe* v. *Dunn*, 6 Taunt. 305: 5 M. & S. 282.

36. Every prior party to a negotiable instrument is liable thereon to a holder in due course until the instrument is duly satisfied.

Liability of prior parties to holder in due course.

Bill II, s. 50: Bill III, s. 40: Byles 245.

37. The maker of a promissory note or cheque, the drawer of a bill of exchange until acceptance, and the acceptor are, in the absence of a contract to the contrary, respectively liable thereon as principal debtors, and the other parties thereto are liable thereon as sureties for the maker, drawer or acceptor, as the case may be.

Maker, drawer and acceptor principals.

Bill II, s. 51: Bill III, s. 41: Byles 245.

38. As between the parties so liable as sureties, each prior party is, in the absence of a contract to the contrary, also liable thereon as a principal debtor in respect of each subsequent party.

Prior party a principal in respect of each subsequent party.

Illustration.

A draws a bill payable to his own order on B, who accepts. A afterwards indorses the bill to C, C to D, and D to E. As between E and B, B is the principal debtor, and A, C and D are his sureties. As between E and A, A is the principal debtor, and C and D are his sureties. As between E and C, C is the principal debtor and D is his surety.

Bill II, s. 52: Bill III, s. 42: *Owen* v. *Homan*, 4 H. L. Cas. 997: *Muir* v. *Crawford*, L. R. 2 Sc. App. 456.

39. When the holder of an accepted bill of exchange enters into any contract with the acceptor which under section 134 or 135 of the Indian Contract Act, 1872, would discharge the other parties, the holder may expressly reserve his right to charge the other parties, and in such case they are not discharged.

Suretyship.

Draft, s. [illegible]: Bill II, [illegible]: Act [illegible] of 1872, s. [illegible].

40. Where the holder of a negotiable instrument, without the consent of the indorser, destroys or impairs the indorser's remedy against a prior party, the indorser is discharged from liability to the holder to the same extent as if the instrument had been paid at maturity.

Discharge of indorser's liability.

Illustration.

A is the holder of a bill of exchange made payable to the order of B, which contains the following indorsements in blank:—

First indorsement, "B."
Second indorsement, "Peter Williams."
Third indorsement, "Wright and Co."
Fourth indorsement, "John Rozario."

This bill A puts in suit against John Rozario and strikes out, without John Rozario's consent, the indorsements by Peter Williams and Wright and Co. A is not entitled to recover anything from John Rozario.

Draft, s. 30: Bill II, s. 53: Bill III, s. 43: Byles 200, 201.

41. An acceptor of a bill of exchange already indorsed is not relieved from liability by reason that such indorsement is forged, if he knew or had reason to believe the indorsement to be forged when he accepted the bill.

Acceptor bound, although indorsement forged.

Bill II, s. 59: Bill III, s. 48: Byles 201: *Cooper* v. *Meyer*, 10 B. & C. 468: Act I of 1872, s. 117.

42. An acceptor of a bill of exchange drawn in a fictitious name and payable to the drawer's order is not, by reason that such name is fictitious, relieved from liability to any holder in due course claiming under an indorsement by the same hand as the drawer's signature, and purporting to be made by the drawer.

Acceptance of bill drawn in fictitious name.

New.

43. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

Negotiable instrument made, &c., without consideration.

Exception I.—No party for whose accommodation a negotiable instrument has been made, drawn, accepted or indorsed, can, if he have paid the amount thereof, recover thereon such amount from any person who became a party to such instrument for his accommodation.

Exception II.—No party to the instrument who has induced any other party to make, draw, accept, indorse or transfer the same to him for a consideration which he has failed to pay or perform in full, shall recover thereon an amount exceeding the value of the consideration (if any) which he has actually paid or performed.

Draft, s. 54: Bill II, s. 62: Bill III, s. 51: Byles 130.

44. When the consideration for which a person signed a promissory note, bill of exchange or cheque consisted of money, and was originally absent in part or has subsequently failed in part, the sum which a holder standing in immediate relation with such signer is entitled to receive from him is proportionally reduced.

Partial absence or failure of money-consideration.

Explanation.—The drawer of a bill of exchange stands in immediate relation with the acceptor. The maker of a promissory note, bill of exchange or cheque, stands in immediate relation with the payee, and the indorser with his indorsee. Other signers may by agreement stand in immediate relation with a holder.

Illustration.

A draws a bill on B for Rs. 500 payable to the order of A. B accepts the bill, but subsequently dishonours it by non-payment. A sues B on the bill. B proves that it was accepted for value as to Rs. 400, and as an accommodation to the plaintiff as to the residue. A can only recover Rs. 400.

Draft, s. 55: Bill II, s. 63: Bill III, s. 52.

45. Where a part of the consideration for which a person signed a promissory note, bill of exchange or cheque, though not consisting of money, is ascertainable in money without collateral enquiry, and there has been a failure of that part, the sum which a holder standing in immediate relation with such signer is entitled to receive from him is proportionally reduced.

Partial failure of consideration not consisting of money.

CHAPTER IV.

OF NEGOTIATION.

46. The making, acceptance or indorsement of a promissory note, bill of exchange or cheque is completed by delivery, actual or constructive.

Delivery.

As between parties standing in immediate relation, delivery to be effectual must be made by the party making, accepting or indorsing the instrument, or by a person authorized by him in that behalf.

As between such parties and any holder of the instrument other than a holder in due course, it may be shown that the instrument was delivered conditionally or for a special purpose only, and not for the purpose of transferring absolutely the property therein.

A promissory note, bill of exchange or cheque payable to bearer is negotiable by the delivery thereof.

A promissory note, bill of exchange or cheque payable to order is negotiable by the holder by indorsement and delivery thereof.

Draft, s. 18: Bill II, s. 64: Bill III, s. 53: Byles 148.

47. Subject to the provisions of section fifty-eight, a promissory note, bill of exchange or cheque payable to bearer is negotiable by delivery thereof.

Negotiation by delivery.

Exception.—A promissory note, bill of exchange or cheque delivered on condition that it is not to take effect except in a certain event is not negotiable (except in the hands of a holder for value without notice of the condition) unless such event happens.

Illustrations.

(*a*). A, the holder of a negotiable instrument payable to bearer, delivers it to B's agent to keep for B. The instrument has been negotiated. Byles 148, note (*c*).

(*b*). A, the holder of a negotiable instrument payable to bearer which is in the hands of A's banker, who is at the time the banker of B, directs the banker to transfer the instrument to B's credit in the banker's account with B. The banker does so, and accordingly now possesses the instrument as B's agent. The instrument has been negotiated, and B has become the holder of it.

Draft, s. 19: Bill II, s. 65: Bill III, s. 54: *Denton v. Peters*, L.R. 5 Q.B. 475: *Reports Com.*, L. R. 9 Ch. App. 27.

48. Subject to the provisions of section fifty-eight, a promissory note, bill of exchange or cheque payable to the order of a specified person, or to a specified person or order, is negotiable by the holder by indorsement and delivery thereof.

Negotiation by indorsement.

Draft, s. 21: Bill II, s. 66: Bill III, s. 57: Byles 150, 151.

49. The holder of a negotiable instrument indorsed in blank may, without signing his own name, by writing above the indorser's signature a direction to pay to any other person as indorsee, convert the indorsement in blank into an indorsement in full; and the holder does not thereby incur the responsibility of an indorser.

Conversion of indorsement in blank into indorsement in full.

Draft, ss. 20, 30: Bill II, ss. 66, 70: Bill III, ss. 56, 59: Byles 152.

50. The indorsement of a negotiable instrument followed by delivery transfers to the indorsee the property therein with the right of further negotiation; but the indorsement may, by express words, restrict or exclude such right, or may merely constitute the indorsee an agent to indorse the instrument, or to receive its contents for the indorser, or for some other specified person.

Effect of indorsement.

Illustrations.

B signs the following indorsements on different negotiable instruments payable to bearer:—

(*a*) "Pay the contents to C only."

(*b*) "Pay C for my use."

(*c*) "Pay C or order for the account of B."

(*d*) "The within must be credited to C."

These indorsements exclude the right of further negotiation by C.

(*e*) "Pay C."

(*f*) "Pay C value in account with the Oriental Bank."

(*g*) "Pay the contents to C, being part of the consideration in a certain deed of assignment executed by C to the indorser and others."

These indorsements do not exclude the right of further negotiation by C.

Draft, ss. 20, 27: Bill II, s. 71: Bill III, s. 60.

51. Every sole maker, drawer, payee or indorsee, or all of several joint makers, drawers, payees or indorsees, of a negotiable instrument may, if the negotiability of such instrument has not been restricted or excluded, as mentioned in section fifty, indorse and negotiate the same.

Who may negotiate.

Explanation.—Nothing in this section enables a maker or drawer to indorse or negotiate an instrument, unless he is in lawful possession or is holder thereof; or enables a payee or indorsee to indorse or negotiate an instrument, unless he is holder thereof.

Illustration.

A bill is drawn payable to A or order. A indorses it to B, the indorsement not containing the words "or order" or any equivalent words. B may negotiate the instrument.

Draft, ss. 32, 45: Bill II, s. 72: Bill III, s. 61: Byles 153.

52. The indorser of a negotiable instrument may, by express words in the indorsement, exclude his own liability thereon, or make such liability or the right of the indorsee to receive the amount due thereon, depend upon the happening of a specified event, although such event may never happen.

Indorser who excludes his own liability or makes it conditional.

Where an indorser so excludes his liability and afterwards becomes the holder of the instrument, all intermediate indorsers are liable to him.

Illustrations.

(*a*) The indorser of a negotiable instrument signs his name, adding the words—

"Without recourse."

Upon this indorsement he incurs no liability.

(*b*) A is the payee and holder of a negotiable instrument. Excluding personal liability by an endorsement "without recourse," he transfers the instrument to B, and B indorses it to C, who indorses it to A. A is not only reinstated in his former rights, but has the rights of an indorsee against B and C.

Draft, s. 40: Bill II, s. 73: Bill III, s. 64.

53. A holder of a negotiable instrument who derives title from a holder in due course has the rights thereon of that holder in due course.

Holder deriving title from holder in due course.

Draft, ss. 22, 33: Bill II, s. 74: Bill III, s. 65.

54. Subject to the provisions hereinafter contained as to crossed cheques, a negotiable instrument indorsed in blank is payable to the bearer thereof even although originally payable to order.

Instrument indorsed in blank.

Draft, ss. 22, 34: Bill II, s. 75: Bill III, s. 66.

55. If a negotiable instrument after having been indorsed in blank is indorsed in full, the amount of it cannot be claimed from the indorser in full, except by the person to whom it has been indorsed in full, or by one who derives title through such person.

Conversion of indorsement in blank into indorsement in full.

Draft, ss. 23, 35: Bill II, s. 76: Bill III, s. 67: Byles 154.

56. No writing on a negotiable instrument is valid for the purpose of negotiation if such writing purports to transfer only a part of the amount appearing to be due on the instrument; but where such amount has been partly paid, a note to that effect may be endorsed on the instrument, which may then be negotiated for the balance.

Indorsement for part of sum due.

Draft, s. 12: Bill II, s. 77: Bill III, s. 68: Byles 155.

57. The legal representative of a deceased person cannot negotiate by delivery only a promissory note, bill of exchange or cheque payable to order and indorsed by the deceased but not delivered.

Legal representative cannot by delivery only negotiate instrument indorsed by deceased.

Draft, s. 24: Bill II, s. 78: Bill III, s. 69: Byles 156.

58. When a negotiable instrument has been lost, or has been obtained from any maker, acceptor or holder thereof by means of an offence or fraud, or for an unlawful consideration, no possessor or indorsee who claims through the person who found or so obtained the instrument is entitled to receive the amount due thereon from such maker, acceptor or holder, or from any party prior to such holder, unless such possessor or indorsee is, or some person through whom he claims was, a holder thereof in due course.

Instrument obtained by unlawful means or for unlawful consideration.

Draft, s. 26: Bill II, s. 79: Bill III, s. 70: Byles 164.

59. The holder of a negotiable instrument, who has acquired it after dishonour, whether by non-acceptance or non-payment, with notice thereof, or after maturity, has only, as against the other parties, the rights thereon of his transferor:

Instrument acquired after dishonour or when overdue.

Draft, s. 29 and proviso, s. 60: Bill II, s. 80: Bill III, s. 71: Byles 165.

Provided that any person who, in good faith and for consideration, becomes the holder, after maturity, of a promissory note or bill of exchange made, drawn or accepted without consideration for the purpose of enabling some party thereto to raise money thereon, may recover the amount of the note or bill from any prior party.

Accommodation note or bill.

Illustration.

The acceptor of a bill of exchange, when he accepted it, deposited with the drawer certain goods as a collateral security for the payment of the bill, with power to the drawer to sell the goods and apply the proceeds in discharge of the bill if it were not paid at maturity. The bill not having been paid at maturity, the drawer sold the goods and retained the proceeds, but indorsed the bill to A. A's title is subject to the same objection as the drawer's title.

Draft, s. 31: Bill II, s. 81: Bill III, s. 72: Byles 166.

60. A negotiable instrument may be [illegible] dated (except by the drawer or acceptor) [illegible] payable [illegible] at maturity until payment or satisfaction thereof by the maker, drawer or acceptor at or after maturity, but not after such payment or satisfaction.

Instrument negotiable till payment or satisfaction.

CHAPTER V.

OF PRESENTMENT.

Draft, s. 32: Bill II, s. 82: Bill III, s. 73: Byles 167.

61. A bill of exchange payable after sight must, if no time or place is specified therein for presentment, be presented to the drawee thereof for acceptance, if he can, after reasonable search, be found, by a person entitled to demand acceptance, within a reasonable time after it is drawn, and in business-hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default.

Presentment for acceptance.

If the drawee cannot, after reasonable search, be found, the bill is dishonoured.

If the bill is directed to the drawee at a particular place, it must be presented at that place; and if at the due date for presentment he cannot, after reasonable search, be found there, the bill is dishonoured.

Bill II, s. 83: Bill III, s. 74: Byles 168.

62. A promissory note, payable at a certain period after sight, must be presented to the maker thereof for sight (if he can

Presentment of promissory note for sight.

after reasonable search be found) by a person entitled to demand payment, within a reasonable time after it is made and in business-hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default.

Draft, s. 56: Bill II, s. 84: Bill III, s. 73: Byles 183.

Drawee's time for deliberation.

63. The holder must, if so required by the drawee of a bill of exchange presented to him for acceptance, allow the drawee twenty-four hours (exclusive of public holidays) to consider whether he will accept it.

Draft, s. 138: Bill II, s. 85: Bill III, s. 74.

Presentment for payment.

64. Promissory notes, bills of exchange and cheques must be presented for payment to the maker, acceptor or drawee thereof respectively, by or on behalf of the holder as hereinafter provided. In default of such presentment, the other parties thereto are not liable thereon to such holder.

Byles 216.

Exception.—Where a promissory note is payable on demand and is not payable at a specified place, no presentment is necessary in order to charge the maker thereof.

Bill II, s. 86: Bill III, s. 75: Draft, s. 137: Byles 213.

Hours for presentment.

65. Presentment for payment must be made during the usual hours of business, and, if at a banker's, within banking hours.

Draft, s. 133: Bill II, s. 87: Bill III, s. 76. Byles 208, [illegible].

Presentment for payment of instrument payable after date or sight.

66. A promissory note or bill of exchange, made payable at a specified period after date or sight thereof, must be presented for payment at maturity.

Bill II, s. 88: Bill III, s. 77: Byles 7.

Presentment for payment of promissory note payable by instalments.

67. A promissory note payable by instalments must be presented for payment on the third day after the date fixed for payment of each instalment; and non-payment on such presentment has the same effect as non-payment of a note at maturity.

Draft, s. 138: Bill II, s. 89: Bill III, s. 78: [illegible] 91 of [illegible], s. 1: [illegible] Ged. 78 [illegible] 490).

Presentment for payment of instrument payable at specified place and not elsewhere.

68. A promissory note, bill of exchange or cheque made, drawn or accepted payable at a specified place and not elsewhere must, in order to charge any party thereto, be presented for payment at that place.

Draft, ss. 139, 140: Bill II, s. 90: Bill III, s. 79: Byles 214.

Instrument payable at specified place.

69. A promissory note or bill of exchange made, drawn or accepted payable at a specified place must, in order to charge the maker or drawer thereof, be presented for payment at that place.

Draft, ss. 139, 140, 142: Bill II, s. 91: Bill III, s. 80. Byles 214.

Presentment where no exclusive place specified,

70. A promissory note or bill of exchange, not made payable as mentioned in sections sixty-eight and sixty-nine, must be presented for payment at the place of business (if any), or at the usual residence, of the maker, drawee or acceptor thereof, as the case may be.

[illegible] 141: [illegible]

Presentment when [illegible], &c., has no known place of business or fixed residence.

71. If the maker, drawee or acceptor of a negotiable instrument has no known place of business or fixed residence, and no place is specified in the instrument for presentment for acceptance or payment, such presentment may be made to him in person wherever he can be found.

Bill II, s. 93: Bill III, s. 82: Byles 21, 210.

Presentment of cheque to charge drawer.

72. A cheque must, in order to charge the drawer, be presented at the bank upon which it is drawn before the relation between the drawer and his banker has been altered to the prejudice of the drawer.

Byles 20.

Bill II, s. 94: Bill III, s. 83: Byles 21.

Presentment of cheque to charge any other person.

73. A cheque must, in order to charge any person except the drawer, be presented within a reasonable time after delivery thereof by such person.

Draft, s. 134: Bill II, s. 95: Bill III, s. 84: Byles 211.

Presentment of instrument payable on demand.

74. Subject to the provisions of section thirty-one, a negotiable instrument payable on demand must be presented for payment within a reasonable time after it is received by the holder.

Bill II, s. 96: Bill III, s. 85: Parsons 500.

Presentment by or to agent, representative of deceased, or assignee of insolvent.

75. Presentment for acceptance or payment may be made to the duly authorized agent of the drawee, maker or acceptor, as the case may be, or, where the drawee, maker or acceptor has died, to his legal representative, or, where he has been declared an insolvent, to his assignee.

Draft, ss. 89, 91: Bill II, s. 96 Bill III, s. 86 Byles 218.

When presentment unnecessary.

76. No presentment for payment is necessary, and the instrument is dishonoured at the due date for presentment, in any of the following cases:—

(*a*) if the maker, drawee or acceptor intentionally prevents the presentment of the instrument,

or, if the instrument being payable at his place of business, he closes such place on a business day during the usual business-hours, or

if the instrument being payable at some other specified place, neither he nor any person authorized to pay it attends at such place during the usual business-hours, or

if the instrument not being payable at any specified place, he cannot after due search be found;

(*b*) as against any party sought to be charged therewith, if he has engaged to pay notwithstanding non-presentment;

(*c*) as against any party if, after maturity, with knowledge that the instrument has not been presented—

he makes a part payment on account of the amount due on the instrument,

or promises to pay the amount due thereon in whole or in part,

or otherwise waives his right to take advantage of any default in presentment for payment;

(*d*) as against the drawer, if the drawer could not suffer damage from the want of such presentment.

Terry v. *Parker*, 6 Ad. & E. 502: *Wirth* v. *Austin*, L. R. 10 C. P. 689.

Liability of banker for negligently dealing with bill presented for payment.

77. When a bill of exchange, accepted payable at a specified bank, has been duly presented there for payment and dishonoured, if the banker so negligently or improperly keeps, deals with or delivers back such bill as to cause loss to the holder, he must compensate the holder for such loss.

CHAPTER VI.

OF PAYMENT AND INTEREST.

Bill II, s. 100: Bill III, s. 88: Byles 220.

To whom payment should be made.

78. Subject to the provisions of section eighty-two, clause (*c*), payment of the amount due on a promissory note, bill of exchange or cheque must, in order to discharge the maker or acceptor, be made to the holder of the instrument.

Bill II, s. 101: Bill III, s. 89: Byles 306, 307.

Interest when rate specified.

79. When interest at a specified rate is expressly made payable on a promissory note or bill of exchange, interest shall be calculated at the rate specified, on the amount of the principal money due thereon, from the date of the instrument, until tender or realization of such amount, or until such date after the institution of a suit to recover such amount as the Court directs.

Draft, s. 65: Bill II, s. 102: Bill III, s. 90: Byles 306, 307, 308.

Interest when no rate specified.

'ten,' Bank of Bengal.

80. When no rate of interest is specified in the instrument, interest on the amount due thereon shall, except in cases provided for by the Code of Civil Procedure, section 532, be calculated at the rate of six percentum per annum, from the date at which the same ought to have been paid by the party charged, until tender or realization of the amount due thereon or until such date after the institution of a suit to recover such amount as the Court directs.

Byles 308.

Explanation.—When the party charged is the indorser of an instrument dishonoured by non-payment, he is liable to pay interest only from the time that he receives notice of the dishonour.

Draft, s. 82: Bill II, s. 103: Bill III, s. 91: Byles 378: See Pro. Code, s. 51.

Delivery of instrument on payment, or indemnity in case of loss.

81. Any person liable to pay, and called upon by the holder thereof to pay, the amount due on a promissory note, bill of exchange or cheque is before payment entitled to have it shown, and is on payment entitled to have it delivered up, to him, or, if the instrument is lost or cannot be produced, to be indemnified against any further claim thereon against him.

CHAPTER VII.

OF DISCHARGE FROM LIABILITY ON NOTES, BILLS AND CHEQUES.

Draft, s. 85: Bill II, s. 104: Bill III, s. 92.

Discharge from liability—

Byles 154, 199: Draft, s. 86.

by cancellation;

Byles 198, 200.

by release;

87. 121.

by payment.

82. The maker, acceptor or indorser respectively of a negotiable instrument is discharged from liability thereon—

(*a*) to a holder thereof who cancels such acceptor's or indorser's name with intent to discharge him, and to all parties claiming under such holder;

(*b*) to a holder thereof who otherwise discharges such maker, acceptor or indorser, and to all parties deriving title under such holder after notice of such discharge;

(*c*) to all parties thereto, if the instrument is payable to bearer, or has been indorsed in blank, and such maker, acceptor or indorser makes payment in due course of the amount due thereon.

Draft, s. [illegible] Bill II, s. [illegible] Bill III, s. [illegible]

Discharge by allowing drawee more than twenty-four hours to accept.

83. If the holder of a bill of exchange allows the drawee more than twenty-four hours, exclusive of public holidays, to consider whether he will accept the same, all previous parties not consenting to such allowance are thereby discharged from liability to such holder.

Draft, s. 10[illegible] Bill II, s. 10[illegible] Bill III, s. [illegible]

When cheque not duly presented and drawer damaged thereby.

84. When the holder of a cheque fails to present it for payment within a reasonable time, and the drawer thereof sustains loss or damage from such failure, he is discharged from liability to the holder.

Byles 20.

Bill II, s. 107: Bill III, s. 95: 16 & 17 Vic. c. 59, s. 1[illegible] Byles 27, [illegible] *Charles* v. *Blackwell*, 1 C. P. D. 548.

Cheque payable to order.

85. Where a cheque payable to order, purports to be indorsed by or on behalf of the payee, the drawee is discharged by payment in due course.

Draft, s. 9[illegible] Bill II, s. 1[illegible] Bill III, s. 1[illegible] Byles 195, 194.

Parties not consenting discharged by qualified or limited acceptance.

86. If the holder of a bill of exchange acquiesces in a qualified acceptance, or one limited to part of the sum mentioned in the bill, or which substitutes a different place or time for payment, or which, where the drawees are not partners is not signed by all the drawees, all previous parties whose consent is not obtained to such acceptance are discharged as against the holder and those claiming under him, unless on notice given by the holder, they assent to such acceptance.

Explanation.—An acceptance is qualified—

(*a*) where it is conditional, declaring the payment to be dependent on the happening of an event therein stated;

(*b*) where it undertakes the payment of part only of the sum ordered to be paid;

(*c*) where, no place of payment being specified on the order, it undertakes the payment at a specified place and not otherwise or elsewhere; or where, a place of payment being specified in the order, it undertakes the payment at some other place and not otherwise or elsewhere;

(*d*) where it undertakes the payment at a time other than that at which under the order it would be legally due.

Draft, s. 110: Bill II, s. 110: Bill III, s. 97: Byles [illegible]

Effect of material alteration.

87. Save as provided in sections twenty, forty-nine, eighty-six and one hundred and twenty-five, any material alteration of a negotiable instrument renders the same void as against any one who is a party thereto at the time of making such alteration and does not consent thereto, unless it was made in order to carry out the common intention of the original parties;

and any such alteration, if made by an indorsee, discharges his indorser from all liability to him in respect of the consideration thereof.

The provisions of this section are subject to those of sections twenty, forty-nine, eighty-six and one hundred and twenty-five.

Bill II, s. [illegible] Bill III, s. 98: Byles 3[illegible]

Alteration by indorsee.

Draft, ss. 112 to 114: Act I of 187[illegible] s. 112: Bill II, s. 112: Bill III, s. 99.

Acceptor or indorser bound notwithstanding previous alteration.

88. An acceptor or indorser of a negotiable instrument is bound by his acceptance or indorsement notwithstanding any previous alteration of the instrument.

89. Where a promissory note, bill of exchange or cheque has been materially altered, but does not appear to have been so altered,

Payment of instrument on which alteration is not apparent.

or where a cheque is presented for payment which does not at the time of presentation appear to be crossed or to have had a crossing which has been obliterated,

payment thereof by a person or banker liable to pay and paying the same according to the apparent tenor thereof at the time of payment and otherwise in due course, shall discharge such person or banker from all liability thereon, and such payment shall not be questioned by reason of the instrument having been altered, or the cheque crossed.

90. If a bill of exchange which has been negotiated is, at or after maturity, held by the acceptor in his own right, all rights of action thereon are extinguished.

Extinguishment of rights of action on bill in acceptor's hands.

CHAPTER VIII.

OF NOTICE OF DISHONOUR.

91. A bill of exchange is said to be dishonoured by non-acceptance when the drawee, or one of several drawees not being partners, makes default in acceptance upon being duly required to accept the bill, or where presentment is excused and the bill is not accepted.

Dishonour by non-acceptance.

Where the drawee is incompetent to contract, or the acceptance is qualified, the bill may be treated as dishonoured.

92. A promissory note, bill of exchange or cheque is said to be dishonoured by non-payment when the maker of the note, acceptor of the bill, or drawee of the cheque makes default in payment upon being duly required to pay the same.

Dishonour by non-payment.

93. When a promissory note, bill of exchange or cheque is dishonoured by non-acceptance or non-payment, the holder thereof, or some party thereto who remains liable thereon, must give notice that the instrument has been so dishonoured to all other parties whom the holder seeks to make severally liable thereon, and to some one of several parties whom he seeks to make jointly liable thereon.

By and to whom notice should be given.

Nothing in this section renders it necessary to give notice to the maker of the dishonoured promissory note, or the drawee or acceptor of the dishonoured bill of exchange or cheque.

94. Notice of dishonour may be given to a duly authorized agent of the person to whom it is required to be given, or, where he has died, to his legal representative, or, where he has been declared an insolvent, to his assignee; may be oral or written; may, if written, be sent by post; and may be in any form; but it must inform the party to whom it is given, either in express terms or by reasonable intendment, that the instrument has been dishonoured, and in what way, and that he will be held liable thereon; and it must be given within a reasonable time after dishonour, at the place of business, or (in case such party has no place of business) at the residence of the party for whom it is intended.

Mode in which notice may be given.

If the notice is duly directed and sent by post and miscarries, such miscarriage does not render the notice invalid.

95. Any party receiving notice of dishonour must, in order to render any prior party liable to himself, give notice of dishonour to such party within a reasonable time, unless such party otherwise receives due notice as provided by section ninety-three.

Party receiving must transmit notice of dishonour.

96. When the instrument is deposited with an agent for presentment, the agent is entitled to the same time to give notice to his principal as if he were the holder giving notice of dishonour, and the principal is entitled to a further like period to give notice of dishonour.

Agent for presentment.

97. When the party to whom notice of dishonour is despatched is dead, but the party despatching the notice is ignorant of his death, the notice is sufficient.

When party to whom notice given is dead.

98. No notice of dishonour is necessary—

When notice of dishonour is unnecessary.

(*a*) when it is dispensed with by the party entitled thereto;

(*b*) in order to charge the drawer, when he has countermanded payment;

(*c*) when the party charged could not suffer damage for want of notice;

(*d*) when the party entitled to notice cannot after due search be found; or the party bound to give notice is, for any other reason, unable without any fault of his own to give it;

(*e*) to charge the drawers, when the acceptor is also a drawer;

(*f*) in the case of a promissory note which is not negotiable;

(*g*) when the party entitled to notice, knowing the facts, promises unconditionally to pay the amount due on the instrument.

CHAPTER IX.

OF NOTING AND PROTEST.

99. When a promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may cause such dishonour to be noted by a notary public upon the instrument, or upon a paper attached thereto, or partly upon each.

Noting.

Such note must be made within a reasonable time after dishonour, and must specify the date of dishonour, the reason, if any, assigned for such dishonour, or, if the instrument has not been expressly dishonoured, the reason why the holder treats it as dishonoured, and the notary's charges.

100. When a promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may, within a reasonable time, cause such dishonour to be noted and certified by a notary public. Such certificate is called a protest.

Protest.

Byles 261.

When the acceptor of a bill of exchange has become insolvent, or his credit has been publicly impeached, before the maturity of the bill, the holder may, within a reasonable time, cause a notary public to demand better security of the acceptor, and on its being refused may, within a reasonable time, cause such facts to be noted and certified as aforesaid. Such certificate is called a protest for better security.

Protest for better security.

Draft, s. 122: Bill II, s. 124: Bill III, s. 111: Byles 261.

101. A protest under section one hundred must contain—

Contents of protest.

(*a*) either the instrument itself, or a literal transcript of the instrument and of everything written or printed thereupon;

(*b*) the name of the person for whom and against whom the instrument has been protested;

(*c*) a statement that payment or acceptance, or better security, as the case may be, has been demanded of such person by the notary public; the terms of his answer, if any, or a statement that he gave no answer, or that he could not be found;

(*d*) when the note or bill has been dishonoured, the place and time of dishonour, and when better security has been refused, the place and time of refusal;

(*e*) the subscription of the notary public making the protest;

(*f*) in the event of an acceptance for honour or of a payment for honour, the name of the person by whom, of the person for whom, and the manner in which, such acceptance or payment was offered and effected.

Draft, s. 124: Bill II, s. 125: Bill III, s. 112: Byles 262.

102. When a promissory note or bill of exchange is required by law to be protested, notice of such protest must be given instead of notice of dishonour, in the same manner and subject to the same conditions; but the notice may be given by the notary public who makes the protest.

Notice of protest.

Bill II, s. 126: Bill III, s. 113: Act VI, 1840, s. 4: 2 & 3 Wm. IV, c. 98.

103. All bills of exchange drawn payable at some other place than the place mentioned as the residence of the drawee, and which are dishonoured by non-acceptance, may, without further presentment to the drawee, be protested for non-payment, in the place specified for payment, unless paid before or at maturity.

Protest for non-payment after dishonour by non-acceptance.

Draft, s. 108: Bill II, s. 139: Bill III, s. 126.

104. Foreign bills of exchange must be protested for dishonour when such protest is required by the law of the place where they are drawn.

Protest of foreign bills.

CHAPTER X.

OF REASONABLE TIME.

Draft, s. 56, Expln. 1: Bill II, s. 127: Bill III, s. 114: [illegible] 182, 187.

105. In determining what is a reasonable time for presentment for acceptance or payment, for giving notice of dishonour and for noting, regard shall be had to the nature of the instrument and the usual course of dealing with respect to similar instruments; and in calculating such time, public holidays shall be excluded.

Reasonable time.

Draft, s. 129: Bill II, s. 129: Bill III, s. 116: Byles 284.

106. If the holder and the party to whom notice of dishonour is given carry on business or live (as the case may be) in different places, such notice is given within a reasonable time if it is despatched by the next post or on the day next after the day of dishonour.

Reasonable time of giving notice of dishonour.

Byles 285.

If the said parties carry on business or live in the same place, such notice is given within a reasonable time if it is despatched in time to reach its destination on the day next after the day of dishonour.

Draft, s. 131: Bill II, s. 130: Bill III, s. 117.

107. A party receiving notice of dishonour, who seeks to enforce his right against a prior party, transmits the notice within a reasonable time if he transmits it within the same time after its receipt as he would have had to give notice if he had been the holder.

Reasonable time for transmitting such notice.

CHAPTER XI.

OF ACCEPTANCE AND PAYMENT FOR HONOUR AND REFERENCE IN CASE OF NEED.

Draft, ss. 74, 76: Bill II, s. 131: Bill III, s. 118: Byles 265, 266.

108. When a bill of exchange has been noted or protested for non-acceptance or for better security, any person not being a party already liable thereon may, with the consent of the holder, by writing on the bill, accept the same for the honour of any party thereto.

Acceptance for honour.

An acceptor *supra protest* must personally appear before a notary public with two or more witnesses, and declare that he accepts, under protest, the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour, and that he will satisfy the same at the appointed time; and then must subscribe the bill with his own hand.

Unless the person who intends to accept *supra protest* first declares, in the presence of a notary, that he does it for honour, and has such declaration duly recorded in the notarial register at the time, his acceptance shall be a nullity.

New.

109. A person desiring to accept for honour must, in the presence of a notary public, subscribe the bill with his own hand, and declare that he accepts under protest the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour; and such declaration must be recorded by the notary in his register.

How acceptance for honour must be made.

Draft, s. [illegible]: Bill II, s. [illegible]: Bill III, s. 119: Byles 265, 266.

110. Where the acceptance does not express for whose honour it is made, it shall be deemed to be made for the honour of the drawer.

Acceptance not specifying for whose honour it is made.

Draft, s. 77: Bill II, s. 138: Bill III, s. 120: Byles 267.

111. An acceptor for honour binds himself to all parties subsequent to the party for whose honour he accepts to pay the amount of the bill if the drawee do not; and such party and all prior parties are liable in their respective capacities to compensate the acceptor for honour for all loss or damage sustained by him in consequence of such acceptance.

Liability of acceptor for honour.

Byles 268.

But an acceptor for honour is not liable to the holder of the bill unless it is presented, or (in case the address given by such acceptor on the bill is a place other than the place where the bill

Draft, s. 845: Byles 266: Act VI of 1840, s. 3.

is made payable) forwarded for presentment, not later than the day next after the day of its maturity.

Draft, s. 95: Bill II, s. 134: Bill III, s. 121.

When acceptor for honour may be charged.

112. An acceptor for honour cannot be charged unless the bill has at its maturity been presented to the drawee for payment and has been dishonoured by him, and noted or protested for such dishonour.

Draft, s. 96: Bill II, s. [illegible]

Payment for honour.

113. When a bill of exchange has been noted or protested for non-payment, any person may pay the same for the honour of any party liable to pay the same, provided that the person so paying has previously declared before a notary public the party for whose honour he pays, and that such declaration has been recorded by such notary public.

Draft, s. 97: Bill II, s. 136: Bill III, s. 123: Byles 271. *In re Overend, Gurney & Co.*, L. R. 6, Eq.

Right of payer for honour.

114. Any person so paying is entitled to all the rights, in respect of the bill, of the holder at the time of such payment, and may recover from the party for whose honour he pays all sums so paid, with interest thereon and with all expenses properly incurred in making such payment.

[illegible]: 73: [illegible]: 198: [illegible]

Drawee in case of need.

115. Where a drawee in case of need is named in a bill of exchange, or in any endorsement thereon, the bill is not dishonoured until it has been dishonoured by such drawee.

Acceptance and payment without protest.

116. A drawee in case of need may accept and pay the bill of exchange without previous protest.

CHAPTER XII.

OF COMPENSATION.

[illegible] II, s. [illegible]: [illegible] III, s. [illegible]

Rules as to compensation.

117. The compensation payable in case of dishonour of a promissory note, bill of exchange or cheque, by any party liable to the holder or any indorsee, shall (except in cases provided for by the Code of Civil Procedure, section 532) be determined by the following rules:—

(*a*) The holder is entitled to the amount due upon the instrument, together with the expenses properly incurred in presenting, noting and protesting it;

(*b*) When the person charged resides at a place different from that at which the instrument was payable, the holder is entitled to receive such sum at the current rate of exchange between the two places;

(*c*) An indorser who, being liable, has paid the amount due on the same is entitled to the amount so paid with interest at six per centum per annum from the date of payment until tender or realization thereof, together with all expenses caused by the dishonour and payment;

(*d*) When the person charged and such indorser reside at different places, the indorser is entitled to receive such sum at the current rate of exchange between the two places;

(*e*) The party entitled to compensation may draw a bill upon the party liable to compensate [illegible] at sight or on demand, for the [illegible] due to him together with all expenses properly incurred by him. Such bill must be accompanied by the instrument dishonoured and the protest thereof (if any). If such bill is dishonoured, the party dishonouring the same is liable to make compensation thereof in the same manner as in the case of the original bill.

CHAPTER XIII.

SPECIAL RULES OF EVIDENCE.

Presumptions as to negotiable instruments

118. Until the contrary is proved, the following presumptions shall be made:— Draft, s. 12: Bill II, s. 27: Bill III, s. 26: Byles 3, 119.

as to consideration;

(*a*) that every negotiable instrument was made or drawn for consideration, and that every such instrument, when it has been accepted, indorsed, negotiated or transferred, was accepted, indorsed, negotiated or transferred for consideration:

as to date;

(*b*) that every negotiable instrument bearing a date was made or drawn on such date:

as to time of acceptance;

(*c*) that every accepted bill of exchange was accepted within a reasonable time after its date and before its maturity: Byles 190.

as to time of transfer;

(*d*) that every transfer of a negotiable instrument was made before its maturity: Byles 170.

as to order of endorsements;

(*e*) that the endorsements appearing upon a negotiable instrument were made in the order in which they appear thereon: Draft, s. 37.

as to stamp;

(*f*) that a lost promissory note, bill of exchange or cheque was duly stamped: Byles 117, 388.

that holder is a holder in due course.

(*g*) that the holder of a negotiable instrument is a holder in due course: provided that where the instrument has been obtained from its lawful owner, or from any person in lawful custody thereof, by means of an offence or fraud, or has been obtained from the maker or acceptor thereof by means of an offence or fraud, or for unlawful consideration, the burthen of proving that the holder is a holder in due course lies upon him. Draft, s. 13: Byles 124.

Presumption on proof of protest.

119. In a suit upon an instrument, which has been dishonoured, the Court shall, on proof of the protest, presume the fact of dishonour, unless and until such fact is disproved. Draft, ss. 121, 123: Act V of 1866, s. 13.

Estoppel against denying original validity of instrument.

120. No maker of a promissory note, and no drawer of a bill of exchange or cheque, and no acceptor of a bill of exchange for the honour of the drawer shall, in a suit thereon by a holder in due course, be permitted to deny the validity of the instrument as originally made or drawn. Bill II, s. 54: Bill III, s. 44: *Phillips* v. *Im Thurn* 18, C. B., N. S. 694.

Estoppel against denying capacity of payee to indorse.

121. No maker of a promissory note and no acceptor of a bill of exchange payable to, or to the order of, a specified person shall, in a suit thereon by a holder in due course, be permitted to deny the payee's capacity, at the date of the note or bill, to indorse the same. Bill [illegible]

Draft, s. 35: Bill II, s. 57: Bill III, s. 46: Byles 153. See Byles 222, n. (*i*).

Estoppel against denying signature or capacity of prior party.

122. No indorser of a negotiable instrument shall, in a suit thereon by a subsequent holder, be permitted to deny the signature or capacity to contract of any prior party to the instrument.

CHAPTER XIV.

OF CROSSED CHEQUES.

Bill II, s. 80: Bill III, s. 129: 39 & 40 Vic., c. 81, s. 4.

Cheque crossed generally.

123. Where a cheque bears across its face an addition of the words "and company" or any abbreviation thereof, between two parallel transverse lines, or of two parallel transverse lines simply, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed generally.

Bill II, s. 81: Bill III, s. 130: 39 & 40 Vic., c. 81, s. 4.

Cheque crossed specially.

124. Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed specially, and to be crossed to that banker.

Bill II, s. 82: Bill III, s. 131: 39 & 40 Vic., c. 81, s. 5.

Crossing after issue.

125. Where a cheque is uncrossed, the holder may cross it generally or specially.

Where a cheque is crossed generally, the holder may cross it specially.

Where a cheque is crossed generally or specially, the holder may add the words "not negotiable."

Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker, his agent, for collection.

Draft, ss. 102, 103: Bill II, s. 83: Bill III, s. 132: 39 & 40 Vic., c. 81, s. 7.

Payment of cheque crossed generally.

126. Where a cheque is crossed generally, the banker on whom it is drawn shall not pay it otherwise than to a banker.

Payment of cheque crossed specially.

Where a cheque is crossed specially, the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or his agent for collection.

Bill II, s. 84: Bill III, s. 133: [illegible]

Payment of cheque crossed specially more than once.

127. Where a cheque is crossed specially to more than one banker, except when crossed to an agent for the purpose of collection, the banker on whom it is drawn shall refuse payment thereof.

Bill II, s. 85: Bill III, s. 134: [illegible]

Payment in due course of crossed cheque.

128. Where the banker on whom a crossed cheque is drawn has paid the same in due course, the banker paying the cheque, and (in case such cheque has come to the hands of the payee) the drawer thereof, shall respectively be entitled to the same rights, and be placed in the same position in all respects, as they would respectively be entitled to and placed in if the amount of the cheque had been paid to and received by the true owner thereof.

Bill II, s. 86: Bill III, s. 135: S. 10.

Payment of crossed cheque out of due course.

129. Any banker paying a cheque crossed generally otherwise than to a banker, or a cheque crossed specially otherwise than to the banker to whom the same is crossed, or his agent for collection, being a banker, shall be liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid.

Bill II, s. 87: Bill III, s. 136: S. 12.

Cheque bearing "not negotiable."

130. A person taking a cheque crossed generally or specially, bearing in either case the words "not negotiable," shall not have, and shall not be capable of giving, a better title to the cheque than that which the person from whom he took it had.

48 L. J. C. P. 529.

Non-liability of banker receiving payment of cheque.

131. A banker who has in good faith and without negligence received payment for a customer of a cheque crossed generally or specially to himself shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment.

CHAPTER XV.

OF BILLS IN SETS.

Draft, ss. 11, 116: Bill II, s. 28: Bill III, s. 125: Byles 393.

Set of bills.

132. Bills of exchange may be drawn in parts, each part being numbered and containing a provision that it shall continue payable only so long as the others remain unpaid. All the parts together make a set; but the whole set constitutes only one bill, and is extinguished when one of the parts, if a separate bill, would be extinguished.

Byles 32: *Holdsworth* v. *Hunter*, 10 B. & C. 449.

Exception.—When a person accepts or indorses different parts of the bill in favour of different persons, he and the subsequent indorsers of each part are liable on such part as if it were a separate bill.

Bill II, s. [illegible]: Bill III, s. 128: Byles [illegible]: Bayley [illegible]: 174.

Holder of first acquired part entitled to all.

133. As between holders in due course of different parts of the same set, he who first acquired title to his part is entitled to the other parts and the money represented by the bill.

CHAPTER XVI.

OF INTERNATIONAL LAW.

Draft, s. 104: Bill II, s. 140: Bill III, s. 137: Byles 399: *Rouquette* v. *Overmann*, L. R. 10 Q. B. 525: *Horne* v. *Rouquette*, 3 Q. B. Div. 514.

Law governing liability of maker, acceptor or indorser of foreign instrument.

134. In the absence of a contract to the contrary, the liability of the maker or drawer of a foreign promissory note, bill of exchange or cheque is regulated in all essential matters by the law of the place where he made the instrument, and the respective liabilities of the acceptor and indorser by the law of the place where the instrument is made payable.

Illustration.

Byles 402. A bill of exchange was drawn by A in California, where the rate of interest is 25 per cent., and accepted by B, payable in Washington, where the rate of interest is 6 per cent. The bill is endorsed in British India, and is dishonoured. An action on the bill is brought against B in British India. He is liable to pay interest at the rate of 6 per cent. only; but if A is charged as drawer, A is liable to pay interest at the rate of 25 per cent.

Draft, s. 105: Bill II, s. 141: Bill III, s. 138.

Law of place of payment governs dishonour.

135. Where a promissory note, bill of exchange or cheque is made payable in a different place from that in which it is made or indorsed, the law of the place where it is made payable determines what constitutes dishonour and what notice of dishonour is sufficient.

Illustration.

A bill of exchange drawn and indorsed in British India, but accepted payable in France, is dishonoured. The indorsee causes it to be protested for such dishonour, and gives notice thereof in accordance with the law of France, though not in accordance with the rules herein contained in respect of bills which are not foreign. The notice is sufficient.

Draft, s. 106: Bill II, s. 142: Bill III, s. 139.

Instrument made, &c., out of British India, but in accordance with its law.

136. If a negotiable instrument is made, drawn, accepted or indorsed out of British India, but in accordance with the law of British India, the circumstance that any agreement evidenced by such instrument is invalid according to the law of the country wherein it was entered into does not invalidate any subsequent acceptance or endorsement made thereon in British India.

Draft, s. 107: Bill II, s. 143: Bill III, s. 140: Act I of 1872, s. 4.

Presumption as to foreign law.

137. The law of any foreign country regarding promissory notes, bills of exchange and cheques shall be presumed to be the same as that of British India, unless and until the contrary is proved.

SCHEDULE.

(*a*)—STATUTES.

Year and chapter.	Title.	Extent of repeal.
9 Wm. III, c. 17	An Act for the better payment of Inland Bills of Exchange.	The whole.
3 & 4 Anne, c. 8.	An Act for giving like remedy upon promissory notes as is now used upon Bills of Exchange, and for the better payment of Inland Bills of Exchange.	The whole.

(*b*)—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

No. and year.	Title.	Extent of repeal.
VI of 1840 ...	An Act for the amendment of the law concerning the negotiation of Bills of Exchange.	The whole.
V of 1866 ...	An Act to amend in certain respects the Commercial Law of British India.	Sections 11, 12 and 13.
XV of 1874 ...	The Laws Local Extent Act, 1874.	The first schedule, so far as relates to Act VI of 1840 and Act V of 1866, sections 11, 12 and 13.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th January, 1881, and was referred to a Select Committee :—

No. 3 OF 1881.

A Bill for the amendment of the law relating to Insolvent Debtors in India.

WHEREAS it is expedient to amend the law relating to Insolvent Debtors in India; It is enacted as follows :— Preamble.

1. This Act may be called "The Insolvent Law Amendment Act, 1881 :" Short title.

it extends to the whole of British India; and Local extent.

it shall come into force on the first day of April 1881. Commencement.

2. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

the word "Insolvent" means a person of whose property a receiver has been appointed under the Code of Civil Procedure, section 351, a person upon whose petition a vesting order has been made under the seventh section of the eleventh and twelfth of Victoria, Chapter XXI, entitled an Act to consolidate and amend the laws relating to Insolvent Debtors in India, and a person who has been adjudged to have committed an act of insolvency under the provisions of section eight or under the provisions of the ninth section of the same Act : "Insolvent."

the word "adjudication" means the order under the said section 351 of the said Code appointing a receiver, a vesting order under the said seventh section of the said Act, and an order under the said eighth section or under the said ninth section of the said Act adjudging any person to have committed an act of insolvency; and "Adjudication."

the word "assignee" means the person in whom the property of any Insolvent has been vested by the adjudication of such Insolvent. "Assignee."

3. If, at the time of the adjudication of any insolvent, any of his property has been attached in execution of any decree or under any order for attachment before judgment, the Court, under whose order such property has been attached, shall withdraw the attachment and permit his assignee to take possession of the same. Attached property of insolvent.

If, before the Court has had notice of such insolvency, the attached property has been sold, the proceeds of the sale, after deducting the costs of the attachment and sale and all other necessary costs incurred in and about the realization of such proceeds, shall be paid to the assignee of such insolvent :

Provided, that in case the Court has not had notice of the adjudication of such insolvent, before such proceeds are distributed, the same shall not, merely on account of such adjudication, be recalled from the persons to whom they have been paid.

When the Court withdraws the attachment, it may, if it think fit, direct that the proper and necessary costs of the attachment and of the preservation of the property attached shall be charged upon the proceeds of such property; and if such order be made, the assignee shall apply the proceeds of such sale in payment of such costs after payment of the costs of such sale, but in priority to payment of all debts of the insolvent payable out of such proceeds.

4. No property which, under the provisions of the twenty-third section of the said Act would be deemed to be the property of such insolvent, shall be held to have been taken out of his order and disposition by reason only that such property has, before the adjudication of such insolvent, been attached in execution of a decree or under any order for an attachment before judgment. Order and disposition. Attachment not to alter.

5. Whenever any persons trading in partnership together have, by the consent and permission of the true owner thereof, in their possession, order or disposition, goods or chattels whereof such persons are reputed owners, or whereof they have taken upon them the sale, alteration or disposition as owner, and while they have such possession, order or disposition, any of such persons is, under the provisions of the said Act, adjudicated an insolvent, or obtains a vesting order on his petition, such goods and chattels shall be deemed to be the property of such partnership so as to become vested in the Official Assignee of the Insolvent Court by the order made in pursuance of the said Act for the purpose only, and so far as may be required, for the purpose of paying the joint creditors of the said partnership. Order and disposition of Firms whose owner becomes Insolvent.

6. Whenever any person who carries on trade within the local limits of the Ordinary Original Civil Jurisdiction of any of the Transfer of insolvencies from Mufassal Courts.

High Courts at Calcutta, Madras or Bombay is, under the provisions of section 351 of the Code of Civil Procedure, declared to be an insolvent, the Insolvent Court in any of the said towns in which he may carry on business at the time he is so declared to be an insolvent, may, if it think fit, on the application of any creditor of such trader, adjudge him to have committed an act of insolvency:

such adjudication shall have the same force and effect as if he had, under the provisions of the eighth section of the said Act, been adjudicated an insolvent by such Court, at the time when he was declared to be an insolvent under the provisions of the said Code;

and all the estate and effects of such insolvent shall, unless the said Court otherwise directs, vest in the Official Assignee of such Court,

and any person appointed receiver under the provisions of the said Code shall, unless such Court otherwise directs, thereupon make over to the Official Assignee all the property of the insolvent which may have come to his hands as such receiver:

Provided that no such adjudication shall avoid, or in any way affect, any dealing of such receiver with any of such property before he has notice of such adjudication.

Distribution of unclaimed dividends.

7. The assignee of each insolvent estate shall, on the expiration of six months from the declaration of any dividend, file in Court an account upon oath of every dividend remaining in his hands unclaimed, specifying the name of each creditor to whom each such dividend is due, as well as the amount of the debt due to each such creditor, and shall publish the same in the numbers of the local Gazette as are first and second successively printed next after such six months, and all dividends remaining unclaimed for a period of six years shall, after the second of such advertisements, revert to the general fund of each respective estate for re-distribution by the Official Assignee among the remaining creditors of such estate.

All such unclaimed dividends shall remain under the control and management of the Official Assignee pending payment and distribution in such manner as shall be prescribed and furnished by any rules to be made under the powers conferred by section seventy-six of the said Act.

STATEMENT OF OBJECTS AND REASONS.

THE Indian Insolvent Acts, following the analogy of the law of Bankruptcy in England at the time of the first of these Acts being passed, contained no provision for compelling the property of an insolvent, which had been attached in execution before his adjudication, to be distributed among the general body of his creditors. The later English Bankrupt Acts, however, provide for the distribution amongst the bankruptcy creditors of the proceeds of the execution if a petition be filed within fourteen days after the sale; thus securing, as far as possible, equality among creditors, a purpose which the Civil Procedure Code has generally in view; and one of the objects of this Bill is to give that equality of distribution, wherever the property attached has not actually been distributed among the attaching creditors.

The only power which the Insolvent Court now has to stay proceedings in execution does not arise till the Insolvent's schedule has been filed, and in the cases where the insolvent is friendly to the execution creditor, the filing of the schedule is invariably delayed for the purpose of giving him an advantage.

Further, the Code empowers Courts to attach the property of a defendant in cases where there is reason to believe that he is likely to make away with that property in fraud of the plaintiff. Under the language of the old Civil Procedure Code it was held that property so attached before judgment vested in the Official Assignee of the defendant, and was assets of his estate giving no preferential claim to the attaching creditor, but it has been successfully contended that the effect of the new Code, section 490, is to give to a creditor attaching before judgment priority over the assignee, even though the adjudication were before judgment obtained by the attaching creditor.

The third section of the Bill is intended to provide for the rateable distribution of the insolvent's property amongst his creditors in cases where the modern English law would so distribute it, instead of allowing one creditor to sweep away the whole or a large portion of the assets.

From a very early period the Bankruptcy law of England provided that persons who, by leaving goods in the hands of traders, enabled them to maintain a false appearance of wealth and thus obtain credit, could not claim such goods from the assignee of the bankrupt, and this provision was introduced into this country by the Insolvent Act. There was nothing, however, to give similar rights to execution-creditors, and therefore this anomaly occurred that, where an attachment was laid on goods in the hands of a person who became insolvent, the custody of the law took the goods out of the order and disposition of the bankrupt, so that a subsequent adjudication did not vest the goods in the assignee, but the attaching creditor was not able to treat the ostensible ownership of the judgment-debtor as giving him any claims. It is not easy to see any sound basis for this distinction, the injurious influence of which is, to some extent, obviated in England by the Bills of Sale Act. The fourth section is intended to avoid this anomaly.

Down to a very recent period it was generally supposed that where moveable property was in the possession and ostensible ownership of a partnership a member of which became bankrupt, the provisions of the Bankrupt Law vested such property in the assignee; it was however decided in *ex parte* Dorman L. R. 8 Ch., App. 51, that such was not the effect of the language

of the Acts upon the ground that it could not be the intention of the Statute to give such rights where the other partners were solvent. The Appellate Court however was of opinion that where the firm is in fact insolvent, the case comes within the mischief against which the order and disposition clause is intended to provide, and in this country it has been decided that the existence of an absent partner does not prevent the provisions of that clause attaching. The fifth section is intended to apply the order and disposition-clause to such cases as fall within the mischief which it is intended to prevent.

Much of the trade of the Presidency-towns is carried on by Gumáshtas on behalf of persons residing in remote parts of the Mufassal, and in many cases, if such traders became insolvent, they might be able, by taking advantage of the insolvency proceedings in the Procedure Code,* to embarrass their general trade-creditors who would have much difficulty in supervising the proceedings in a Mufassal Court. The sixth section is intended to enable the creditors of such persons to have the liquidation of their affairs transferred to a Court with machinery better organised for the administration of bankrupt estates in cases where such a course is deemed by the Court to be expedient.

Sums in the aggregate considerable, though, in general, individually small, are from time to time left unclaimed in the hands of the official assignee, and so long ago as 1841 an Act was passed empowering the official assignee after the lapse of six years to distribute the amount of such unclaimed dividends rateably among the creditors who had proved the claims.

The language of this Act, however, was so singularly framed that it seems impossible that there ever could be a distribution made of such unclaimed dividends. The seventh section is intended to correct this.

* It was found some years ago in England that similar powers given to Scotch Courts were applied to the detriment of English creditors, and a modification of the Scotch Law was enacted to prevent its application to persons whose creditors were principally in another part of the United Kingdom, see 23 & 24 Vic., c. 33.

J. PITT KENNEDY.

The 23rd January, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 12, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st January, 1881 :—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques was referred, have had the report of the Indian Law Commissioners, 1879, duly communicated to us. We have carefully considered so much of it as relates to the present Bill, as well as the papers noted in the margin, and, in compliance with the wish of the Secretary of State for India, as expressed in his despatch (Legislative), No. 37, dated 7th October, 1880, we have the honour to submit this our fourth report.

From Secretary, Chamber of Commerce, Madras, dated 1st August, 1878, and enclosure [Papers No. 56].
„ Acting Chief Secretary to Government, Madras, No. 299, dated 14th February, 1879, and enclosures [Papers No. 58].
„ Ditto, ditto, ditto, No. 1348, dated 7th June, 1879, and enclosures [Papers No. 59].
„ J. Crawfurd, Esq., Registrar, High Court, Calcutta, No. 1128, dated 27th June, 1879 [Paper No. 60].
Note by Sir Charles Turner, Chief Justice, Madras, dated 22nd January, 1880 [Paper No. 61].
From Seth Lachman Dás, Muttra, dated 1st January, 1881 [Paper No. 62].

2. We agree with the Commissioners that uniformity of practice is particularly desirable in matters relating to negotiable paper, and, to facilitate the assimilation of the practice of shroffs to that of European merchants, we have declared (section 1) that local usages may be excluded by any words in the body of the instrument which indicate an intention that the legal relations of the parties thereto shall be governed by the proposed Act.

3. We have inserted explanations calculated to prevent doubts as to when a promise or order to pay is "conditional," when the sum payable is "certain," and when the person to whom the direction is given or payment is to be made is "a certain person," within the meaning of sections 4 and 5.

4. We have re-drawn section 20 as to inchoate stamped instruments, so as to make it express more accurately what we conceive to be the law on this subject.

5. We have also re-drawn sections 47 and 48 (as follows) :—

"43. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

Negotiable instrument made, &c., without consideration.

"*Exception I.*—No party for whose accommodation a negotiable instrument has been made, drawn, accepted or indorsed, can, if he have paid the amount thereof, recover thereon such amount from any person who became a party to such instrument for his accommodation.

"*Exception II.*—No party to the instrument who has induced any other party to make, draw, accept, indorse or transfer the same to him for a consideration which he has failed to pay or perform in full, shall recover thereon an amount exceeding the value of the consideration (if any) which he has actually paid or performed."

6. We have prefixed to the sections relating to negotiation clauses (section 46) relating to delivery generally, and to the effect recommended by the Commissioners.

7. We think the section (67, now 63) relating to the drawee's time for deliberation should provide that the holder of a bill "must, if so required by the drawee," allow him twenty-four hours (exclusive of public holidays) to consider whether he will accept, and we have amended this section accordingly.

8. We have made (section 76) presentment for payment unnecessary as against any party sought to be charged, if he has engaged to pay notwithstanding non-presentment.

9. We have in section 90 (now 86) substituted "qualified" for "conditional" and added a paragraph shewing when an acceptance is qualified.

10. We have provided (section 90) for the extinguishment of rights of action on a negotiated bill held, at or after maturity, by the acceptor in his own right.

11. We agree with Sir C. Turner that section 108 of the Bill in its fourth form—as to reasonable time for presentment—should be omitted. It seems inconsistent with section 107 (now 105), and declares a rule which is not only stricter than the existing law, but would, in our opinion, be highly inconvenient.

12. We have inserted a statement of the procedure in the case of an acceptance *supra protest*, and to section 112 (now 109) we have prefixed a clause shewing how acceptance for honour must be made.

13. We have declared (section 116) that a drawee in case of need may accept and pay the bill without previous protest.

14. We have made it appear that inland (as well as foreign) bills may be drawn in sets, and altered Chapter XIV (now XV) accordingly. We have made the exception to section 126 (now 132) run thus:—

"*Exception.*—When a person accepts or indorses different parts of the bill in favour of different persons, he *and the subsequent indorser of each part* are liable on such part as if it were a separate bill."

15. We have amended the second clause of section 125 (now 130, 131) (as to the non-liability of a banker who has received payment for a customer of a crossed cheque) in accordance with *Matthiessen* v. *London and County Banking Company*, 48 L. J. C. P. 529.

16. We have made most of the changes in arrangement and wording advised by the Commissioners, and recommend that the Bill as now revised be passed. It has now been more than thirteen years before the Council of the Governor General; it has been redrawn, copiously criticised and repeatedly revised; and without the experience derived from its actual operation, it is not likely to be further improved. But it should be published in the Gazettes, and, according to the orders of the Secretary of State, it must, before being passed, be sent to the Local Governments, translated into the vernaculars and submitted to him with this report.

WHITLEY STOKES.
B. W. COLVIN.
J. PITT KENNEDY.
G. C. PAUL.

The 20th January, 1881.

No. V.

THE NEGOTIABLE INSTRUMENTS BILL, 1881.

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SCHEDULE.

No. V.

A Bill to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques.

Preamble.

WHEREAS it is expedient to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheques; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Negotiable Instruments Act, 1881:" Bill II, s. 1; Bill III, s. 2.

Local extent.

It extends to the whole of British India; but

Saving of usages relating to hundís, &c.

nothing herein contained affects the Indian Paper Currency Act, 1871, section twenty-one, or affects any local usage relating to any instrument in an oriental language: Provided that such usages may be excluded by any words in the body of the instrument which indicate an intention that the legal relations of the parties thereto shall be governed by this Act;

Commencement.

and it shall come into force on the first day of January, 1882.

Repeal of enactments.

2. On and from that day the enactments specified in the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof. Bill II, s. 2; Bill III, s. 2.

Interpretation-clause.

3. In this Act— Bill II, s. 3; Bill III, s. 2; 39 & 40 Vic., c. 81, s. 3.

"Banker."

"Banker" includes also persons or a corporation or company acting as bankers; and

"Notary Public."

"Notary Public" includes also any officer appointed by the Governor General in Council to perform the functions of a Notary Public under this Act.

CHAPTER II.

OF NOTES, BILLS AND CHEQUES.

Promissory Note.

4. A promissory note is an instrument in writing (not being a bank note or a currency note) containing an unconditional undertaking, signed by the maker, to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument. Bill II, s. 4; Bill III, s. 4; Byles on Bill (13th edition) pp. 5, 94. 3 & 4 Anne c. 9 (Byles 481). Byles 5, 103; Byles 10; Byles 23; Byles 6.

Illustrations.

A signs instruments in the following terms:—

(*a*) "I promise to pay B or order Rs. 500."

(*b*) "I acknowledge myself to be indebted to B in Rs. 1,000 to be paid on demand, for value received."

(*c*) "Mr. B, I O U Rs. 1,000."

(*d*) "I promise to pay B Rs. 500 and all other sums which shall be due to him."

(*e*) "I promise to pay B Rs. 500, first deducting thereout any money which he may owe me."

(*f*) "I promise to pay B Rs. 500 seven days after my marriage with C."

(*g*) "I promise to pay B Rs. 500 on D's death, provided D leaves me enough to pay that sum."

(*h*) "I promise to pay B Rs. 500 and to deliver to him my black horse on 1st January next."

The instruments respectively marked (*a*) and (*b*) are promissory notes. The instruments respectively marked (*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) are not promissory notes.

Bill II, s. 5: Bill III, s. 5: Byles 1, 75: 81, 94, 97: Byles 93, 94, 96: Byles 75, 81.

5. A bill of exchange is an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person or to the bearer of the instrument.

"Bill of exchange."

A promise or order to pay is not "conditional," within the meaning of this section and section four, by reason of the time for payment of the amount or any instalment thereof being expressed to be on the lapse of a certain period after the occurrence of a specified event which, according to the ordinary expectation of mankind, is certain to happen, although the time of its happening may be uncertain.

The sum payable may be "certain," within the meaning of this section and section four, although it includes future interest or is payable at an indicated rate of exchange, or is according to the course of exchange, and although the instrument provides that, on default of payment of an instalment, the balance unpaid shall become due.

The person to whom it is clear that the direction is given or that payment is to be made may be a "certain person," within the meaning of this section and section four, although he is mis-named or designated by description only.

Bill II, s. 6: Bill III, s. 5: Byles 13.

6. A cheque is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand.

"Cheque."

Draft, s. 6: Bill II, s. 7: Bill III, s. 7.

7. The maker of a bill of exchange or cheque is called the "drawer;" the person thereby directed to pay is called the "drawee."

"Drawer." "Drawee."

When in the bill or in any indorsement thereon the name of any person is given in addition to the drawee to be resorted to in case of need, such person is called a "drawee in case of need."

"Drawee in case of need."

Draft, ss. 6, 37: Byles 196: Act VI of 1840, s. 2: Act V of 1866, s. 11: See 41 Vic., s. 13.

After the drawee of a bill has signed his assent upon the bill, or if there are more parts thereof than one, upon one of such parts, and delivered the same, or given notice of such signing to the holder or to some person on his behalf, he is called the "acceptor."

"Acceptor."

When acceptance is refused and the bill is protested for non-acceptance, and any person accepts it *supra protest* for honour of the drawer or of any one of the indorsers, such person is called an "acceptor for honour."

"Acceptor for honour."

The person named in the instrument, to whom or to whose order the money is by the instrument directed to be paid, is called the "payee."

"Payee."

Draft, s. 6: Bill II, s. 8: Bill III, s. 8: Byles 2.

8. The "holder" of a promissory note, bill of exchange or cheque means any person entitled in his own name to the possession thereof and to receive or recover the amount due thereon from the parties thereto.

"Holder."

Where the note, bill or cheque is lost or destroyed, its holder is the person so entitled at the time of such loss or destruction.

Draft, s. 12: Bill II, s. 9: Bill III, s. 9: 1 Parsons 255: Byles 164.

9. "Holder in due course" means any person who for consideration became the possessor of a promissory note, bill of exchange or cheque if payable to bearer,

"Holder in due course."

or the payee or indorsee thereof, if payable to, or to the order of, a payee,

before the amount mentioned in it became payable, and without having sufficient cause to believe that any defect existed in the title of the person from whom he derived his title.

Draft, ss. 86, 115: Bill II, s. 10: Bill III, s. 10: Byles on Bills (12th edition), 221: 39 & 40 Vic., c. 81, s. 11.

10. "Payment in due course" means payment in accordance with the apparent tenor of the instrument in good faith and without negligence to any person in possession thereof under circumstances which do not afford a reasonable ground for believing that he is not entitled to receive payment of the amount therein mentioned.

"Payment in due course."

Bill II, s. 11: Bill III, s. 11: Act V of 1866, s. 12.

11. A promissory note, bill of exchange or cheque drawn or made in British India, and made payable in, or drawn upon any person resident in, British India shall be deemed to be an inland instrument.

"Inland instrument."

Bill II, s. 13: Bill III, s. 13.

12. Any such instrument not so drawn, made or made payable shall be deemed to be a foreign instrument.

"Foreign instrument."

Draft, s. 5: Bill II, s. 13: Bill III, s. 13.

13. A "negotiable instrument" means a promissory note, bill of exchange or cheque expressed to be payable to a specified person or his order, or to the order of a specified person, or to the bearer thereof, or to a specified person or the bearer thereof.

"Negotiable instrument."

Draft, s. 7: Bill II, s. 14: Bill III, s. 14.

14. When a promissory note, bill of exchange or cheque is transferred to any person, so as to constitute that person the holder thereof, the instrument is said to be negotiated.

"Negotiation."

Draft, s. 20: Bill II, s. 15: Bill III, s. 15: *Denton* v. *Peters*, L. R. 5 Q. B. 475: *Ex parte Cote* L. R. 9 Ch. App. 27: Byles 165: Byles 150.

15. When the maker or holder of a negotiable instrument signs the same, otherwise than as such maker, for the purpose of negotiation, on the back or face thereof or on a slip of paper annexed thereto, or so signs for the same purpose a stamped paper intended to be completed as a negotiable instrument, he is said to indorse the same, and is called the "indorser."

"Indorsement."

Bill II, s. 16: Bill III, s. 16.

16. If the indorser signs his name only, the indorsement is said to be "in blank," and if he adds a direction to pay the amount mentioned in the instrument to, or to the order of, a specified person, the indorsement is said to be "in full;" and the person so specified is called the "indorsee" of the instrument.

"Indorsement "in blank" and "in full." "Indorsee."

Bill II, s. 17: Bill III, s. 17: Byles 91: Bayley (6th edition) 8.

17. Where an instrument may be construed either as a promissory note or bill of exchange, the holder may at his election treat it as either, and the instrument shall be thenceforward treated accordingly.

Ambiguous instruments.

Draft, s. 2: Bill II, s. 18: Bill III, s. 18: Byles 84: Bayley 12 (*Saunderson* v. *Piper*).

18. If the amount undertaken or ordered to be paid is stated differently in figures and in words, the amount stated in words shall be the amount undertaken or ordered to be paid.

Where amount is stated differently in figures and words.

Bill II, s. 19: Bill III, s. 19: 1 Parsons 271: Byles 13, 212: *Aldous* v. *Cornwell*, L. R. 3 Q. B. 573.

19. A promissory note or bill of exchange, in which no time for payment is specified, and a cheque are payable on demand.

Instruments payable on demand.

Bill II, s. 20: Bill III, s. 20: Byles 88, 165, 188: *Foster* v. *Mackinnon*, L. R. 4 C. P. 704: Byles 84.

20. Where one person signs and delivers to another a paper stamped in accordance with the law relating to negotiable instruments then in force in British India, and either wholly blank or having written thereon an incomplete negotiable instrument, he thereby gives *primâ facie* authority to the holder thereof to make or complete, as the case may be, upon it a negotiable instrument, for any amount specified therein and not exceeding the amount covered by the stamp. The person so signing shall be liable upon such instrument, in the capacity in which he signed the same, to any holder in due course for such amount: provided that no person other than a holder in due course shall recover from the person delivering the instrument anything in excess of the amount intended by him to be paid thereunder.

Inchoate stamped instruments.

Bill II, s. 23: Bill III, s. 22: Byles 80, 180, 206, 209, 528: 34 & 35 Vic., c. 74, s. 2.

21. In a promissory note or bill of exchange the expressions "at sight" and "on presentment" mean on demand. The expression "after sight" means, in a promissory note, after presentment for sight, and, in a bill of exchange, after acceptance, or noting for non-acceptance, or protest for non-acceptance.

"At sight." "On presentment." "After sight."

Draft, s. 78: Bill II, s. 22: Bill III, s. 23.

22. The maturity of a promissory note or bill of exchange is the date at which it falls due.

"Maturity."

New.

Every promissory note or bill of exchange which is not expressed to be payable on demand, at sight, or on presentment, is at maturity on the third day after the day on which it is expressed to be payable.

Days of grace.

Draft, s. 79: Bill II, s. 24: Bill III, s. 24: Byles 206.

23. In calculating the date at which a promissory note or bill of exchange, made payable a stated number of months after date or after sight, or after a certain event, is at maturity, the period stated shall be held to terminate on the day of the month which corresponds with the day on which the instrument is dated, or presented for acceptance or sight, or noted for non-acceptance, or protested for non-acceptance, or the event happens, or, where the instrument is a bill of exchange made payable a stated number of months after sight and has been accepted for honour, with the day on which it was so accepted. If the month in which the period would terminate has no corresponding day, the period shall be held to terminate on the last day of such month.

Calculating maturity of bill or note payable so many months after date or sight.

Illustrations.

(*a*). A negotiable instrument, dated 29th January, 1878, is made payable at one month after date. The instrument is at maturity on the third day after the 28th February, 1878.

(*b*). A negotiable instrument, dated 30th August, 1878, is made payable three months after date. The instrument is at maturity on the 3rd December, 1878.

(*c*). A promissory note or bill of exchange, dated 31st August, 1878, is made payable three months after date. The instrument is at maturity on the 3rd December, 1878.

Draft, s. 80: Bill II, s. 25: Bill III, s. 25: Byles 206.

24. In calculating the date at which a promissory note or bill of exchange made payable a certain number of days after date or after sight or after a certain event, is at maturity, the day of the date, or of presentment for acceptance or sight, or of protest for non-acceptance, or on which the event happens, shall be excluded.

Calculating maturity of bill or note payable so many days after date or sight.

Draft, s. 80: Bill II, s. 26: Bill III, s. 26: Byles 208.

25. When the day on which a promissory note or bill of exchange is at maturity is a public holiday, the instrument shall be deemed to be due on the next preceding business day.

When day of maturity is a holiday.

Explanation.—The expression "public holiday" includes Sundays: New-Year's day, Christmas day: if either of such days falls on a Sunday, the next following Monday: Good-Friday; and any other day declared by the Local Government, by notification in the official Gazette, to be a public holiday.

CHAPTER III.

PARTIES TO NOTES, BILLS AND CHEQUES.

Bill II, s. 38: Bill III, s. 28: See 37 & 38 Vic., c. 62, s. 1 (Byles 529): Byles 59.

26. Every person capable of contracting, according to the law to which he is subject, may bind himself and be bound by the making, drawing, acceptance, indorsement, delivery and negotiation of a promissory note, bill of exchange or cheque.

Capacity to make, &c., promissory notes, &c.

Byles 61.

A minor may draw, indorse, deliver and negotiate such instruments so as to bind all parties except himself.

Minor.

Nothing herein contained shall be deemed to empower a corporation to make, indorse or accept such instruments except in cases in which, under the law for the time being in force, they are so empowered.

Bill II, s. 39: Bill III, s. 29: Byles 31.

27. Every person capable of binding himself or of being bound, as mentioned in section twenty-six, may so bind himself or be bound by a duly authorized agent acting in his name.

Agency.

Byles 32.

A general authority to transact business and to receive and discharge debts does not confer upon an agent the power of accepting or indorsing bills of exchange so as to bind his principal.

Byles 33.

An authority to draw bills of exchange does not of itself import an authority to indorse.

Draft, s. 15: Bill II, s. 40: Bill III, s. 3[illegible]

28. An agent who signs his name to a promissory note, bill of exchange or cheque, without indicating thereon that he signs as agent, or that he does not intend thereby to incur personal responsibility, is liable personally on the instrument, except to those who induced him to sign upon the belief that the principal only would be held liable.

Liability of agent signing.

Act IX of 1872, s. 234.

Byles 57: Bill III, s. 31.

29. A legal representative of a deceased person who signs his name to a promissory note, bill of exchange or cheque is liable personally thereon unless he expressly limits his liability to the extent of the assets received by him as such.

Liability of legal representative signing.

Draft, ss. 17, 73: Bill II, s. 44: Bill III, s. 34: Byles 3, 215: Bayley 43: Byles 290.

30. The drawer of a bill of exchange or cheque is bound, in case of dishonour by the drawee or acceptor thereof, to compensate the holder under Chapter XII, provided due notice of dishonour has been given to, or received by, the drawer as hereinafter provided.

Liability of drawer.

Bill II, s. 45: Bill III, s. 35: Byles 18, 19, 185: Chitty 56: Grant on Bankers, 51: *Gray* v. *Johnston*, L. R. 3 E. and I. App. 1.

31. The drawee of a cheque having sufficient funds of the drawer in his hands properly applicable to the payment of such cheque, must pay the cheque when duly required so to do, and, in default of such payment, must compensate the drawer for any loss or damage caused by such default.

Liability of drawee of cheque.

Draft, ss. 60, 65: Bill II, s. 46: Bill III, s. 36: Byles 190, 193: Draft, s. 60: Bayley 44: Byles 910.

32. In the absence of a contract to the contrary, the maker of a promissory note and the acceptor before maturity of a bill of exchange, are bound to pay the amount thereof at maturity according to the apparent tenor of the note or acceptance respectively, and the acceptor of a bill of exchange at or after maturity is bound to pay the amount thereof to the holder on demand.

Liability of maker of note and acceptor of bill.

In default of such payment as aforesaid, such maker or acceptor is bound to compensate any party to the note or bill for any loss or damage sustained by him, and caused by such default.

Draft, s. 61: Bill II, s. 47: Bill III, s. 37: Byles 167, 168.

33. No person except the drawee of a bill of exchange, or all or some of several drawees, or a person named therein as a drawee in case of need, or an acceptor for honour, can bind himself by an acceptance.

Only drawee can be acceptor except in need or for honour.

Draft, s. 59: Bill II, s. 41: Bill III, s. 32.

34. Where there are several drawees of a bill of exchange who are not partners, each of them can accept it for himself, but none of them can accept it for another without his authority.

Acceptance by several drawees not partners.

Draft, ss. 28, 32, 37 (para. 2), 46, 64, 65, 90 and 98: Bill II, s. 48: Bill III, s. 38: Byles 153, 245, 295: *Robertson* v. *Kensington*, 4 Taunt. 30: Byles 152, 155: *Suse* v. *Pompe*, 30 L. J., C. P. 75: *Horne* v. *Rouquette*, 8 Q. B. Div. 519.

35. In the absence of a contract to the contrary, whoever indorses and delivers a negotiable instrument before maturity, without, in such indorsement, expressly excluding or making conditional his own liability, is bound thereby to every subsequent holder, in case of dishonour by the drawee, acceptor or maker, to compensate such holder for any loss or damage caused to him by such dishonour, provided due notice of dishonour has been given to, or received by, such indorser as hereinafter provided.

Liability of indorser.

Draft, s. 44.

Every indorser after dishonour is liable as upon an instrument payable on demand.

Draft, ss. 63, 71: Bill II, s. 49: Bill III, s. 39: Byles 166: *O'Keefe* v. *Dunn*, 6 Taunt. 305: 5 M. & S. 282.

36. Every prior party to a negotiable instrument is liable thereon to a holder in due course until the instrument is duly satisfied.

Liability of prior parties to holder in due course.

Bill II, s. 50: Bill III, s. 40: Byles 245.

37. The maker of a promissory note or cheque, the drawer of a bill of exchange until acceptance, and the acceptor are, in the absence of a contract to the contrary, respectively liable thereon as principal debtors, and the other parties thereto are liable thereon as sureties for the maker, drawer or acceptor, as the case may be.

Maker, drawer and acceptor principals.

Bill II, s. 51: Bill III, s. 41: Byles 245.

38. As between the parties so liable as sureties, each prior party is, in the absence of a contract to the contrary, also liable thereon as a principal debtor in respect of each subsequent party.

Prior party a principal in respect of each subsequent party.

Illustration.

A draws a bill payable to his own order on B, who accepts. A afterwards indorses the bill to C, C to D, and D to E. As between E and B, B is the principal debtor, and A, C and D are his sureties. As between E and A, A is the principal debtor, and C and D are his sureties. As between E and C, C is the principal debtor and D is his surety.

Bill II, s. 52: Bill III, s. 42: *Owen* v. *Homan*, 4 H. L. Cas. 997: *Muir* v. *Crawford*, L. R. 2 Sc. App. 456.

39. When the holder of an accepted bill of exchange enters into any contract with the acceptor which under section 134 or 135 of the Indian Contract Act, 1872, would discharge the other parties, the holder may expressly reserve his right to charge the other parties, and in such case they are not discharged.

Suretyship.

Draft, s. 100: Bill II, s. 53: Bill III, s. 43: *cf.* Act IX of 1872, s. 137.

40. Where the holder of a negotiable instrument, without the consent of the indorser, destroys or impairs the indorser's remedy against a prior party, the indorser is discharged from liability to the holder to the same extent as if the instrument had been paid at maturity.

Discharge of indorser's liability.

Illustration.

A is the holder of a bill of exchange made payable to the order of B, which contains the following indorsements in blank:—

First indorsement, "B."
Second indorsement, "Peter Williams."
Third indorsement, "Wright and Co."
Fourth indorsement, "John Rozario."

This bill A puts in suit against John Rozario and strikes out, without John Rozario's consent, the indorsements by Peter Williams and Wright and Co. A is not entitled to recover anything from John Rozario.

Draft, s. 36: Bill II, s. 55: Bill III, s. 47: Byles 200, 201.

41. An acceptor of a bill of exchange already indorsed is not relieved from liability by reason that such indorsement is forged, if he knew or had reason to believe the indorsement to be forged when he accepted the bill.

Acceptor bound, although indorsement forged.

Bill II, s. 59: Bill III, s. 48: Byles 201: *Cooper* v. *Meyer*, 10 B. & C. 468: Act I of 1872, s. 117.

42. An acceptor of a bill of exchange drawn in a fictitious name and payable to the drawer's order is not, by reason that such name is fictitious, relieved from liability to any holder in due course claiming under an indorsement by the same hand as the drawer's signature, and purporting to be made by the drawer.

Acceptance of bill drawn in fictitious name.

Negotiable instrument made, &c., without consideration.

43. A negotiable instrument made, drawn, accepted, endorsed or transferred without consideration, or for a consideration which fails, creates no obligation of payment between the parties to the transaction. But if any such party has transferred the instrument with or without endorsement to a holder for consideration, such holder, and every subsequent holder deriving title from him, may recover the amount due on such instrument from the transferor for consideration or any prior party thereto.

Exception I.—No party for whose accommodation a negotiable instrument has been made, drawn, accepted or indorsed, can, if he have paid the amount thereof, recover thereon such amount from any person who became a party to such instrument for his accommodation.

Exception II.—No party to the instrument who has induced any other party to make, draw, accept, indorse or transfer the same to him for a consideration which he has failed to pay or perform in full, shall recover thereon an amount exceeding the value of the consideration (if any) which he has actually paid or performed.

Draft, s. 54: Bill II, s. 62: Bill III, s. 51: Byles 130.

Partial absence or failure of money-consideration.

44. When the consideration for which a person signed a promissory note, bill of exchange or cheque consisted of money, and was originally absent in part or has subsequently failed in part, the sum which a holder standing in immediate relation with such signer is entitled to receive from him is proportionally reduced.

Explanation.—The drawer of a bill of exchange stands in immediate relation with the acceptor. The maker of a promissory note, bill of exchange or cheque, stands in immediate relation with the payee, and the indorser with his indorsee. Other signers may by agreement stand in immediate relation with a holder.

Illustration.

A draws a bill on B for Rs. 500 payable to the order of A. B accepts the bill, but subsequently dishonours it by non-payment. A sues B on the bill. B proves that it was accepted for value as to Rs. 400, and as an accommodation to the plaintiff as to the residue. A can only recover Rs. 400.

Draft, s. 55: Bill II, s. 63: Bill III, s. 52.

Partial failure of consideration not consisting of money.

45. Where a part of the consideration for which a person signed a promissory note, bill of exchange or cheque, though not consisting of money, is ascertainable in money without collateral enquiry, and there has been a failure of that part, the sum which a holder standing in immediate relation with such signer is entitled to receive from him is proportionally reduced.

CHAPTER IV.

OF NEGOTIATION.

Delivery.

46. The making, acceptance or indorsement of a promissory note, bill of exchange or cheque is completed by delivery, actual or constructive.

As between parties standing in immediate relation, delivery to be effectual must be made by the party making, accepting or indorsing the instrument, or by a person authorized by him in that behalf.

As between such parties and any holder of the instrument other than a holder in due course, it may be shown that the instrument was delivered conditionally or for a special purpose only, and not for the purpose of transferring absolutely the property therein.

A promissory note, bill of exchange or cheque payable to bearer is negotiable by the delivery thereof.

A promissory note, bill of exchange or cheque payable to order is negotiable by the holder by indorsement and delivery thereof.

Negotiation by delivery.

Draft, s. 18: Bill II, s. 64: Bill III, s. 53: Byles 148.

47. Subject to the provisions of section fifty-eight, a promissory note, bill of exchange or cheque payable to bearer is negotiable by delivery thereof.

Exception.—A promissory note, bill of exchange or cheque delivered on condition that it is not to take effect except in a certain event is not negotiable (except in the hands of a holder for value without notice of the condition) unless such event happens.

Illustrations.

(*a*). A, the holder of a negotiable instrument payable to bearer, delivers it to B's agent to keep for B. The instrument has been negotiated. Byles 148, note (*i*).

(*b*). A, the holder of a negotiable instrument payable to bearer which is in the hands of A's banker, who is at the time the banker of B, directs the banker to transfer the instrument to B's credit in the banker's account with B. The banker does so, and accordingly now possesses the instrument as B's agent. The instrument has been negotiated, and B has become the holder of it.

Negotiation by indorsement.

Draft, s. 19: Bill II, s. 65: Bill III, s. 54: *Denton* v. *Peters*, L.R. 5 Q. B. 475: *Ex parte Cote*, L. R. 9 Ch. App. 27.

48. Subject to the provisions of section fifty-eight, a promissory note, bill of exchange or cheque payable to the order of a specified person, or to a specified person or order, is negotiable by the holder by indorsement and delivery thereof.

Conversion of indorsement in blank into indorsement in full.

Draft, s. 31: Bill II, s. 68: Bill III, s. 57: Byles 150, 151.

49. The holder of a negotiable instrument indorsed in blank may, without signing his own name, by writing above the indorser's signature a direction to pay to any other person as indorsee, convert the indorsement in blank into an indorsement in full; and the holder does not thereby incur the responsibility of an indorser.

Effect of indorsement.

Draft, ss. 29, 30: Bill II, ss. 69, 70: Bill III, ss. 58, 59: Byles 158.

50. The indorsement of a negotiable instrument followed by delivery transfers to the indorsee the property therein with the right of further negotiation; but the indorsement may, by express words, restrict or exclude such right, or may merely constitute the indorsee an agent to indorse the instrument, or to receive its contents for the indorser, or for some other specified person.

Illustrations.

B signs the following indorsements on different negotiable instruments payable to bearer:—

(*a*) "Pay the contents to C only."

(*b*) "Pay C for my use."

(*c*) "Pay C or order for the account of B."

(*d*) "The within must be credited to C."

These indorsements exclude the right of further negotiation by C.

(*e*) "Pay C."

(*f*) "Pay C value in account with the Oriental Bank."

(*g*) "Pay the contents to C, being part of the consideration in a certain deed of assignment executed by C to the indorser and others."

These indorsements do not exclude the right of further negotiation by C.

Draft, ss. 20, 24, 27 Bill II, s. 71: Bill III, s. 60.

51. Every sole maker, drawer, payee or indorsee, or all of several joint makers, drawers, payees or indorsees, of a negotiable instrument may, if the negotiability of such instrument has not been restricted or excluded, as mentioned in section fifty, indorse and negotiate the same.

Who may negotiate.

Explanation.—Nothing in this section enables a maker or drawer to indorse or negotiate an instrument, unless he is in lawful possession or is holder thereof; or enables a payee or indorsee to indorse or negotiate an instrument, unless he is holder thereof.

Illustration.

A bill is drawn payable to A or order. A indorses it to B, the indorsement not containing the words "or order" or any equivalent words. B may negotiate the instrument.

Draft, ss. 32, 34: Bill II, s. 72: Bill III, s. 61: Rules 152, 157.

52. The indorser of a negotiable instrument may, by express words in the indorsement, exclude his own liability thereon, or make such liability or the right of the indorsee to receive the amount due thereon, depend upon the happening of a specified event, although such event may never happen.

Indorser who excludes his own liability or makes it conditional.

Draft, s. 45.

Where an indorser so excludes his liability and afterwards becomes the holder of the instrument, all intermediate indorsers are liable to him.

Illustrations.

(*a*) The indorser of a negotiable instrument signs his name, adding the words—

"Without recourse."

Upon this indorsement he incurs no liability.

(*b*) A is the payee and holder of a negotiable instrument. Excluding personal liability by an endorsement "without recourse," he transfers the instrument to B, and B indorses it to C, who indorses it to A. A is not only reinstated in his former rights, but has the rights of an indorsee against B and C.

Draft, s. 49: Bill II, s. 73: Bill III, s. 64.

53. A holder of a negotiable instrument who derives title from a holder in due course has the rights thereon of that holder in due course.

Holder deriving title from holder in due course.

Draft, s. 35: Bill II, s. 74: Bill III, s. 63.

54. Subject to the provisions hereinafter contained as to crossed cheques, a negotiable instrument indorsed in blank is payable to the bearer thereof even although originally payable to order.

Instrument indorsed in blank.

Draft, s. 39: Bill II, s. 75: Bill III, s. 64.

55. If a negotiable instrument after having been indorsed in blank is indorsed in full, the amount of it cannot be claimed from the indorser in full, except by the person to whom it has been indorsed in full, or by one who derives title through such person.

Conversion of indorsement in blank into indorsement in full.

Draft, s. 33: Bill II, s. 76: Bill III, s. 65: Rules 179.

56. No writing on a negotiable instrument is valid for the purpose of negotiation if such writing purports to transfer only a part of the amount appearing to be due on the instrument; but where such amount has been partly paid, a note to that effect may be endorsed on the instrument, which may then be negotiated for the balance.

Indorsement for part of sum due.

Draft, s. 22: Bill II, s. 78: Bill III, s. 67: Rule 174.

57. The legal representative of a deceased person cannot negotiate by delivery only a promissory note, bill of exchange or cheque payable to order and indorsed by the deceased but not delivered.

Legal representative cannot by delivery only negotiate instrument indorsed by deceased.

Draft, ss. 53: Bill II, s. Bill III, s. Rules 123, 164.

58. When a negotiable instrument has been lost, or has been obtained from any maker, acceptor or holder thereof by means of an offence or fraud, or for an unlawful consideration, no possessor or indorsee who claims through the person who found or so obtained the instrument is entitled to receive the amount due thereon from such maker, acceptor or holder, or from any party prior to such holder, unless such possessor or indorsee is, or some person through whom he claims was, a holder thereof in due course.

Instrument obtained by unlawful means or for unlawful consideration.

Draft, s. and part s. 52: Bill II, s. Bill III, Rules 163.

59. The holder of a negotiable instrument, who has acquired it after dishonour, whether by non-acceptance or non-payment, with notice thereof, or after maturity, has only, as against the other parties, the rights thereon of his transferor:

Instrument acquired after dishonour or when overdue.

Provided that any person who, in good faith and for consideration, becomes the holder, after maturity, of a promissory note or bill of exchange made, drawn or accepted without consideration for the purpose of enabling some party thereto to raise money thereon, may recover the amount of the note or bill from any prior party.

Accommodation note or bill.

Illustration.

The acceptor of a bill of exchange, when he accepted it, deposited with the drawer certain goods as a collateral security for the payment of the bill, with power to the drawer to sell the goods and apply the proceeds in discharge of the bill if it were not paid at maturity. The bill not having been paid at maturity, the drawer sold the goods and retained the proceeds, but indorsed the bill to A. A's title is subject to the same objection as the drawer's title.

60. A negotiable instrument may be restricted (except by the maker, drawee or acceptor after maturity) until payment or satisfaction thereof by the maker, drawee or acceptor at or after maturity, but not after such payment or satisfaction.

Instrument negotiable till payment or satisfaction.

Rules

CHAPTER V.

OF PRESENTMENT.

Draft, s. Bill II, Bill III,

61. A bill of exchange payable after sight must, if no time or place is specified therein for presentment, be presented to the drawee thereof for acceptance, if he can, after reasonable search, be found, by a person entitled to demand acceptance, within a reasonable time after it is drawn, and in business-hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default.

Presentment for acceptance.

2 Bar. Leonard Wilson 2 Cr. 522: Rules 182.

If the drawee cannot, after reasonable search, be found, the bill is dishonoured.

Rules 183.

If the bill is directed to the drawee at a particular place, it must be presented at that place; and if at the due date for presentment he cannot, after reasonable search, be found there, the bill is dishonoured.

Rules 183, 184.

Bill II, s. Bill III, s.

62. A promissory note, payable at a certain period after sight, must be presented to the maker thereof for sight (if he can

Presentment of promissory note for sight.

after reasonable search be found) by a person entitled to demand payment, within a reasonable time after it is made and in business-hours on a business day. In default of such presentment, no party thereto is liable thereon to the person making such default.

Draft, s. 56: Bill II, s. 84: Bill III, s. 73: Byles 183.

63. The holder must, if so required by the drawee of a bill of exchange presented to him for acceptance, allow the drawee twenty-four hours (exclusive of public holidays) to consider whether he will accept it.

Drawee's time for deliberation.

Draft, s. 188: Bill II, s. 85: Bill III, s. 74.

64. Promissory notes, bills of exchange and cheques must be presented for payment to the maker, acceptor or drawee thereof respectively, by or on behalf of the holder as hereinafter provided. In default of such presentment, the other parties thereto are not liable thereon to such holder.

Presentment for payment.

Byles 216.

Exception.—Where a promissory note is payable on demand and is not payable at a specified place, no presentment is necessary in order to charge the maker thereof.

Bill II, s. 86: Bill III, s. 75: Draft, s. 187: Byles 218.

65. Presentment for payment must be made during the usual hours of business, and, if at a banker's, within banking hours.

Hours for presentment.

Draft, s. 133: Bill II, s. 87: Bill III, s. 76. Byles 208.

66. A promissory note or bill of exchange, made payable at a specified period after date or sight thereof, must be presented for payment at maturity.

Presentment for payment of instrument payable after date or sight.

Bill II, s. 88: Bill III, s. 77: Byles 7.

67. A promissory note payable by instalments must be presented for payment on the third day after the date fixed for payment of each instalment; and non-payment on such presentment has the same effect as non-payment of a note at maturity.

Presentment for payment of promissory note payable by instalments.

Draft, s. 138: Bill II, s. 89: Bill III, s. 78: Act VI of 1840, s. 1: 1 & 2 Geo. IV, c. 78 (Byles 490).

68. A promissory note, bill of exchange or cheque made, drawn or accepted payable at a specified place and not elsewhere must, in order to charge any party thereto, be presented for payment at that place.

Presentment for payment of instrument payable at specified place and not elsewhere.

Draft, ss. 139, 140: Bill II, s. 90: Bill III, s. 79: Byles 214.

69. A promissory note or bill of exchange made, drawn or accepted payable at a specified place must, in order to charge the maker or drawer thereof, be presented for payment at that place.

Instrument payable at specified place.

Draft, ss. 139, 140, 142: Bill II, s. 91: Bill III, s. 80. Byles 214.

70. A promissory note or bill of exchange, not made payable as mentioned in sections sixty-eight and sixty-nine, must be presented for payment at the place of business (if any), or at the usual residence, of the maker, drawee or acceptor thereof, as the case may be.

Presentment where no exclusive place specified.

s. 141: s. 92; s. 81.

71. If the maker, drawee or acceptor of a negotiable instrument has no known place of business or fixed residence, and no place is specified in the instrument for presentment for acceptance or payment, such presentment may be made to him in person wherever he can be found.

Presentment when maker, &c., has no known place of business or residence.

72. A cheque must, in order to charge the drawer, be presented at the bank upon which it is drawn before the relation between the drawer and his banker has been altered to the prejudice of the drawer.

Presentment of cheque to charge drawer.

Bill II, s. 93: Bill III, s. 82: Byles 21, 210. Byles 20.

73. A cheque must, in order to charge any person except the drawer, be presented within a reasonable time after delivery thereof by such person.

Presentment of cheque to charge any other person.

Bill II, s. 94: Bill III, s. 83: Byles 21.

74. Subject to the provisions of section thirty-one, a negotiable instrument payable on demand must be presented for payment within a reasonable time after it is received by the holder.

Presentment of instrument payable on demand.

Draft, s. 134: Bill II, s. 95: Bill III, s. 84: Byles 211.

75. Presentment for acceptance or payment may be made to the duly authorized agent of the drawee, maker or acceptor, as the case may be, or, where the drawee, maker or acceptor has died, to his legal representative, or, where he has been declared an insolvent, to his assignee.

Presentment by or to agent, representative of deceased, or assignee of insolvent.

Bill II, s. 96: Bill III, s. 85: Parsons 500.

76. No presentment for payment is necessary, and the instrument is dishonoured at the due date for presentment, in any of the following cases:—

When presentment unnecessary.

Draft, ss. 89, 91: Bill II, s. 97: Bill III, s. 86: Byles 218.

(*a*) if the maker, drawee or acceptor intentionally prevents the presentment of the instrument,

or, if the instrument being payable at his place of business, he closes such place on a business day during the usual business-hours, or

if the instrument being payable at some other specified place, neither he nor any person authorized to pay it attends at such place during the usual business-hours, or

if the instrument not being payable at any specified place, he cannot after due search be found;

(*b*) as against any party sought to be charged therewith, if he has engaged to pay notwithstanding non-presentment;

(*c*) as against any party if, after maturity, with knowledge that the instrument has not been presented—

he makes a part payment on account of the amount due on the instrument,

or promises to pay the amount due thereon in whole or in part,

or otherwise waives his right to take advantage of any default in presentment for payment;

(*d*) as against the drawer, if the drawer could not suffer damage from the want of such presentment.

Terry v. *Parker*, 6 Ad. & E. 502: *Wirth* v. *Austin*, L. R. 10 C. P. 689.

77. When a bill of exchange, accepted payable at a specified bank, has been duly presented there for payment and dishonoured, if the banker so negligently or improperly keeps, deals with or delivers back such bill as to cause loss to the holder, he must compensate the holder for such loss.

Liability of banker for negligently dealing with bill presented for payment.

Draft s. 3: Bill I s. 99: Bill III, s. 87: Byles 197.

CHAPTER VI.

OF PAYMENT AND INTEREST.

Bill II, s. 100: Bill III, s. 88: Byles 220.

78. Subject to the provisions of section eighty-two, clause (*c*), payment of the amount due on a promissory note, bill of exchange or cheque must, in order to discharge the maker or acceptor, be made to the holder of the instrument.

To whom payment should be made.

Bill II, s. 101: Bill III, s. 89: Byles 306, 307.

79. When interest at a specified rate is expressly made payable on a promissory note or bill of exchange, interest shall be calculated at the rate specified, on the amount of the principal money due thereon, from the date of the instrument, until tender or realization of such amount, or until such date after the institution of a suit to recover such amount as the Court directs.

Interest when rate specified.

Draft, s. 65: Bill II, s. 102: Bill III, s. 90: Byles 306, 307, 308.

80. When no rate of interest is specified in the instrument, interest on the amount due thereon shall, except in cases provided for by the Code of Civil Procedure, section 532, be calculated at the rate of six percentum per annum, from the date at which the same ought to have been paid by the party charged, until tender or realization of the amount due thereon or until such date after the institution of a suit to recover such amount as the Court directs.

Interest when no rate specified.

'ten,' Bank of Bengal.

Byles 308.

Explanation.—When the party charged is the indorser of an instrument dishonoured by non-payment, he is liable to pay interest only from the time that he receives notice of the dishonour.

Draft, s. 82: Bill II, s. 103: Bill III, s. 91: Byles 273: See Pro. Code, s. 61.

81. Any person liable to pay, and called upon by the holder thereof to pay, the amount due on a promissory note, bill of exchange or cheque is before payment entitled to have it shown, and is on payment entitled to have it delivered up, to him, or, if the instrument is lost or cannot be produced, to be indemnified against any further claim thereon against him.

Delivery of instrument on payment, or indemnity in case of loss.

CHAPTER VII.

OF DISCHARGE FROM LIABILITY ON NOTES, BILLS AND CHEQUES.

Draft, s. 85: Bill II, s. 104: Bill III, s. 92.

82. The maker, acceptor or indorser respectively of a negotiable instrument is discharged from liability thereon—

Discharge from liability—

Byles 154, 199: Draft, s. 88.

(*a*) to a holder thereof who cancels such acceptor's or indorser's name with intent to discharge him, and to all parties claiming under such holder;

by cancellation;

Byles 198, 200.

(*b*) to a holder thereof who otherwise discharges such maker, acceptor or indorser, and to all parties deriving title under such holder after notice of such discharge;

by release;

Draft, ss. 87, 88: Byles 291.

(*c*) to all parties thereto, if the instrument is payable to bearer, or has been indorsed in blank, and such maker, acceptor or indorser makes payment in due course of the amount due thereon.

by payment.

83. If the holder of a bill of exchange allows the drawee more than twenty-four hours, exclusive of public holidays, to consider whether he will accept the same, all previous parties not consenting to such allowance are thereby discharged from liability to such holder.

Discharge by allowing drawee more than twenty-four hours to accept.

Draft, s. 70: Bill II, s. 105: Bill III, s. 93.

84. When the holder of a cheque fails to present it for payment within a reasonable time, and the drawer thereof sustains loss or damage from such failure, he is discharged from liability to the holder.

When cheque not duly presented and drawer damaged thereby.

Draft, s. 101: Bill II, s. 106: Bill III, s. 94: Byles 20.

85. Where a cheque payable to order, purports to be indorsed by or on behalf of the payee, the drawee is discharged by payment in due course.

Cheque payable to order.

Bill II, s. 107: Bill III, s. 95: 16 & 17 Vic., c. 59, s. 19: Byles 27, 505. *Charles* v. *Blackwell*, 1 C. P. Div. 548.

86. If the holder of a bill of exchange acquiesces in a qualified acceptance, or one limited to part of the sum mentioned in the bill, or which substitutes a different place or time for payment, or which, where the drawees are not partners is not signed by all the drawees, all previous parties whose consent is not obtained to such acceptance are discharged as against the holder and those claiming under him, unless on notice given by the holder, they assent to such acceptance.

Parties not consenting discharged by qualified or limited acceptance.

Draft, s. 69: Bill II, s. 108: Bill III, s. 96: Byles 198, 194.

Explanation.—An acceptance is qualified—

(*a*) where it is conditional, declaring the payment to be dependent on the happening of an event therein stated;

(*b*) where it undertakes the payment of part only of the sum ordered to be paid;

(*c*) where, no place of payment being specified on the order, it undertakes the payment at a specified place and not otherwise or elsewhere; or where, a place of payment being specified in the order, it undertakes the payment at some other place and not otherwise or elsewhere;

(*d*) where it undertakes the payment at a time other than that at which under the order it would be legally due.

87. Save as provided in sections twenty, forty-nine, eighty-six and one hundred and twenty-five, any material alteration of a negotiable instrument renders the same void as against any one who is a party thereto at the time of making such alteration and does not consent thereto, unless it was made in order to carry out the common intention of the original parties;

Effect of material alteration.

Draft, ss. 1[illegible] 110: Bill II, s. 110: Bill III, s. 97: Byles 324.

and any such alteration, if made by an indorsee, discharges his indorser from all liability to him in respect of the consideration thereof.

Alteration by indorsee.

Bill II, s. 111: Bill III, s. 98: Byles 326.

The provisions of this section are subject to those of sections twenty, forty-nine, eighty-six and one hundred and twenty-five.

88. An acceptor or indorser of a negotiable instrument is bound by his acceptance or indorsement notwithstanding any previous alteration of the instrument.

Acceptor or indorser bound notwithstanding previous alteration.

Draft, ss. 112 to 114 Act I of 1[illegible] s. 112: Bill II, s. 112: Bill III, s. 99.

89. Where a promissory note, bill of exchange or cheque has been materially altered, but does not appear to have been so altered,

Payment of instrument on which alteration is not apparent.

or where a cheque is presented for payment which does not at the time of presentation appear to be crossed or to have had a crossing which has been obliterated,

payment thereof by a person or banker liable to pay and paying the same according to the apparent tenor thereof at the time of payment and otherwise in due course, shall discharge such person or banker from all liability thereon, and such payment shall not be questioned by reason of the instrument having been altered, or the cheque crossed.

90. If a bill of exchange which has been negotiated is, at or after maturity, held by the acceptor in his own right, all rights of action thereon are extinguished.

Extinguishment of rights of action on bill in acceptor's hands.

CHAPTER VIII.

OF NOTICE OF DISHONOUR.

91. A bill of exchange is said to be dishonoured by non-acceptance when the drawee, or one of several drawees not being partners, makes default in acceptance upon being duly required to accept the bill, or where presentment is excused and the bill is not accepted.

Dishonour by non-acceptance.

Where the drawee is incompetent to contract, or the acceptance is qualified, the bill may be treated as dishonoured.

92. A promissory note, bill of exchange or cheque is said to be dishonoured by non-payment when the maker of the note, acceptor of the bill, or drawee of the cheque makes default in payment upon being duly required to pay the same.

Dishonour by non-payment.

93. When a promissory note, bill of exchange or cheque is dishonoured by non-acceptance or non-payment, the holder thereof, or some party thereto who remains liable thereon, must give notice that the instrument has been so dishonoured to all other parties whom the holder seeks to make severally liable thereon, and to some one of several parties whom he seeks to make jointly liable thereon.

By and to whom notice should be given.

Nothing in this section renders it necessary to give notice to the maker of the dishonoured promissory note, or the drawee or acceptor of the dishonoured bill of exchange or cheque.

94. Notice of dishonour may be given to a duly authorized agent of the person to whom it is required to be given, or, where he has died, to his legal representative, or, where he has been declared an insolvent, to his assignee; may be oral or written; may, if written, be sent by post; and may be in any form; but it must inform the party to whom it is given, either in express terms or by reasonable intendment, that the instrument has been dishonoured, and in what way, and that he will be held liable thereon; and it must be given within a reasonable time after dishonour, at the place of business, or (in case such party has no place of business) at the residence of the party for whom it is intended.

Mode in which notice may be given.

If the notice is duly directed and sent by post and miscarries, such miscarriage does not render the notice invalid.

95. Any party receiving notice of dishonour must, in order to render any prior party liable to himself, give notice of dishonour to such party within a reasonable time, unless such party otherwise receives due notice as provided by section ninety-three.

Party receiving must transmit notice of dishonour.

96. When the instrument is deposited with an agent for presentment, the agent is entitled to the same time to give notice to his principal as if he were the holder giving notice of dishonour, and the principal is entitled to a further like period to give notice of dishonour.

Agent for presentment.

97. When the party to whom notice of dishonour is despatched is dead, but the party despatching the notice is ignorant of his death, the notice is sufficient.

When party to whom notice given is dead.

98. No notice of dishonour is necessary—

When notice of dishonour is unnecessary.

(*a*) when it is dispensed with by the party entitled thereto;

(*b*) in order to charge the drawer, when he has countermanded payment;

(*c*) when the party charged could not suffer damage for want of notice;

(*d*) when the party entitled to notice cannot after due search be found; or the party bound to give notice is, for any other reason, unable without any fault of his own to give it;

(*e*) to charge the drawers, when the acceptor is also a drawer;

(*f*) in the case of a promissory note which is not negotiable;

(*g*) when the party entitled to notice, knowing the facts, promises unconditionally to pay the amount due on the instrument.

CHAPTER IX.

OF NOTING AND PROTEST.

99. When a promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may cause such dishonour to be noted by a notary public upon the instrument, or upon a paper attached thereto, or partly upon each.

Noting.

Such note must be made within a reasonable time after dishonour, and must specify the date of dishonour, the reason, if any, assigned for such dishonour, or, if the instrument has not been expressly dishonoured, the reason why the holder treats it as dishonoured, and the notary's charges.

100. When a promissory note or bill of exchange has been dishonoured by non-acceptance or non-payment, the holder may, within a reasonable time, cause such dishonour to be noted and certified by a notary public. Such certificate is called a protest.

Protest.

Byles 261.

When the acceptor of a bill of exchange has become insolvent, or his credit has been publicly impeached, before the maturity of the bill, the holder may, within a reasonable time, cause a notary public to demand better security of the acceptor, and on its being refused may, within a reasonable time, cause such facts to be noted and certified as aforesaid. Such certificate is called a protest for better security.

Protest for better security.

Draft, s. 122: Bill II, s. 124: Bill III, s. 111: Byles 261.

101. A protest under section one hundred must contain—

Contents of protest.

(*a*) either the instrument itself, or a literal transcript of the instrument and of everything written or printed thereupon;

(*b*) the name of the person for whom and against whom the instrument has been protested;

(*c*) a statement that payment or acceptance, or better security, as the case may be, has been demanded of such person by the notary public; the terms of his answer, if any, or a statement that he gave no answer, or that he could not be found;

(*d*) when the note or bill has been dishonoured, the place and time of dishonour, and when better security has been refused, the place and time of refusal;

(*e*) the subscription of the notary public making the protest;

(*f*) in the event of an acceptance for honour or of a payment for honour, the name of the person by whom, of the person for whom, and the manner in which, such acceptance or payment was offered and effected.

Draft, s. 124: Bill II, s. 25: Bill III, s. 12: Byles 262.

102. When a promissory note or bill of exchange is required by law to be protested, notice of such protest must be given instead of notice of dishonour, in the same manner and subject to the same conditions; but the notice may be given by the notary public who makes the protest.

Notice of protest.

Bill II, s. 126: Bill III, s. 113: Act VI, 1840, s. 4: 3 & 3 Wm. IV, c. 98.

103. All bills of exchange drawn payable at some other place than the place mentioned as the residence of the drawee, and which are dishonoured by non-acceptance, may, without further presentment to the drawee, be protested for non-payment, in the place specified for payment, unless paid before or at maturity.

Protest for non-payment after dishonour by non-acceptance.

Draft, s. 108: Bill II, s. 139: Bill III, s. 138.

104. Foreign bills of exchange must be protested for dishonour when such protest is required by the law of the place where they are drawn.

Protest of foreign bills.

CHAPTER X.

OF REASONABLE TIME.

Draft, s. 56, Explu. 1: Bill II, s. 57: Bill III, s. 114: Byles 182, 210, 287.

105. In determining what is a reasonable time for presentment for acceptance or payment, for giving notice of dishonour and for noting, regard shall be had to the nature of the instrument and the usual course of dealing with respect to similar instruments; and in calculating such time, public holidays shall be excluded.

Reasonable time.

Draft, s. 134: Bill II, s. 135: Bill III, s. 116: Byles 284.

106. If the holder and the party to whom notice of dishonour is given carry on business or live (as the case may be) in different places, such notice is given within a reasonable time if it is despatched by the next post or on the day next after the day of dishonour.

Reasonable time of giving notice of dishonour.

If the said parties carry on business or live in the same place, such notice is given within a reasonable time if it is despatched in time to reach its destination on the day next after the day of dishonour.

Draft, s. 134: Bill II, s. 135: Bill III, s. 117.

107. A party receiving notice of dishonour, who seeks to enforce his right against a prior party, transmits the notice within a reasonable time if he transmits it within the same time after its receipt as he would have had to give notice if he had been the holder.

Reasonable time for transmitting such notice.

CHAPTER XI.

OF ACCEPTANCE AND PAYMENT FOR HONOUR AND REFERENCE IN CASE OF NEED.

Draft, ss. 75, 76: Bill II, s. 101: Bill III, s. 118: Byles 265, 266.

108. When a bill of exchange has been noted or protested for non-acceptance or for better security, any person not being a party already liable thereon may, with the consent of the holder, by writing on the bill, accept the same for the honour of any party thereto.

Acceptance for honour.

An acceptor *supra protest* must personally appear before a notary public with two or more witnesses, and declare that he accepts, under protest, the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour, and that he will satisfy the same at the appointed time; and then must subscribe the bill with his own hand.

Unless the person who intends to accept *supra protest* first declares, in the presence of a notary, that he does it for honour, and has such declaration duly recorded in the notarial register at the time, his acceptance shall be a nullity.

New.

109. A person desiring to accept for honour must, in the presence of a notary public, subscribe the bill with his own hand, and declare that he accepts under protest the protested bill for the honour of the drawer or of a particular indorser whom he names, or generally for honour; and such declaration must be recorded by the notary in his register.

How acceptance for honour must be made.

Draft, s. 75, Bill II, s. 133, Bill III, s. 119: Byles 265, 266.

110. Where the acceptance does not express for whose honour it is made, it shall be deemed to be made for the honour of the drawer.

Acceptance not specifying for whose honour it is made.

Draft, s. 77: Bill II, s. 136: Bill III, s. 120: Byles 267.

111. An acceptor for honour binds himself to all parties subsequent to the party for whose honour he accepts to pay the amount of the bill if the drawee do not; and such party and all prior parties are liable in their respective capacities to compensate the acceptor for honour for all loss or damage sustained by him in consequence of such acceptance.

Liability of acceptor for honour.

Byles 268.

But an acceptor for honour is not liable to the holder of the bill unless it is presented, or (in case the address given by such acceptor on the bill is a place other than the place where the bill

Draft, s. 845: Byles 266: Act VI of 1840, s. 3.

is made payable) forwarded for presentment, not later than the day next after the day of its maturity.

When acceptor for honour may be charged.

112. An acceptor for honour cannot be charged unless the bill has at its maturity been presented to the drawee for payment and has been dishonoured by him, and noted or protested for such dishonour.

Payment for honour.

113. When a bill of exchange has been noted or protested for non-payment, any person may pay the same for the honour of any party liable to pay the same, provided that the person so paying has previously declared before a notary public the party for whose honour he pays, and that such declaration has been recorded by such notary public.

Right of payer for honour.

114. Any person so paying is entitled to all the rights, in respect of the bill, of the holder at the time of such payment, and may recover from the party for whose honour he pays all sums so paid, with interest thereon and with all expenses properly incurred in making such payment.

Drawee in case of need.

115. Where a drawee in case of need is named in a bill of exchange, or in any endorsement thereon, the bill is not dishonoured until it has been dishonoured by such drawee.

Acceptance and payment without protest.

116. A drawee in case of need may accept and pay the bill of exchange without previous protest.

CHAPTER XII.

OF COMPENSATION.

Rules as to compensation.

117. The compensation payable in case of dishonour of a promissory note, bill of exchange or cheque, by any party liable to the holder or any indorsee, shall (except in cases provided for by the Code of Civil Procedure, section 532) be determined by the following rules :—

(*a*) The holder is entitled to the amount due upon the instrument, together with the expenses properly incurred in presenting, noting and protesting it ;

(*b*) When the person charged resides at a place different from that at which the instrument was payable, the holder is entitled to receive such sum at the current rate of exchange between the two places ;

(*c*) An indorser who, being liable, has paid the amount due on the same is entitled to the amount so paid with interest at six per centum per annum from the date of payment until tender or realization thereof, together with all expenses caused by the dishonour and payment ;

(*d*) When the person charged and such indorser reside at different places, the indorser is entitled to receive such sum at the current rate of exchange between the two places ;

(*e*) The party entitled to compensation may draw a bill upon the party liable to compensate payable at sight or on demand, for the amount due to him together with all expenses properly incurred by him. Such bill must be accompanied by the instrument dishonoured and the protest thereof (if any). If such bill is dishonoured, the party dishonouring the same is liable to make compensation thereof in the same manner as in the case of the original bill.

CHAPTER XIII.

SPECIAL RULES OF EVIDENCE.

Presumptions as to negotiable instruments

118. Until the contrary is proved, the following presumptions shall be made :— Draft, s. 13 ; Bill II, s. 27 ; Bill III, s. 26 ; Byles

as to consideration ;

(*a*) that every negotiable instrument was made or drawn for consideration, and that every such instrument, when it has been accepted, indorsed, negotiated or transferred, was accepted, indorsed, negotiated or transferred for consideration :

as to date ;

(*b*) that every negotiable instrument bearing a date was made or drawn on such date :

as to time of acceptance ;

(*c*) that every accepted bill of exchange was accepted within a reasonable time after its date and before its maturity : Byles 190.

as to time of transfer ;

(*d*) that every transfer of a negotiable instrument was made before its maturity : Byles 190.

as to order of endorsements ;

(*e*) that the endorsements appearing upon a negotiable instrument were made in the order in which they appear thereon : Draft, s. 87.

as to stamp ;

(*f*) that a lost promissory note, bill of exchange or cheque was duly stamped : Byles 117, 382.

that holder is a holder in due course.

(*g*) that the holder of a negotiable instrument is a holder in due course : provided that where the instrument has been obtained from its lawful owner, or from any person in lawful custody thereof, by means of an offence or fraud, or has been obtained from the maker or acceptor thereof by means of an offence or fraud, or for unlawful consideration, the burthen of proving that the holder is a holder in due course lies upon him. Draft, s. 13. Byles 122.

Presumption on proof of protest.

119. In a suit upon an instrument, which has been dishonoured, the Court shall, on proof of the protest, presume the fact of dishonour, unless and until such fact is disproved. Draft, ss. 121, 122 ; Act [illegible], s. 13.

Estoppel against denying original validity of instrument.

120. No maker of a promissory note, and no drawer of a bill of exchange or cheque, and no acceptor of a bill of exchange for the honour of the drawer shall, in a suit thereon by a holder in due course, be permitted to deny the validity of the instrument as originally made or drawn Bill II, s. 34 ; Bill III, s. 44 ; *Phillips* v. *Im Thurn* 18, C. B., N. S. 694.

Estoppel against denying capacity of payee to indorse.

121. No maker of a promissory note and no acceptor of a bill of exchange payable to, or to the order of, a specified person shall, in a suit thereon by a holder in due course, be permitted to deny the payee's capacity, at the date of the note or bill, to indorse the same. Bill II, s. 35 ; Bill III, s. 45 ; Byles 200.

Draft, s. 85 : Bill II, s. 57 : Bill III, s. 46 : Byles 158. See Byles 222, n. (*i*).

Estoppel against denying signature or capacity of prior party.

122. No indorser of a negotiable instrument shall, in a suit thereon by a subsequent holder, be permitted to deny the signature or capacity to contract of any prior party to the instrument.

CHAPTER XIV.

OF CROSSED CHEQUES.

Bill II, s. 80 : Bill III, s. 30 : 30 & 40 Vic., c. 6[illegible], s. 4.

Cheque crossed generally.

123. Where a cheque bears across its face an addition of the words "and company" or any abbreviation thereof, between two parallel transverse lines, or of two parallel transverse lines simply, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed generally.

Bill II, s. 81 : Bill III, s. 130 : 30 & 40 Vic., c. 81, s. 4.

Cheque crossed specially.

124. Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed specially, and to be crossed to that banker.

Bill II, s. 82 : Bill III, s. 131 : 30 & 40 Vic., c. 81, s. 5.

Crossing after issue.

125. Where a cheque is uncrossed, the holder may cross it generally or specially.

Where a cheque is crossed generally, the holder may cross it specially.

Where a cheque is crossed generally or specially, the holder may add the words "not negotiable."

Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker, his agent, for collection.

[illegible] 102, [illegible] II, s. 83 : [illegible] III, s. 121, [illegible] & 40 Vic., [illegible]

Payment of cheque crossed generally.

126. Where a cheque is crossed generally, the banker on whom it is drawn shall not pay it otherwise than to a banker.

Payment of cheque crossed specially.

Where a cheque is crossed specially, the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or his agent for collection.

[illegible] II, s. 84 : [illegible] III, s. 8 : 8.

Payment of cheque crossed specially more than once.

127. Where a cheque is crossed specially to more than one banker, except when crossed to an agent for the purpose of collection, the banker on whom it is drawn shall refuse payment thereof.

[illegible] II, s. 85 : [illegible] III, s. 9 :

Payment in due course of crossed cheque.

128. Where the banker on whom a crossed cheque is drawn has paid the same in due course, the banker paying the cheque, and (in case such cheque has come to the hands of the payee) the drawer thereof, shall respectively be entitled to the same rights, and be placed in the same position in all respects, as they would respectively be entitled to and placed in if the amount of the cheque had been paid to and received by the true owner thereof.

Payment of crossed cheque out of due course.

129. Any banker paying a cheque crossed generally otherwise than to a banker, or a cheque crossed specially otherwise than to the banker to whom the same is crossed, or his agent for collection, being a banker, shall be liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid. Bill II, s. [illegible] ; Bill [illegible], s. 135 ; S. 10.

Cheque bearing "not negotiable."

130. A person taking a cheque crossed generally or specially, bearing in either case the words "not negotiable," shall not have, and shall not be capable of giving, a better title to the cheque than that which the person from whom he took it had. Bill II, s. [illegible] ; Bill III, s. 130 ; S. 12.

Non-liability of banker receiving payment of cheque.

131. A banker who has in good faith and without negligence received payment for a customer of a cheque crossed generally or specially to himself shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment. 48 L. J. 529.

CHAPTER XV.

OF BILLS IN SETS.

Set of bills.

132. Bills of exchange may be drawn in parts, each part being numbered and containing a provision that it shall continue payable only so long as the others remain unpaid. All the parts together make a set ; but the whole set constitutes only one bill, and is extinguished when one of the parts, if a separate bill, would be extinguished. Draft, ss. 11, 116 ; Bill II, s. 2[illegible] ; Bill [illegible] ; Byles [illegible] ; 2[illegible]

Exception.—When a person accepts or indorses different parts of the bill in favour of different persons, he and the subsequent indorsers of each part are liable on such part as if it were a separate bill. Byles [illegible] ; *Holdsworth* v. *Hunter*, [illegible] & C. 449.

Holder of first acquired part entitled to all.

133. As between holders in due course of different parts of the same set, he who first acquired title to his part is entitled to the other parts and the money represented by the bill. Bill II, s. [illegible] ; Bill III, s. 129 ; Byles 391 ; Bayley 80, 171.

CHAPTER XVI.

OF INTERNATIONAL LAW.

Law governing liability of maker, acceptor or indorser of foreign instrument.

134. In the absence of a contract to the contrary, the liability of the maker or drawer of a foreign promissory note, bill of exchange or cheque is regulated in all essential matters by the law of the place where he made the instrument, and the respective liabilities of the acceptor and indorser by the law of the place where the instrument is made payable. Draft, s. 104 ; Bill II, s. 140 ; Bill III, s. 137 ; Byles 399 ; *Rouquette* v. *Overmann*, L. R. 10 Q. B. 525 ; *Horne* v. *Rouquette*, 3 Q. B. Div. 514.

Illustration.

A bill of exchange was drawn by A in California, where the rate of interest is 25 per cent., and accepted by B, payable in Washington, where the rate of interest is 6 per cent. The bill is endorsed in British India, and is dishonoured. An action on the bill is brought against B in British India. He is liable to pay interest at the rate of 6 per cent. only; but if A is charged as drawer, A is liable to pay interest at the rate of 25 per cent.

135. Where a promissory note, bill of exchange or cheque is made payable in a different place from that in which it is made or indorsed, the law of the place where it is made payable determines what constitutes dishonour and what notice of dishonour is sufficient.

Law of place of payment governs dishonour.

Illustration.

A bill of exchange drawn and indorsed in British India, but accepted payable in France, is dishonoured. The indorsee causes it to be protested for such dishonour, and gives notice thereof in accordance with the law of France, though not in accordance with the rules herein contained in respect of bills which are not foreign. The notice is sufficient.

136. If a negotiable instrument is made, drawn, accepted or indorsed out of British India, but in accordance with the law of British India, the circumstance that any agreement evidenced by such instrument is invalid according to the law of the country wherein it was entered into does not invalidate any subsequent acceptance or endorsement made thereon in British India.

Instrument made, &c., out of British India, but in accordance with its law.

137. The law of any foreign country regarding promissory notes, bills of exchange and cheques shall be presumed to be the same as that of British India, unless and until the contrary is proved.

Presumption as to foreign law.

SCHEDULE.

(*a*)—STATUTES.

Year and chapter.	Title.	Extent of repeal.
9 Wm. III, c. 17	An Act for the better payment of Inland Bills of Exchange.	The whole.
3 & 4 Anne, c. 8.	An Act for giving like remedy upon promissory notes as is now used upon Bills of Exchange, and for the better payment of Inland Bills of Exchange.	The whole.

(*b*)—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

No. and year.	Title.	Extent of repeal.
VI of 1840 ...	An Act for the amendment of the law concerning the negotiation of Bills of Exchange.	The whole.
V of 1866 ...	An Act to amend in certain respects the Commercial Law of British India.	Sections 11, 12 and 13.
XV of 1874 ...	The Laws Local Extent Act, 1874.	The first schedule, so far as relates to Act VI of 1840 and Act V of 1866, sections 11, 12 and 13.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th January, 1881, and was referred to a Select Committee :—

No. 3 OF 1881.

A Bill for the amendment of the law relating to Insolvent Debtors in India.

WHEREAS it is expedient to amend the law relating to Insolvent Debtors in India; It is enacted as follows :—

Preamble.

1. This Act may be called "The Insolvent Law Amendment Act, 1881 :"

Short title.

it extends to the whole of British India; and

Local extent.

it shall come into force on the first day of April 1881.

Commencement.

2. In this Act, unless there be something repugnant in the subject or context,—

Interpretation-clause.

the word "Insolvent" means a person of whose property a receiver has been appointed under the Code of Civil Procedure, section 351, a person upon whose petition a vesting order has been made under the seventh section of the eleventh and twelfth of Victoria, Chapter XXI, entitled an Act to consolidate and amend the laws relating to Insolvent Debtors in India, and a person who has been adjudged to have committed an act of insolvency under the provisions of section eight or under the provisions of the ninth section of the same Act :

"Insolvent."

the word "adjudication" means the order under the said section 351 of the said Code appointing a receiver, a vesting order under the said seventh section of the said Act, and an order under the said eighth section or under the said ninth section of the said Act adjudging any person to have committed an act of insolvency; and

"Adjudication."

the word "assignee" means the person in whom the property of any Insolvent has been vested by the adjudication of such Insolvent.

"Assignee."

3. If, at the time of the adjudication of any insolvent, any of his property has been attached in execution of any decree or under any order for attachment before judgment, the Court, under whose order such property has been attached, shall withdraw the attachment and permit his assignee to take possession of the same.

Attached property of insolvent.

If, before the Court has had notice of such insolvency, the attached property has been sold, the proceeds of the sale, after deducting the costs of the attachment and sale and all other necessary costs incurred in and about the realization of such proceeds, shall be paid to the assignee of such insolvent :

Provided, that in case the Court has not had notice of the adjudication of such insolvent, before such proceeds are distributed, the same shall not, merely on account of such adjudication, be recalled from the persons to whom they have been paid.

When the Court withdraws the attachment, it may, if it think fit, direct that the proper and necessary costs of the attachment and of the preservation of the property attached shall be charged upon the proceeds of such property; and if such order be made, the assignee shall apply the proceeds of such sale in payment of such costs after payment of the costs of such sale, but in priority to payment of all debts of the insolvent payable out of such proceeds.

4. No property which, under the provisions of the twenty-third section of the said Act would be deemed to be the property of such insolvent, shall be held to have been taken out of his order and disposition by reason only that such property has, before the adjudication of such insolvent, been attached in execution of a decree or under any order for an attachment before judgment.

Order and disposition. Attachment not to alter.

5. Whenever any persons trading in partnership together have, by the consent and permission of the true owner thereof, in their possession, order or disposition, goods or chattels whereof such persons are reputed owners, or whereof they have taken upon them the sale, alteration or disposition as owner, and while they have such possession, order or disposition, any of such persons is, under the provisions of the said Act, adjudicated an insolvent, or obtains a vesting order on his petition, such goods and chattels shall be deemed to be the property of such partnership so as to become vested in the Official Assignee of the Insolvent Court by the order made in pursuance of the said Act for the purpose only, and so far as may be required, for the purpose of paying the joint creditors of the said partnership.

Order and disposition of Firms whose owner becomes Insolvent.

6. Whenever any person who carries on trade within the local limits of the Ordinary Original Civil Jurisdiction of any of the

Transfer of insolvencies from Mufassal Courts.

High Courts at Calcutta, Madras or Bombay is, under the provisions of section 351 of the Code of Civil Procedure, declared to be an insolvent, the Insolvent Court in any of the said towns in which he may carry on business at the time he is so declared to be an insolvent, may, if it think fit, on the application of any creditor of such trader, adjudge him to have committed an act of insolvency:

such adjudication shall have the same force and effect as if he had, under the provisions of the eighth section of the said Act, been adjudicated an insolvent by such Court, at the time when he was declared to be an insolvent under the provisions of the said Code;

and all the estate and effects of such insolvent shall, unless the said Court otherwise directs, vest in the Official Assignee of such Court,

and any person appointed receiver under the provisions of the said Code shall, unless such Court otherwise directs, thereupon make over to the Official Assignee all the property of the insolvent which may have come to his hands as such receiver:

Provided that no such adjudication shall avoid, or in any way affect, any dealing of such receiver with any of such property before he has notice of such adjudication.

Distribution of unclaimed dividends.

7. The assignee of each insolvent estate shall, on the expiration of six months from the declaration of any dividend, file in Court an account upon oath of every dividend remaining in his hands unclaimed, specifying the name of each creditor to whom each such dividend is due, as well as the amount of the debt due to each such creditor, and shall publish the same in the numbers of the local Gazette as are first and second successively printed next after such six months, and all dividends remaining unclaimed for a period of six years shall, after the second of such advertisements, revert to the general fund of each respective estate for re-distribution by the Official Assignee among the remaining creditors of such estate.

All such unclaimed dividends shall remain under the control and management of the Official Assignee pending payment and distribution in such manner as shall be prescribed and furnished by any rules to be made under the powers conferred by section seventy-six of the said Act.

STATEMENT OF OBJECTS AND REASONS.

THE Indian Insolvent Acts, following the analogy of the law of Bankruptcy in England at the time of the first of these Acts being passed, contained no provision for compelling the property of an insolvent, which had been attached in execution before his adjudication, to be distributed among the general body of his creditors. The later English Bankrupt Acts, however, provide for the distribution amongst the bankruptcy creditors of the proceeds of the execution if a petition be filed within fourteen days after the sale; thus securing, as far as possible, equality among creditors, a purpose which the Civil Procedure Code has generally in view; and one of the objects of this Bill is to give that equality of distribution, wherever the property attached has not actually been distributed among the attaching creditors.

The only power which the Insolvent Court now has to stay proceedings in execution does not arise till the Insolvent's schedule has been filed, and in the cases where the insolvent is friendly to the execution creditor, the filing of the schedule is invariably delayed for the purpose of giving him an advantage.

Further, the Code empowers Courts to attach the property of a defendant in cases where there is reason to believe that he is likely to make away with that property in fraud of the plaintiff. Under the language of the old Civil Procedure Code it was held that property so attached before judgment vested in the Official Assignee of the defendant, and was assets of his estate giving no preferential claim to the attaching creditor, but it has been successfully contended that the effect of the new Code, section 490, is to give to a creditor attaching before judgment priority over the assignee, even though the adjudication were before judgment obtained by the attaching creditor.

The third section of the Bill is intended to provide for the rateable distribution of the insolvent's property amongst his creditors in cases where the modern English law would so distribute it, instead of allowing one creditor to sweep away the whole or a large portion of the assets.

From a very early period the Bankruptcy law of England provided that persons who, by leaving goods in the hands of traders, enabled them to maintain a false appearance of wealth and thus obtain credit, could not claim such goods from the assignee of the bankrupt, and this provision was introduced into this country by the Insolvent Act. There was nothing, however, to give similar rights to execution-creditors, and therefore this anomaly occurred that, where an attachment was laid on goods in the hands of a person who became insolvent, the custody of the law took the goods out of the order and disposition of the bankrupt, so that a subsequent adjudication did not vest the goods in the assignee, but the attaching creditor was not able to treat the ostensible ownership of the judgment-debtor as giving him any claims. It is not easy to see any sound basis for this distinction, the injurious influence of which is, to some extent, obviated in England by the Bills of Sale Act. The fourth section is intended to avoid this anomaly.

Down to a very recent period it was generally supposed that where moveable property was in the possession and ostensible ownership of a partnership a member of which became bankrupt, the provisions of the Bankrupt Law vested such property in the assignee; it was however decided in *ex parte* Dorman L. R. 8 Ch., App. 51, that such was not the effect of the language

of the Acts upon the ground that it could not be the intention of the Statute to give such rights where the other partners were solvent. The Appellate Court however was of opinion that where the firm is in fact insolvent, the case comes within the mischief against which the order and disposition clause is intended to provide, and in this country it has been decided that the existence of an absent partner does not prevent the provisions of that clause attaching. The fifth section is intended to apply the order and disposition-clause to such cases as fall within the mischief which it is intended to prevent.

Much of the trade of the Presidency-towns is carried on by Gumáshtas on behalf of persons residing in remote parts of the Mufassal, and in many cases, if such traders became insolvent, they might be able, by taking advantage of the insolvency proceedings in the Procedure Code,* to embarrass their general trade-creditors who would have much difficulty in supervising the proceedings in a Mufassal Court. The sixth section is intended to enable the creditors of such persons to have the liquidation of their affairs transferred to a Court with machinery better organised for the administration of bankrupt estates in cases where such a course is deemed by the Court to be expedient.

Sums in the aggregate considerable, though, in general, individually small, are from time to time left unclaimed in the hands of the official assignee, and so long ago as 1841 an Act was passed empowering the official assignee after the lapse of six years to distribute the amount of such unclaimed dividends rateably among the creditors who had proved the claims.

The language of this Act, however, was so singularly framed that it seems impossible that there ever could be a distribution made of such unclaimed dividends. The seventh section is intended to correct this.

* It was found some years ago in England that similar powers given to Scotch Courts were applied to the detriment of English creditors, and a modification of the Scotch Law was enacted to prevent its application to persons whose creditors were principally in another part of the United Kingdom, see 23 & 24 Vic., c. 33.

J. PITT-KENNEDY.

The 23rd January, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 19, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th February, 1881, and was referred to a Select Committee :—

No. 4 of 1881.

A Bill to provide for recording evidence taken by the High Courts in the exercise of their original civil jurisdiction.

WHEREAS it is expedient to provide for the due record of evidence taken by the High Courts in the exercise of their original civil jurisdiction; It is enacted that the Chief Justice of each of the High Courts shall, from time to time, until rules for taking evidence in such Court shall have been made under section 633 of the Civil Procedure Code, appoint some person in each division of the Court exercising original civil jurisdiction to record the evidence taken in such division; and the person so to be appointed shall take down the evidence of each witness in English in the words in which the same is delivered, or, if it be not delivered in English, as interpreted, not ordinarily in the form of question and answer, but in that of a narrative; and when such record is completed the same shall be read over to the witness, and, if necessary, interpreted to him; and the witness may correct his deposition and shall sign it.

The Judge may make a memorandum of such parts of the evidence as he thinks material, and such memorandum may, if the Judge thinks fit, be annexed to and form part of the record.

STATEMENT OF OBJECTS AND REASONS.

IN the High Court in Calcutta no rules for taking evidence have been framed under the provisions of section 633 of the Civil Procedure Code, but in that Court, as well as in the High Court at Madras, the practice has been to have the evidence recorded in the manner provided in this Bill. As, however, this practice was not sanctioned by any express rule or enactment, one or two Judges have thought themselves justified in disregarding it. This has been found inconvenient, tending to cause great delay in the trial of causes, creating difficulty in proof of perjury and depriving the appellate Court of a complete report of the evidence given in the original Court.

The object of the Bill is to give a legal sanction to the practice heretofore prevailing, until the Judges shall see fit to make rules providing some other mode of recording the evidence.

J. PITT KENNEDY.

The 14th February, 1881.

D. FITZPATRICK,
Secretary to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 26, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th February, 1881, and was referred to a Select Committee :—

No. 4 OF 1881.

A Bill to provide for recording evidence taken by the High Courts in the exercise of their original civil jurisdiction.

WHEREAS it is expedient to provide for the due record of evidence taken by the High Courts in the exercise of their original civil jurisdiction; It is enacted that the Chief Justice of each of the High Courts shall, from time to time, until rules for taking evidence in such Court shall have been made under section 633 of the Civil Procedure Code, appoint some person in each division of the Court exercising original civil jurisdiction to record the evidence taken in such division; and the person so to be appointed shall take down the evidence of each witness in English in the words in which the same is delivered, or, if it be not delivered in English, as interpreted, not ordinarily in the form of question and answer, but in that of a narrative; and when such record is completed the same shall be read over to the witness, and, if necessary, interpreted to him; and the witness may correct his deposition and shall sign it.

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The object of the Bill is to give a legal sanction to the practice heretofore prevailing, until the Judges shall see fit to make rules providing some other mode of recording the evidence.

J. PITT KENNEDY.

The 14th February, 1881.

D. FITZPATRICK,
Secretary to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 5, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th February, 1881, and was referred to a Select Committee :—

No. 4 of 1881.

A Bill to provide for recording evidence taken by the High Courts in the exercise of their original civil jurisdiction.

WHEREAS it is expedient to provide for the due record of evidence taken by the High Courts in the exercise of their original civil jurisdiction; It is enacted that the Chief Justice of each of the High Courts shall, from time to time, until rules for taking evidence in such Court shall have been made under section 633 of the Civil Procedure Code, appoint some person in each division of the Court exercising original civil jurisdiction to record the evidence taken in such division; and the person so to be appointed shall take down the evidence of each witness in English in the words in which the same is delivered, or, if it be not delivered in English, as interpreted, not ordinarily in the form of question and answer, but in that of a narrative; and when such record is completed the same shall be read over to the witness, and, if necessary, interpreted to him; and the witness may correct his deposition and shall sign it.

The Judge may make a memorandum of such parts of the evidence as he thinks material, and such memorandum may, if the Judge thinks fit, be annexed to and form part of the record.

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IN the High Court in Calcutta no rules for taking evidence have been framed under the provisions of section 633 of the Civil Procedure Code, but in that Court, as well as in the High Court at Madras, the practice has been to have the evidence recorded in the manner provided in this Bill. As, however, this practice was not sanctioned by any express rule or enactment, one or two Judges have thought themselves justified in disregarding it. This has been found inconvenient, tending to cause great delay in the trial of causes, creating difficulty in proof of perjury and depriving the appellate Court of a complete report of the evidence given in the original Court.

The object of the Bill is to give a legal sanction to the practice heretofore prevailing, until the Judges shall see fit to make rules providing some other mode of recording the evidence.

J. PITT KENNEDY.

The 14th February, 1881.

D. FITZPATRICK,
Secretary to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee:—

No. 5 OF 1881.

A Bill to amend the Indian Penal Code.

FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

Preamble.

1. In the second clause of section 40 of the said Code, before the figure "109," the figures "65, 66, 71" shall be inserted.

Amendment of section 40, clause 2, of Indian Penal Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely:—

Amendment of section 64 of same Code.

"In every case punishable under any law in force for the time being, with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

and in every case punishable under this Code with fine only, in which the offender is sentenced to a fine,"

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Amendment of section 67 of same Code.

4. To section 71 of the said Code, the following clause shall be added:—

Addition to section 71 of same Code.

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

5. In section 214 of the said Code, for the Exception, the following shall be substituted, namely:—

New Exception to section 214 of same Code.

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

6. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely:—

Addition to section 435 of same Code.

"or (where the property is agricultural produce) ten rupees or upwards."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make six amendments of the Indian Penal Code.

The first is to render the word "offence," as used in sections 65, 66 and 71 (as amended by this Bill), applicable to things punishable under the Code or any special or local law.

The second is to render section 64 (as to sentence of imprisonment on default of payment of fine) applicable to convictions under special and local laws in case of offences punishable both with imprisonment and fine. It corresponds with the first clause of section 309 of Act X of 1872, which will be repealed by the new Code of Criminal Procedure.

The third is to declare that, when an offence is punishable with fine only, the imprisonment in default of payment of the fine shall be simple: this is in accordance with a decision of the Bombay High Court (5 Bom. C. C. 55).

The fourth is to declare, by an addition to section 71, that, when anything is an offence falling within two or more separate definitions, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences. This corresponds with the latter part of the second clause of section 454 of the present Code of Criminal Procedure; but it is clearly matter of substantive law, and should therefore be placed in the Penal Code.

The fifth is to replace the obscure Exception which now stands in section 214 by the following:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

This will be read with section 345 of the new Code of Criminal Procedure, which declares that certain specified offences, and no others, may be compounded.

The sixth is to render the offence of committing mischief by fire, intending to cause damage to agricultural produce worth ten rupees or upwards, cognizable by the police and punishable with the severer penalty provided by section 435 of the Code. As the law stands, mischief by fire is cognizable only when committed with intent to cause damage to the amount of Rs. 100 or upwards. But agricultural holdings are generally so small that the total produce of a holding is often less than Rs. 100. The result is that a raiyat may have garnered his crop and lose the whole of it through the act of an incendiary, and yet the offence is only punishable with three months' imprisonment and fine, and may not be investigated by the police without the special order of a Magistrate.

The 20th February, 1881.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee :—

No. 6 OF 1881.

MERCHANT SHIPPING BILL, 1881.

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8. Other Courts authorized to investigate casualties.
9. Power to inquire into charges against masters, mates and engineers.
10. Local Government may direct investigation in cases of incompetency or misconduct.
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29. Power to appoint persons to sue.
    Suits, &c., to be instituted in name of Secretary of State for India in Council.
30. Provisions as to examinations, &c., of masters not to apply to certain ships.
31. Amendment of Act X of 1841, sections 2, 15, 17 and 23.

A Bill for the further amendment of the law relating to Merchant Shipping.

WHEREAS it is expedient to amend the law relating to investigations into casualties affecting ships and charges against masters, mates and engineers; Preamble.

and whereas it is also expedient to provide, in other respects hereinafter appearing, for the regulation and control of merchant shipping;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called "The Indian Merchant Shipping Act, 1881;"

Extent. It extends to the whole of British India;

Commencement. and it shall come into force at once.

Repeal of enactments. **2.** The Indian Merchant Shipping Act, 1875, and Act No. XIII of 1878 (*An Act to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices, and to amend the Indian Merchant Shipping Act, 1875, and the Indian Ports Act, 1875*), are hereby repealed.

But all proceedings commenced, officers appointed, powers conferred, investigations held, certificates cancelled or suspended, agreements made and persons authorized under the said Acts or either of them, shall be deemed to have been respectively commenced, appointed, conferred, held, cancelled or suspended, made and authorized under this Act.

Interpretation-clause. **3.** In this Act

Definition of ship: "ship" includes every description of vessel used in navigation not propelled by oars; and

"master." "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a ship.

Cf. Act IV of 1875, s. 28: Act XV of 1869, s. 10: Act XXVIII of 1861, s. 3. Saving of powers of certain Admiralty Courts. **4.** Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of Act No. I of 1859 (*for the amendment of the law relating to Merchant Shipping*), on Courts having admiralty jurisdiction in India.

Exercise of such powers by principal criminal Courts. The powers conferred by the last-mentioned enactment may, at any port in British India where there is no Court having admiralty jurisdiction, be exercised by the principal Court of ordinary criminal jurisdiction.

CHAPTER II.

INVESTIGATIONS INTO CASUALTIES AFFECTING SHIPS, AND CHARGES AGAINST MASTERS, MATES OR ENGINEERS.

See Act XIII of 1878, s. 4. Chapter not to apply to certain ships. **5.** Nothing in this chapter shall be deemed to apply to any ship belonging to, or in the service of, Her Majesty or belonging to any foreign Prince or State.

Report of casualties to be made to Local Government. **6.** Whenever any Magistrate, or any officer appointed by the Local Government in this behalf, receives credible information that— See Act IV of 1875, s. 3, and section 81 of the Bill which afterwards became Act VII of 1880.

(*a*) any ship has been lost, abandoned, stranded or damaged on or near the coasts of British India; or

(*b*) by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life has ensued; or

(*c*) any ship has caused loss or damage to any other ship on or near such coasts; or

(*d*) any such loss, abandonment, stranding, damage or casualty has happened elsewhere, and any competent witnesses thereof have arrived or are to be found at any place in British India; or

(*e*) any ship is supposed to have been lost, and any evidence can be obtained in British India as to the circumstances under which she proceeded to sea or was last heard of;

he shall forthwith report in writing such information to the Local Government.

In the cases mentioned in clauses (*a*), (*b*) and (*c*), the master, pilot, harbour-master or other person in charge of the ship or (where two ships are concerned) in charge of each ship, at the time of such loss, abandonment, stranding, damage or casualty, and

in cases under clause (*d*), where the ship concerned proceeds direct from the place where such loss, abandonment, stranding, damage or casualty has occurred to any place in British India, the master of such ship at the time she arrives at such place,

shall, on arriving in British India, give immediate notice of such loss, abandonment, stranding, damage or casualty to the nearest Magistrate, or, when he arrives at a port, to the officer appointed at such port as aforesaid.

Any person bound to give notice under this section and wilfully failing to give the same shall be punished with fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

Power to appoint special Court of Enquiry. **7.** If in any such case a formal investigation into the facts mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, and direct such Court to make such investigation, and may fix the place for making the same. See Act IV of 1875, s. 4.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made; another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

Other Courts authorized to investigate casualties. **8.** Every Court having admiralty jurisdiction in British India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, when so directed by the Local Government, to make the investigations referred to in section seven. See Act IV of 1875, s. 5.

Power to inquire into charges against masters, mates and engineers. **9.** Any Court making an investigation under section seven or section eight may inquire into any charge of incompetency or misconduct arising, in the course of such investigation, against any master, mate or engineer holding a certificate granted, under any enactment for the time being in force, by the Board of Trade or a Local Government, as well as into any charge of a wrongful act or default on his part causing any such loss, abandonment, stranding, damage or casualty as aforesaid. Act XIII of 1878, s. 3.

In every case in which there is reason to believe that any such charge, whether of incompetency or misconduct, or of a wrongful act or default, as aforesaid, will arise against any such master, mate or engineer in the course of an investigation, the Court shall, if practicable, before the commencement of such investigation, cause to be furnished to him a copy of the report upon which such investigation has been directed.

Cf. s. 6 of Act IV of 1875. Also s. 241 of 17 & 18 Vic., c. 104. Local Government may direct investigation in cases of incompetency or misconduct. **10.** If the Local Government has reason to believe that there are grounds for charging any such master, mate or engineer with incompetency or misconduct, otherwise than in the course of an investigation under section seven or section eight, it may transmit a statement of the case to any Court mentioned in section eight, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct such Court to make an investigation into such charge.

Cf. Act IV of 1875, s. 7. Before commencing such investigation, the Court shall cause the master, mate or engineer so charged to be furnished with a copy of the statement so transmitted by the Local Government.

Act IV of 1875, s. 10. Person accused to be heard. **11.** For the purpose of an investigation under this chapter into any charge against a master, mate or engineer, the Court may summon him to appear, and shall give him full opportunity of making a defence either in person or otherwise.

Cf. Act IV of 1875, s. 8. Powers of Courts as to evidence and regulating proceedings. **12.** For the purpose of any investigation under this chapter, the Court making the investigation, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have—

(*a*) if such Court is a special Court—the same powers as are exerciseable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;

(*b*) if such Court is a Court having admiralty jurisdiction or a principal Court of ordinary criminal jurisdiction—the same powers as are exerciseable by such Court in the exercise of such admiralty or criminal jurisdiction (as the case may be).

Assessors. And every Court making any such investigation, other than a special Court, may, if it think fit, constitute as its assessor, for the purposes of the investigation, any person conversant with maritime affairs and willing to act as such assessor.

Such person shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act or any other enactment for the time being in force shall rest with the Court.

Act IV of 1875, s. 15. Power to arrest witnesses and cause entry and detention of vessels. **13.** If any Court making an investigation under this chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

Any officer so authorized may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section 186.

No person shall be detained by virtue of this section for more than forty-eight hours.

Act IV of 1875, s. 16. Power to commit for trial. **14.** Whenever, in the course of any such investigation, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over

Power to bind over persons to give evidence. any person to give evidence at such trial, and may, for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate:

Depositions. And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this chapter shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

Cf. Act IV of 1875, ss. 11 and 12. Report by Court to Local Government. **15.** The Court shall, in the case of all investigations under this chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence.

In cases in which, under the Merchant Shipping Acts, 1854 to 1880, the Court is required to send a report to the Board of Trade, such report shall be sent through the Local Government, and the

submission of such report to the Local Government shall be a sufficient compliance with this section.

CHAPTER III.

SUSPENSION AND CANCELLATION OF CERTIFICATES AND GRANT OF FRESH CERTIFICATES.

16. Nothing herein contained shall affect the powers conferred by the Merchant Shipping Acts, 1854 to 1880, on the Courts conducting investigations under sections seven, eight, nine and ten of this Act, to cancel or suspend certificates granted under any of the said Merchant Shipping Acts, or certificates to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

Saving of power to cancel and suspend certificates under English Acts.

When any such Court cancels or suspends any such certificate, it may, in its report to the Local Government, advise such Government to grant, without examination, to the holder of such certificate, when such certificate is a certificate as master, a certificate as master or mate; and, when such certificate is a certificate as mate or engineer, a certificate as mate or engineer, as the case may be; and such Local Government, if it thinks fit, and if it is empowered by any enactment of a British Indian legislature for the time being in force to grant such certificate, may grant it under such enactment, but without examination. A certificate so granted shall, except for the purposes of the said Merchant Shipping (Colonial) Act, 1869, have the same effect as if it had been granted after examination.

Power to issue local certificates in lieu of such certificates.

See Act IV of 1875, s. 18.

17. Any certificate (whether of competency or service) which has been granted by any Local Government, to any master, mate or engineer, and to which the provisions of the Merchant Shipping (Colonial) Act, 1869, do not apply, may be suspended or cancelled, by that or any other Local Government, in the following cases, that is to say:—

Local Government may suspend or cancel certain certificates—

(*a*) if, upon any investigation made under this Act, the Court reports that the loss, stranding or abandonment of, or damage to, any ship, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct;

after investigation under this Act:

(*b*) if, upon any investigation made under the provisions of the Merchant Shipping Acts, 1854 to 1880, or upon any investigation made by any Court or tribunal for the time being authorized by the legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or as to shipwrecks or other casualties affecting ships, the Court or tribunal reports that such master, mate or engineer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss, stranding or abandonment of, or damage to, any ship, or loss of life, has been caused by his wrongful act or default;

after investigation under other Acts:

(*c*) if he is proved to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony: and

Act IV of 1875, s. 18, cl. (*d*).

after conviction of any offence:

(*d*) if (in the case of a master) he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force:

after supersession.

Provided that, in any case in which an investigation has been made into a charge against any master, mate or engineer, no certificate shall be suspended or cancelled under clause (*a*) unless the Local Government is satisfied that the holder of the certificate has been furnished before the commencement of the investigation with the copy of the report or statement required by section nine or section ten, as the case may be.

See Act IV of 1875, s. 19.

18. Every master, mate or engineer whose certificate is cancelled or suspended under section seventeen shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default of such delivery shall, for each offence, be punished with fine which may extend to five hundred rupees.

Master, &c., to deliver up certificate.

See Act IV of 1875, s. 20.

19. If the Local Government which cancels or suspends, under section seventeen, a certificate of a master, mate or engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate.

Report to other Local Governments.

See Act IV of 1875, s. 21.

20. Every Local Government cancelling or suspending under section seventeen the certificate of a master, mate or engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Report to Board of Trade.

See Act IV of 1875, s. 22.

21. Any Local Government may at any time revoke any order of cancelment or suspension which it may have made under section seventeen, or grant, without examination, to any person, whose certificate it has so cancelled, a new certificate of the same or of any lower grade.

Power to revoke cancellation or suspension.

Power to grant new certificate.

A certificate so granted shall, except for the purposes of the said Merchant Shipping (Colonial) Act, 1869, have the same effect as if it had been granted after examination.

A certificate of competency for a Home-trade ship under the said Act No. I of 1859 shall be deemed, for the purposes of this section, to be of a lower grade than a certificate of competency for a foreign-going ship under the same Act.

Every revocation and every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

CHAPTER IV.

AGREEMENTS WITH SEAMEN.

Act IV of 1875, s. 28.

22. This chapter shall be read with, and taken as part of, the said Act No. I of 1859.

Chapter to be read with Act I of 1859.

See Act IV of 1875, s. 24.

23. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereinafter mentioned.

Masters to enter into agreements with seamen.

See Act IV of 1875, s. 25.

24. Every such agreement shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say:—

Form and contents of agreement.

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions or other lawful punishments for misconduct, which have been sanctioned by the Governor General in Council as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of any enactment for the time being in force relating to Merchant Shipping), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

See sec. 82 of the Bill which became Act VII of 1880.

25. In the case of such agreements with lascars or other Native seamen, the scale of the provisions agreed to be furnished to each of such seamen shall not be less than a scale to be from time to time fixed and published by the Local Government with the previous sanction of the Governor General in Council.

Scale of provisions to be furnished to lascars.

Any master entering into an agreement with any lascar or other Native seaman for a scale of provisions less than the scale so fixed and published shall be punished with fine which may extend to two hundred rupees.

Act IV of 1875, s. 26.

26. Whenever it is agreed that the service of any lascar or other Native seaman shall end at any port not in British India, the agreement shall, in addition to the particulars specified in section twenty-four, contain a stipulation that fit employment shall be provided for him on board some other ship bound to the port at which he was shipped, or such other port in British India as may be agreed on; or

Stipulation where lascars are shipped.

that a passage shall be provided for him to some port in British India free of charge, or on such other terms as may be agreed on;

and every such stipulation shall be signed by the owner of the ship, or by the master on his behalf.

EXPLANATION.—In this section the word "seaman" includes also a Native of British India carried to sea from any port in British India as one of the crew of a ship.

Act IV of 1875, s. 27.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman, not being a lascar or other Native seaman, in any port in British India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

Forms for British or Colonial ships.

CHAPTER V.

PORT-INSPECTORS.

See sec. 80 of the Bill which became Act VII of 1880.

28. In the Indian Ports Act, 1875, after section eighteen, the following sections shall be inserted, that is to say:—

Addition to Act XII of 1875.

"18A. The Local Government may, from time to time, appoint in any port subject to this Act an officer to be called the Port-inspector, and suspend or remove such officer.

Appointment and powers of Port-inspectors.

"Every officer so appointed shall, subject to the control of the Local Government, have the following powers within the limits of the port for which he is appointed, that is to say:—

"(*a*) he may at any time enter any vessel, and may inspect the same and every part thereof, and the provisions and water provided for the use of the persons on board such vessel, and the medicines and appliances and the accommodation for the seamen;

"(*b*) he may medically examine all or any of the persons on board such vessel;

"(*c*) he may require and enforce the production of the log and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board such vessel;

"(*d*) he may call before him and examine for such purpose all or any of such persons, and may require answers to any inquiries he thinks fit to make;

"(*e*) he may require any persons so examined by him to make and subscribe a declaration of the truth of the statements made by such person.

"18B. The Port-inspector shall, on first entering any vessel after its arrival, inquire whether any lascar or other Native seaman on board such vessel desires to make any complaint against the master or any of the crew thereof.

Port-inspector to inquire into complaints;

"In the event of any such seaman so desiring, the Port-inspector shall hear such complaint and record the particulars thereof in writing, and may, for the purpose of ascertaining the truth of the same, exercise any of the powers mentioned in section 18A.

"The Port-inspector shall forthwith report in writing to the Shipping Master the particulars of any complaint made to him under this section, together with his opinion thereon."

and report the same to Shipping Master.

CHAPTER VI.

MISCELLANEOUS.

See Act XIII of 1878, s. 1.

29. In cases where any wages or expenses recoverable under section 213 of the Merchant Shipping Act, 1854, or under section 16 of the Merchant Shipping Act Amendment Act, 1855, are, under the same sections, a charge upon any ship, or recoverable from any master, owner or other person, within the jurisdiction of any Court in British India, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, authorize, either generally or specially, such persons as he thinks fit to sue for and recover, in manner in the Merchant Shipping Act, 1854, section 213, provided, such wages or expenses.

Power to appoint persons to sue.

Every person so authorized shall be entitled to sue and recover accordingly in any such Court, and shall be deemed to be a person filling a public office within the meaning of the Indian Evidence Act, 1872, section 57, clause 7.

All suits and proceedings under this section shall be instituted and carried on in the name of the Secretary of State for India in Council.

See Act XIII of 1878, s. 2.

Suits, &c., to be instituted in name of Secretary of State for India in Council.

30. Sections 9 to 16 (both inclusive) of the said Act No. I of 1859 shall not apply to ships registered under Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

See Act IV of 1875, s. 29.

Provisions as to examinations, &c., of masters not to apply to certain ships.

31. In sections 2, 15, 17 and 23 of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted, namely:—"on conviction before a Presidency Magistrate or a Magistrate of the first class."

See Act IV of 1875, s. 30.

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

STATEMENT OF OBJECTS AND REASONS.

PARAGRAPH 8 of the Report, dated the 20th February, 1880, of the Select Committee on the Bill relating to Merchant Shipping, which afterwards became the Indian Merchant Shipping Act, 1880, ran as follows :—

"8. We have omitted chapters VII and VIII of the Bill as introduced, as we consider that the matters to which they relate would be more fitly dealt with in a Bill to consolidate Act No. IV of 1875 and the sections of Act No. XIII of 1878 by which it is amended."

2. The nature of the contents of these omitted chapters will be learnt from the following paragraphs of the Statement of Objects and Reasons, dated the 29th August, 1879, appended to that Bill :—

"21. Chapter VII, by an addition to the Ports Act, 1875, provides for the appointment of an officer called a 'Port-inspector.' This officer, in addition to performing the duties at present performed by the Health-officer (for the performance of which duties he is by the Bill invested with certain legal powers), is intrusted with the duty of inquiring into any complaints which may be made on the arrival of a ship in port by any of the crew against the master or any others of the crew. This latter provision has been inserted, in compliance with the desire of the Secretary of State, for the protection of lascars or other Oriental seamen when serving on board a European ship.

"22. Chapter VIII makes two amendments of the Indian Merchant Shipping Act, 1875. The one extends the provisions of section 3 of that Act so as to give power to hold Marine Courts of Enquiry in certain cases which are at present unprovided for. This change has been introduced at the request of the local Marine authorities, and is in accordance with the provisions of the English law as recently amended. The other amendment gives the Local Government power to fix a scale of provisions, for less than which it will be penal for a master to contract with any lascar or Native seaman—a provision which has been found to be essential for the protection of such seamen."

3. It is with a view to carry out the suggestion of the Select Committee above quoted that the present Bill has been prepared.

The Bill, however, does more than merely consolidate the provisions of the Acts of 1875 and 1878 and re-enact them with the addition of the points omitted from the Merchant Shipping Bill of 1879.

These Acts of 1875 and 1878 relate in part to the suspension and cancellation of Board of Trade certificates to which the provisions of the Imperial Merchant Shipping Acts apply. An examination of the provisions of our Acts in connection with those of the Imperial Acts shows that our Acts deal with several matters already provided for by Parliament. This is not desirable. Apart from the question which might be raised as to the validity of our law, where that law is not transcribed *verbatim*, it is inconvenient from a practical point of view that double provisions relating to the same subject-matter should exist side by side. In re-enacting, therefore, the provisions of the Acts repealed by the Bill, an endeavour has been made to restrict the provisions of the Bill to matters for which the Imperial Acts do not provide, and on which it is clear we can legislate. This has necessitated the omission of some and the amendment of other provisions of the present law.

4. The opportunity of this Bill has been taken to amend section 26 of Act IV of 1875, so as to provide that, when the service of any lascar is to end at any port not in British India, the agreement between him and the master shall invariably stipulate for his return to British *India*, and not merely for his employment on board some vessel bound to such other port as may be agreed on, possibly not in British India. It is clear that, with the extended employment of Native seamen in the Eastern trade, and the increasing number of Asiatic sailors found in a destitute condition at European ports, Government should, on economical grounds, if for no other reason, devise steps to secure the return of Indian seamen to this country at the expense of the persons who take them away.

5. The 31st section of Act IV of 1875, which confers certain powers on Courts for the trial of pilots constituted under Act XII of 1859, has been excluded from the present Bill, as the matter is one which will be more properly provided for by a separate Bill amending that Act.

WHITLEY STOKES.

The 24th February, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee:—

No. 7 OF 1881.

A Bill to give power to arrest persons whose evidence is needed under Act No. XII of 1859.

Preamble.

WHEREAS it is expedient to empower the Judges holding trials under Act No. XII of 1859 (*An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty*) to arrest persons whose evidence is required on such trials; It is hereby enacted as follows:—

Addition to Act XII of 1859, after section 14.

1. The following section shall be inserted immediately after section 14 of the said Act, namely:—

"15. Whenever the Judge of the said Court thinks it necessary for obtaining evidence that any person should be arrested, he may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

"Any officer so authorized may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section 186.

"No person shall be detained under this section for more than forty-eight hours."

STATEMENT OF OBJECTS AND REASONS.

THE last section of Act IV of 1875, which confers on Courts established for the trial of pilots in Bengal under Act XII of 1859 certain powers for compelling the attendance of witnesses, will be repealed if the Merchant Shipping Bill, which is to be introduced to-day, becomes law. As such a provision is somewhat out of place in a Merchant Shipping Act, it seems better to re-enact it as a section in Act XII of 1859, and the present Bill has accordingly been prepared for this purpose.

WHITLEY STOKES.

The 4th March, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 12, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee:—

No. 5 OF 1881.

A Bill to amend the Indian Penal Code.

Preamble. FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

Amendment of section 40, clause 2, of Indian Penal Code. 1. In the second clause of section 40 of the said Code, before the figure "109," the figures "65, 66, 71" shall be inserted.

Amendment of section 64 of same Code. 2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely:—

"In every case punishable under any law in force for the time being, with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

and in every case punishable under this Code with fine only, in which the offender is sentenced to a fine,"

Amendment of section 67 of same Code. 3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Addition to section 71 of same Code. 4. To section 71 of the said Code, the following clause shall be added:—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

New Exception to section 214 of same Code. 5. In section 214 of the said Code, for the Exception, the following shall be substituted, namely:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Addition to section 435 of same Code. 6. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely:—

"or (where the property is agricultural produce) ten rupees or upwards."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make six amendments of the Indian Penal Code.

The first is to render the word "offence," as used in sections 65, 66 and 71 (as amended by this Bill), applicable to things punishable under the Code or any special or local law.

The second is to render section 64 (as to sentence of imprisonment on default of payment of fine) applicable to convictions under special and local laws in case of offences punishable both with imprisonment and fine. It corresponds with the first clause of section 309 of Act X of 1872, which will be repealed by the new Code of Criminal Procedure.

The third is to declare that, when an offence is punishable with fine only, the imprisonment in default of payment of the fine shall be simple: this is in accordance with a decision of the Bombay High Court (5 Bom. C. C. 55).

The fourth is to declare, by an addition to section 71, that, when anything is an offence falling within two or more separate definitions, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences. This corresponds with the latter part of the second clause of section 454 of the present Code of Criminal Procedure; but it is clearly matter of substantive law, and should therefore be placed in the Penal Code.

The fifth is to replace the obscure Exception which now stands in section 214 by the following:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

This will be read with section 345 of the new Code of Criminal Procedure, which declares that certain specified offences, and no others, may be compounded.

The sixth is to render the offence of committing mischief by fire, intending to cause damage to agricultural produce worth ten rupees or upwards, punishable with the severer penalty provided by section 435 of the Code. As the law stands, mischief by fire is cognizable only when committed with intent to cause damage to the amount of Rs. 100 or upwards. But agricultural holdings are generally so small that the total produce of a holding is often less than Rs. 100. The result is that a raiyat may have garnered his crop and lose the whole of it through the act of an incendiary, and yet the offence is only punishable with three months' imprisonment and fine, and may not be investigated by the police without the special order of a Magistrate. An alteration in the paragraph of the second schedule to the new Code of Criminal Procedure, which relates to section 435 of the Penal Code, will render the offence in question cognizable by the police.

WHITLEY STOKES.

The 20th February, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee:—

No. 6 OF 1881.

MERCHANT SHIPPING BILL, 1881.

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A Bill for the further amendment of the law relating to Merchant Shipping.

WHEREAS it is expedient to amend the law relating to investigations into casualties affecting ships and charges against masters, mates and engineers; Preamble.

and whereas it is also expedient to provide, in other respects hereinafter appearing, for the regulation and control of merchant shipping;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called "The Indian Merchant Shipping Act, 1881;"

Extent. It extends to the whole of British India;

Commencement. and it shall come into force at once.

Repeal of enactments. 2. The Indian Merchant Shipping Act, 1875, and Act No. XIII of 1878 (*An Act to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices, and to amend the Indian Merchant Shipping Act, 1875, and the Indian Ports Act, 1875*), are hereby repealed.

But all proceedings commenced, officers appointed, powers conferred, investigations held, certificates cancelled or suspended, agreements made and persons authorized under the said Acts or either of them, shall be deemed to have been respectively commenced, appointed, conferred, held, cancelled or suspended, made and authorized under this Act.

Interpretation-clause. 3. In this Act

Definition of ship: "ship" includes every description of vessel used in navigation not propelled by oars; and

"master." "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a ship.

Cf. Act IV of 1875, s. 23: Act XV of 1863, s. 10: Act XXVIII of 1861, s. 3. 4. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of Act No. I of 1859 (*for the amendment of the law relating to Merchant Shipping*), on Courts having admiralty jurisdiction in India.

Saving of powers of certain Admiralty Courts.

Exercise of such powers by principal criminal Courts. The powers conferred by the last-mentioned enactment may, at any port in British India where there is no Court having admiralty jurisdiction, be exercised by the principal Court of ordinary criminal jurisdiction.

CHAPTER II.

INVESTIGATIONS INTO CASUALTIES AFFECTING SHIPS, AND CHARGES AGAINST MASTERS, MATES OR ENGINEERS.

See Act XIII of 1878, s. 4. 5. Nothing in this chapter shall be deemed to apply to any ship belonging to, or in the service of, Her Majesty or belonging to any foreign Prince or State.

Chapter not to apply to certain ships.

6. Whenever any Magistrate, or any officer appointed by the Local Government in this behalf, receives credible information that— See Act IV of 1875, s. 3, and section 81 of the Bill which afterwards became Act VII of 1880.

Report of casualties to be made to Local Government.

(*a*) any ship has been lost, abandoned, stranded or damaged on or near the coasts of British India; or

(*b*) by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life has ensued; or

(*c*) any ship has caused loss or damage to any other ship on or near such coasts; or

(*d*) any such loss, abandonment, stranding, damage or casualty has happened elsewhere, and any competent witnesses thereof have arrived or are to be found at any place in British India; or

(*e*) any ship is supposed to have been lost, and any evidence can be obtained in British India as to the circumstances under which she proceeded to sea or was last heard of;

he shall forthwith report in writing such information to the Local Government.

In the cases mentioned in clauses (*a*), (*b*) and (*c*), the master, pilot, harbour-master or other person in charge of the ship or (where two ships are concerned) in charge of each ship, at the time of such loss, abandonment, stranding, damage or casualty, and

in cases under clause (*d*), where the ship concerned proceeds direct from the place where such loss, abandonment, stranding, damage or casualty has occurred to any place in British India, the master of such ship at the time she arrives at such place,

shall, on arriving in British India, give immediate notice of such loss, abandonment, stranding, damage or casualty to the nearest Magistrate, or, when he arrives at a port, to the officer appointed at such port as aforesaid.

Any person bound to give notice under this section and wilfully failing to give the same shall be punished with fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

See Act IV of 1875, s. 4. 7. If in any such case a formal investigation into the facts mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, and direct such Court to make such investigation, and may fix the place for making the same.

Power to appoint special Court of Enquiry.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made; another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

See Act IV of 1875, s. 4. 8. Every Court having admiralty jurisdiction in British India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, when so directed by the Local Government, to make the investigations referred to in section seven.

Other Courts authorized to investigate casualties.

9. Any Court making an investigation under section seven or section eight may inquire into any charge of incompetency or misconduct arising, in the course of such investigation, against any master, mate or engineer holding a certificate granted, under any enactment for the time being in force, by the Board of Trade or a Local Government, as well as into any charge of a wrongful act or default on his part causing any such loss, abandonment, stranding, damage or casualty as aforesaid.

Power to inquire into charges against masters, mates and engineers.

Act XIII of 1878, s. 3.

In every case in which there is reason to believe that any such charge, whether of incompetency or misconduct, or of a wrongful act or default, as aforesaid, will arise against any such master, mate or engineer in the course of an investigation, the Court shall, if practicable, before the commencement of such investigation, cause to be furnished to him a copy of the report upon which such investigation has been directed.

Cf. s. 6 of Act IV of 1875. Also s. 241 of 17 & 18 Vic., c. 104. 10. If the Local Government has reason to believe that there are grounds for charging any such master, mate or engineer with incompetency or misconduct, otherwise than in the course of an investigation under section seven or section eight, it may transmit a statement of the case to any Court mentioned in section eight, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct such Court to make an investigation into such charge.

Local Government may direct investigation in cases of incompetency or misconduct.

Cf. Act IV of 1875, s. 7. Before commencing such investigation, the Court shall cause the master, mate or engineer so charged to be furnished with a copy of the statement so transmitted by the Local Government.

Act IV of 1875, s. 10. 11. For the purpose of an investigation under this chapter into any charge against a master, mate or engineer, the Court may summon him to appear, and shall give him full opportunity of making a defence either in person or otherwise.

Person accused to be heard.

Cf. Act IV of 1875, s. 8. 12. For the purpose of any investigation under this chapter, the Court making the investigation, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have—

Powers of Courts as to evidence and regulating proceedings.

(*a*) if such Court is a special Court—the same powers as are exerciseable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;

(*b*) if such Court is a Court having admiralty jurisdiction or a principal Court of ordinary criminal jurisdiction—the same powers as are exerciseable by such Court in the exercise of such admiralty or criminal jurisdiction (as the case may be).

And every Court making any such investigation, other than a special Court, may, if it think fit, constitute as its assessor, for the purposes of the investigation, any person conversant with maritime affairs and willing to act as such assessor.

Assessors.

Such person shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act or any other enactment for the time being in force shall rest with the Court.

Act IV of 1875, s. 15. 13. If any Court making an investigation under this chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

Power to arrest witnesses and cause entry and detention of vessels.

Any officer so authorized may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section 186.

No person shall be detained by virtue of this section for more than forty-eight hours.

Act IV of 1875, s. 16. 14. Whenever, in the course of any such investigation, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may, for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate:

Power to commit for trial.

Power to bind over persons to give evidence.

And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this chapter shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

Depositions.

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

Cf. Act IV of 1875, ss. 11 and 12. 15. The Court shall, in the case of all investigations under this chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence.

Report by Court to Local Government.

In cases in which, under the Merchant Shipping Acts, 1854 to 1880, the Court is required to send a report to the Board of Trade, such report shall be sent through the Local Government, and the

submission of such report to the Local Government shall be a sufficient compliance with this section.

CHAPTER III.

SUSPENSION AND CANCELLATION OF CERTIFICATES AND GRANT OF FRESH CERTIFICATES.

Saving of power to cancel and suspend certificates under English Acts.

16. Nothing herein contained shall affect the powers conferred by the Merchant Shipping Acts, 1854 to 1880, on the Courts conducting investigations under sections seven, eight, nine and ten of this Act, to cancel or suspend certificates granted under any of the said Merchant Shipping Acts, or certificates to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

Power to issue local certificates in lieu of such certificates.

When any such Court cancels or suspends any such certificate, it may, in its report to the Local Government, advise such Government to grant, without examination, to the holder of such certificate, when such certificate is a certificate as master, a certificate as master or mate; and, when such certificate is a certificate as mate or engineer, a certificate as mate or engineer, as the case may be; and such Local Government, if it thinks fit, and if it is empowered by any enactment of a British Indian legislature for the time being in force to grant such certificate, may grant it under such enactment, but without examination. A certificate so granted shall, except for the purposes of the said Merchant Shipping (Colonial) Act, 1869, have the same effect as if it had been granted after examination.

See Act IV of 1875, s. 18.

Local Government may suspend or cancel certain certificates—

17. Any certificate (whether of competency or service) which has been granted by any Local Government, to any master, mate or engineer, and to which the provisions of the Merchant Shipping (Colonial) Act, 1869, do not apply, may be suspended or cancelled, by that or any other Local Government, in the following cases, that is to say:—

after investigation under this Act:

(*a*) if, upon any investigation made under this Act, the Court reports that the loss, stranding or abandonment of, or damage to, any ship, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct;

after investigation under other Acts;

(*b*) if, upon any investigation made under the provisions of the Merchant Shipping Acts, 1854 to 1880, or upon any investigation made by any Court or tribunal for the time being authorized by the legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or as to shipwrecks or other casualties affecting ships, the Court or tribunal reports that such master, mate or engineer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss, stranding or abandonment of, or damage to, any ship, or loss of life, has been caused by his wrongful act or default;

after conviction of any offence:

(*c*) if he is proved to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony: and Act IV of 1875, s. 18, cl. (*d*).

after supersession.

(*d*) if (in the case of a master) he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force:

Provided that, in any case in which an investigation has been made into a charge against any master, mate or engineer, no certificate shall be suspended or cancelled under clause (*a*) unless the Local Government is satisfied that the holder of the certificate has been furnished before the commencement of the investigation with the copy of the report or statement required by section nine or section ten, as the case may be.

Master, &c., to deliver up certificate.

18. Every master, mate or engineer whose certificate is cancelled or suspended under section seventeen shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default of such delivery shall, for each offence, be punished with fine which may extend to five hundred rupees. See Act IV of 1875, s. 1

Report to other Local Governments.

19. If the Local Government which cancels or suspends, under section seventeen, a certificate of a master, mate or engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate. See Act IV of 1875, s. 2

Report to Board of Trade.

20. Every Local Government cancelling or suspending under section seventeen the certificate of a master, mate or engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension. See Act IV of 1875, s. 2

Power to revoke cancellation or suspension.

21. Any Local Government may at any time revoke any order of cancelment or suspension which it may have made under section seventeen, or grant, without examination, to any person, whose certificate it has so cancelled, a new certificate of the same or of any lower grade. See Act IV of 1875, s. 22.

Power to grant new certificate.

A certificate so granted shall, except for the purposes of the said Merchant Shipping (Colonial) Act, 1869, have the same effect as if it had been granted after examination.

A certificate of competency for a Home-trade ship under the said Act No. I of 1859 shall be deemed, for the purposes of this section, to be of a lower grade than a certificate of competency for a foreign-going ship under the same Act.

Every revocation and every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

CHAPTER IV.

AGREEMENTS WITH SEAMEN.

Act IV of 1875, s. 28.

Chapter to be read with Act I of 1859.

22. This chapter shall be read with, and taken as part of, the said Act No. I of 1859.

See Act IV of 1875, s. 24.

Masters to enter into agreements with seamen.

23. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereinafter mentioned.

See Act IV of 1875, s. 25.

Form and contents of agreement.

24. Every such agreeemnt shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say:—

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions or other lawful punishments for misconduct, which have been sanctioned by the Governor General in Council as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of any enactment for the time being in force relating to Merchant Shipping), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

See sec. 83 of the Bill which became Act VII of 1880.

Scale of provisions to be furnished to lascars.

25. In the case of such agreements with lascars or other Native seamen, the scale of the provisions agreed to be furnished to each of such seamen shall not be less than a scale to be from time to time fixed and published by the Local Government with the previous sanction of the Governor General in Council.

Any master entering into an agreement with any lascar or other Native seaman for a scale of provisions less than the scale so fixed and published shall be punished with fine which may extend to two hundred rupees.

Act IV of 1875, s. 26.

Stipulation where lascars are shipped.

26. Whenever it is agreed that the service of any lascar or other Native seaman shall end at any port not in British India, the agreement shall, in addition to the particulars specified in section twenty-four, contain a stipulation that fit employment shall be provided for him on board some other ship bound to the port at which he was shipped, or such other port in British India as may be agreed on; or

that a passage shall be provided for him to some port in British India free of charge, or on such other terms as may be agreed on;

and every such stipulation shall be signed by the owner of the ship, or by the master on his behalf.

EXPLANATION.—In this section the word "seaman" includes also a Native of British India carried to sea from any port in British India as one of the crew of a ship.

Act IV of 1875, s. 27.

Forms for British or Colonial ships.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman, not being a lascar or other Native seaman, in any port in British India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

CHAPTER V.

PORT-INSPECTORS.

See sec. 80 of the Bill which became Act VII of 1880.

Addition to Act XII of 1875.

28. In the Indian Ports Act, 1875, after section eighteen, the following sections shall be inserted, that is to say:—

Appointment and powers of Port-inspectors.

"18A. The Local Government may, from time to time, appoint in any port subject to this Act an officer to be called the Port-inspector, and suspend or remove such officer.

"Every officer so appointed shall, subject to the control of the Local Government, have the following powers within the limits of the port for which he is appointed, that is to say:—

"(*a*) he may at any time enter any vessel, and may inspect the same and every part thereof, and the provisions and water provided for the use of the persons on board such vessel, and the medicines and appliances and the accommodation for the seamen;

"(*b*) he may medically examine all or any of the persons on board such vessel;

"(*c*) he may require and enforce the production of the log and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board such vessel;

"(*d*) he may call before him and examine for such purpose all or any of such persons, and may require answers to any inquiries he thinks fit to make;

"(*e*) he may require any persons so examined by him to make and subscribe a declaration of the truth of the statements made by such person.

Port-inspector to inquire into complaints;

"18B. The Port-inspector shall, on first entering any vessel after its arrival, inquire whether any lascar or other Native seaman on board such vessel desires to make any complaint against the master or any of the crew thereof.

"In the event of any such seaman so desiring, the Port-inspector shall hear such complaint and record the particulars thereof in writing, and may, for the purpose of ascertaining the truth of the same, exercise any of the powers mentioned in section 18A.

"The Port-inspector shall forthwith report in writing to the Shipping Master the particulars of any complaint made to him under this section, together with his opinion thereon."

and report the same to Shipping Master.

CHAPTER VI.

MISCELLANEOUS.

See Act XIII of 1878, s. 1.

29. In cases where any wages or expenses recoverable under section 213 of the Merchant Shipping Act, 1854, or under section 16 of the Merchant Shipping Act Amendment Act, 1855, are, under the same sections, a charge upon any ship, or recoverable from any master, owner or other person, within the jurisdiction of any Court in British India, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, authorize, either generally or specially, such persons as he thinks fit to sue for and recover, in manner in the Merchant Shipping Act, 1854, section 213, provided, such wages or expenses.

Power to appoint persons to sue.

Every person so authorized shall be entitled to sue and recover accordingly in any such Court, and shall be deemed to be a person filling a public office within the meaning of the Indian Evidence Act, 1872, section 57, clause 7.

All suits and proceedings under this section shall be instituted and carried on in the name of the Secretary of State for India in Council.

See Act XIII of 1878, s. 2.

Suits, &c., to be instituted in name of Secretary of State for India in Council.

30. Sections 9 to 16 (both inclusive) of the said Act No. I of 1859 shall not apply to ships registered under Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

See Act IV of 1875, s. 29.

Provisions as to examinations, &c., of masters not to apply to certain ships.

31. In sections 2, 15, 17 and 23 of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted, namely:—"on conviction before a Presidency Magistrate or a Magistrate of the first class."

See Act IV of 1875, s. 30.

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

STATEMENT OF OBJECTS AND REASONS.

PARAGRAPH 8 of the Report, dated the 20th February, 1880, of the Select Committee on the Bill relating to Merchant Shipping, which afterwards became the Indian Merchant Shipping Act, 1880, ran as follows :—

"8. We have omitted chapters VII and VIII of the Bill as introduced, as we consider that the matters to which they relate would be more fitly dealt with in a Bill to consolidate Act No. IV of 1875 and the sections of Act No. XIII of 1878 by which it is amended."

2. The nature of the contents of these omitted chapters will be learnt from the following paragraphs of the Statement of Objects and Reasons, dated the 29th August, 1879, appended to that Bill :—

"21. Chapter VII, by an addition to the Ports Act, 1875, provides for the appointment of an officer called a 'Port-inspector.' This officer, in addition to performing the duties at present performed by the Health-officer (for the performance of which duties he is by the Bill invested with certain legal powers), is intrusted with the duty of inquiring into any complaints which may be made on the arrival of a ship in port by any of the crew against the master or any others of the crew. This latter provision has been inserted, in compliance with the desire of the Secretary of State, for the protection of lascars or other Oriental seamen when serving on board a European ship.

"22. Chapter VIII makes two amendments of the Indian Merchant Shipping Act, 1875. The one extends the provisions of section 3 of that Act so as to give power to hold Marine Courts of Enquiry in certain cases which are at present unprovided for. This change has been introduced at the request of the local Marine authorities, and is in accordance with the provisions of the English law as recently amended. The other amendment gives the Local Government power to fix a scale of provisions, for less than which it will be penal for a master to contract with any lascar or Native seaman—a provision which has been found to be essential for the protection of such seamen."

3. It is with a view to carry out the suggestion of the Select Committee above quoted that the present Bill has been prepared.

The Bill, however, does more than merely consolidate the provisions of the Acts of 1875 and 1878 and re-enact them with the addition of the points omitted from the Merchant Shipping Bill of 1879.

These Acts of 1875 and 1878 relate in part to the suspension and cancellation of Board of Trade certificates to which the provisions of the Imperial Merchant Shipping Acts apply. An examination of the provisions of our Acts in connection with those of the Imperial Acts shows that our Acts deal with several matters already provided for by Parliament. This is not desirable. Apart from the question which might be raised as to the validity of our law, where that law is not transcribed *verbatim*, it is inconvenient from a practical point of view that double provisions relating to the same subject-matter should exist side by side. In re-enacting, therefore, the provisions of the Acts repealed by the Bill, an endeavour has been made to restrict the provisions of the Bill to matters for which the Imperial Acts do not provide, and on which it is clear we can legislate. This has necessitated the omission of some and the amendment of other provisions of the present law.

4. The opportunity of this Bill has been taken to amend section 26 of Act IV of 1875, so as to provide that, when the service of any lascar is to end at any port not in British India, the agreement between him and the master shall invariably stipulate for his return to British *India*, and not merely for his employment on board some vessel bound to such other port as may be agreed on, possibly not in British India. It is clear that, with the extended employment of Native seamen in the Eastern trade, and the increasing number of Asiatic sailors found in a destitute condition at European ports, Government should, on economical grounds, if for no other reason, devise steps to secure the return of Indian seamen to this country at the expense of the persons who take them away.

5. The 31st section of Act IV of 1875, which confers certain powers on Courts for the trial of pilots constituted under Act XII of 1859, has been excluded from the present Bill, as the matter is one which will be more properly provided for by a separate Bill amending that Act.

WHITLEY STOKES.

The 24th February, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee :—

No. 7 OF 1881.

A Bill to give power to arrest persons whose evidence is needed under Act No. XII of 1859.

Preamble.

WHEREAS it is expedient to empower the Judges holding trials under Act No. XII of 1859 (*An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty*) to arrest persons whose evidence is required on such trials; It is hereby enacted as follows :—

Addition to Act XII of 1859, after section 14.

1. The following section shall be inserted immediately after section 14 of the said Act, namely :—

"15. Whenever the Judge of the said Court thinks it necessary for obtaining evidence that any person should be arrested, he may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

"Any officer so authorized may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section 186.

"No person shall be detained under this section for more than forty-eight hours."

STATEMENT OF OBJECTS AND REASONS.

THE last section of Act IV of 1875, which confers on Courts established for the trial of pilots in Bengal under Act XII of 1859 certain powers for compelling the attendance of witnesses, will be repealed if the Merchant Shipping Bill, which is to be introduced to-day, becomes law. As such a provision is somewhat out of place in a Merchant Shipping Act, it seems better to re-enact it as a section in Act XII of 1859, and the present Bill has accordingly been prepared for this purpose.

WHITLEY STOKES.

The 4th March, 1881.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee :—

No. 8 OF 1881.

No. II.

THE CODE OF CRIMINAL PROCEDURE, 1882.

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A Bill to consolidate and amend the law relating to Criminal Procedure.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I.
PRELIMINARY.

CHAPTER I.

Short title. Commencement. 1. This Act may be called "The Code of Criminal Procedure, 1882:" and shall come into force on the first day of January, 1883;

Act X, 1872, ss. 1, 2, 111, 529, 535, 540, 541. Act X, 1875, s. 143. Act IV, 1877, s. 3. * e.g., Act V of 1869. Local extent. It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed,* by any other law now in force, or shall apply to—

Act X, 1872, s. 540. (*a*) the Commissioner of Police or the police in the towns of Calcutta, Madras and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the said Presidencies respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; *or*

(*d*) village Police-officers in the Presidency of Bombay.

Act X, 1875, s. 2. Act X, 1872, s. 2, para. 1. Repeal of enactments. 2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column of the said schedule, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Act X, 1872, ss. 82, 86. Act X, 1872, s. 2, last para., s. 10. Notifications, &c., under repealed Acts. All notifications published, proclamations issued, powers conferred, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, defined, passed and made under the corresponding section of this Code.

Act X, 1872, s. 2, paras. 3, 4. References to Code of Criminal Procedure. 3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, *or to any other enactment hereby repealed*, such reference shall, *so far as may be practicable*, be taken to be made to this Code or to its corresponding chapter or section.

Expressions in former Acts. In every enactment *passed before this Code comes into force* the expressions "Officer exercising (or 'having') the powers (or the 'full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class," and "Magistrate of the third class;" the expression "Magistrate of a division of a district" shall be deemed to mean Sub-divisional Magistrate, and the expression "Magistrate of Police" shall be deemed to mean Presidency Magistrate. Act IV, 1877, s. 10.

Act X, 1872, s. 4. Act IV, 1877, s. 6. Interpretation. 4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

New. Liv. 501. "Complaint." (*a*) "Complaint" means the allegation made to a *Magistrate with a view to institute proceedings under this Code* that some person, whether known or unknown, has *committed* an offence; *but does not include the report of a Police-officer*:

"Investigation." (*b*) "Investigation" includes all the proceedings *under* this Code for the collection of evidence *conducted by the Police or by any person authorized by a Magistrate in this behalf*:

"Inquiry." (*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court: "Inquired into" omitted

Penal Code, 193. I. L. R., I All. 6. 1 Mad. H. C. Rep., 46. "Judicial proceeding." (*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be *legally* taken:

New. "Writing." (*e*) "Writing" *and "written"* include "printing," "lithography," "photography" and "engraving" *and the like:*

New. "To sign." (*f*) "To sign" means to affix a name or mark in writing or by means of a stamp:

New. "Sub-division." (*g*) "Sub-division" means a sub-division of a District *made under this Code*:

"Province." (*h*) "Province" means the territories for the time being under the administration of any Local Government:

"Presidency-town." (*i*) "Presidency-town" means the local limits for the time being of the ordinary original *criminal* jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay:

Act X, 1875, s. 3, altered. Another definition *infra*, s. 267. "High Court." (*j*) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb *and the Recorder of Rangoon:*

Query as to Special Court acting under the 79th section of the Burma Courts Act, 1875. In other cases "High Court" means the highest Court of criminal appeal or revision for any local area:

See précis, para. 160. *or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may from time to time appoint in this behalf:*

Act X, 1875, s. 3. "Chief Justice." (*k*) "Chief Justice" includes also the senior Judge of a Chief Court:

Act X, 1875, s. 3. Act X, 1877, s. 539. "Advocate General." (*l*) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may from time to time appoint in this behalf:

Act X, 1875, s. 3. "Clerk of the Crown." (*m*) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

New: see Act X, 1872, s. 57. Act X, 1875, s. 3. See 11 Bom., 108. "Public prosecutor." (*n*) "Public prosecutor" means any person appointed under section 502, and includes any person acting under the directions of a public prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

New. "Pleader." (*o*) "Pleader" used with reference to any proceeding in any Court means a pleader authorized *under any law for the time being in force* to practise in such Court, and includes (1) an advocate, a vakíl and an attorney of a High Court so authorized, and (2) any *mukhtár* or other person appointed with the permission of the Court to act in such proceeding:

"Police-station." "Officer in charge of a Police-station." (*p*) "*Police-station*" *means any post declared by the Local Government to be a Police-station for the purposes of this Code; and* "Officer in charge of a Police-station" includes, when the officer in charge of the station is absent *therefrom* or ill, the Police-officer next in rank present at the Police-station above the rank of Constable, *or, when the Local Government so directs, any other Police-officer so present*:

Act X, 1872, s. 136. 11, Bom., 96. "Sessions-case." (*q*) "Sessions-case" means a case triable exclusively by the Court of Session, or which the Magistrate commits to the Court of Session, though he might have tried it himself:

"Offence." (*r*) "Offence" means any *act or omission* made punishable by any law for the time being in force:

Act XI, 1874, s. 1. "Cognizable offence." "Cognizable case." (*s*) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer may, *in accordance with the second schedule, or* under any law for the time being in force, arrest without warrant:

"Non-cognizable offence." "Non-cognizable case." "Non-cognizable offence" means an offence for, and "Non-cognizable case" means a case in, which a Police-officer may not arrest without warrant:

Act XI, 1874, s. 1. "Bailable offence." "Non-bailable offence." (*t*) "Bailable offence" means an offence shewn as bailable in the second schedule or which is made bailable by any other law for the time being in force: and "non-bailable offence" means any other offence:

"Warrant-case." (*u*) "Warrant-case" means a case relating to an offence punishable with death, transportation, or imprisonment for a term exceeding six months:

"Summons-case." (*v*) "Summons-case" means a case relating to an offence not so punishable:

Act X, 1872, s. 71. Act X, 1875, s. 3. "European British subject." (*w*) "European British subject" means—

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

New. "Chapter." "Schedule." (*x*) "Chapter" means a chapter of this Code: "Schedule" means a schedule hereto annexed:

New. "Place." (*y*) "Place" includes also a house, building, *tent* and vessel:

Act XI, 1874, s. 2. Words referring to acts. Words which refer to acts done extend also to illegal omissions, and

e.g., "special law," "local law." New. Words to have same meaning as in Penal Code. all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings attached to them respectively by that Code. See Act XI, 1874, s. 46.

Act X, 1872, ss. 6, 7, 11. Trial of offences under Penal Code. 5. All offences under the Indian Penal Code shall, and

Act X, 1872, ss. 6, 7, 8, para. 1; 65, Expl. Act X, 1875, s. 6. Act IV, 1877, s. 14. Trial of offences against other laws. all offences under any other law shall, in the absence of any enactment for the time being in force regulating the mode *or place* of inquiry or trial, be enquired into and tried according to the provisions hereinafter contained.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

Of the Constitution of Criminal Courts and Offices.

A.—Classes of Criminal Courts.

Act X, 1872, ss. 5, 19.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

Classes of Criminal Courts.

I.—Courts of Session :
II.—Courts of Presidency Magistrates :
III.—Courts of Magistrates of the first class :
IV.—Courts of Magistrates of the second class :
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Act X, 1872, s. 12.

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions;

Act XII, 1874, s. 4.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Sessions Divisions.

Districts.

Act X, 1872, ss. 13, 38.

The Local Government may alter the limits or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Power to alter Divisions and Districts.

Act X, 1872, s. 14.

Act XI, 1874, s. 4.

The existing Sessions Divisions and Districts shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Existing Divisions and Districts maintained till altered.

Act IV, 1877, s. 8, para. 5.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Presidency-towns to be deemed Districts.

Act X, 1872, s. 30.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or *make* any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Power to divide Districts into Sub-divisions.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

Existing Sub-divisions maintained.

C.—Courts and offices outside the Presidency-towns.

Act X, 1872, ss. 15, 16, 17, 18.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

Court of Session.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Act X, 1872, s. 35.

District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Act X, 1872, s. 55.

Officers temporarily succeeding to vacancies in office of District Magistrate.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may *from time to time* define local areas within which such persons may exercise *all or any of* the powers with which they may respectively be invested under this Code.

Act X, 1872, ss. 37, 40.

Subordinate Magistrates.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, *the jurisdiction and powers of* such persons *shall extend* throughout such District.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, *and relieve him of the charge as occasion requires.*

Act X, 1872, s. 40.

Power to put Magistrate in charge of Sub-division.

Such Magistrates shall be called Sub-divisional Magistrates.

The Local Government may delegate its powers under this section to the District Magistrate.

Delegation of power to Magistrate of District.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Act X, 1872, s. 42.

Special Magistrates.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

Act XI, 1874, s. 5.

Act V, 1861, s. 6.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Act X, 1872, s. 50.

15. The Local Government may direct any two or more Magistrates in any place outside of the Presidency-towns to sit together as a Bench, and may invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases, only, and within such local limits, as the Local Government thinks fit.

Benches of Magistrates.

Luffruddin v. Ibrahim, I. L. R., 3 Cal., 754.

Act X, 1872, s. 51.

Except as otherwise provided by any order of the Local Government under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members belongs, and who is present taking part in the proceedings as a member of the Bench, and as far as possible shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Powers exerciseable by Bench in absence of special direction.

Act X, 1872, ss. 52, 53.

16. *The Local Government may, or* the District Magistrate subject to the control of the Local Government, from time to time make rules consistent with this Code for the guidance of Magistrates' Benches in *any* District respecting the following subjects :—

Power to frame rules for guidance of Benches.

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Act X, 1872, s. 37, para. 2.

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and

Subordination of other Magistrates to District Magistrate;

Act X, 1872, s. 42.

every Magistrate (other than a Sub-divisional Magistrate) and Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

to Sub-divisional Magistrate.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction.

Act X, 1872, s. 37, para. 3.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Act IV, 1877, ss. 8, 9.

18. The Local Government shall from time to time appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Appointment of Presidency Magistrates.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

Act IV, 1877, s. 8, para. 5.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed [and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues].

Local limits of their jurisdiction.

Act IV, 1877, s. 8, last para.; s. 9, last para.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions :

Bombay Court of Petty Sessions.

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

Act IV, 1877, s. 9.

21. Every Chief Magistrate shall exercise in the Presidency-town for which he is appointed all the powers which by any law or rule in force at the time this Act comes into force are required to be exercised by any Senior or Chief Magistrate, and may from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

Chief Magistrate.

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(*b*) the times and places at which Benches of Magistrates shall sit;

(*c*) the constitution of such Benches; and

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Act II, 1866, s. 3.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

Justices of the Peace for the Mufassal.

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and on the territories mentioned in such notification.

Act II, 1869, s. 4.

Justices of the Peace for the Presidency-towns.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Act II, 1869, s. 10.

Present Justices of the Peace.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the same towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

13 Geo. III, c. 63, s. 38. Act X, 1875, s. 152. Act IV, 1877, s. 8. Native High Court Judges are thus Justices of the Peace.

Ex officio Justices of the Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General and the Judges of the High Courts *established by Royal Charter* are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

Act X, 1872, s. 9.

Suspension and removal of Judges and Magistrates.

26. All Judges of criminal Courts other than the High Courts *established by Royal Charter*, and all Magistrates, may be suspended or removed by the Local Government: Provided that such Judges and Magistrates as now are liable to be suspended or removed by the Governor General in Council *only* shall *not be suspended or removed by any other authority*.

Act II, 1869, s. 9.

Suspension and removal of Justices of the Peace.

27. The Governor General in Council may suspend *or dismiss* any Justice of the Peace appointed by him, and the Local Government may suspend or dismiss any Justice of the Peace appointed by it.

CHAPTER III.

Powers of Courts.

A.—Description of Offences cognizable by each Court.

e.g., ss. 194, 195. Act XI, 1874, s. 1. Act IV, 1877, s. 4.

Offences under Penal Code.

28. *Subject to the other provisions of this Code*, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the seventh column of the second Schedule to be triable.

Act X, 1872, s. 8, *para.* 1.

Offences under other laws.

29. Any offence under any other law shall, where any Court is mentioned in this behalf in such law, be tried by such Court; and when no Court is so mentioned, may be tried by the High Court or by any Court constituted under this Code:

Provided that

(*a*) *no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years*;

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

Act X, 1872, s. 36.

Offences not punishable with death.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

Sentence which High Court or Sessions Judges may pass.

31. A High Court may pass any sentence authorized by law.

Act X, 1872, ss. 15, para. 2, 17.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by such Judge shall be subject to confirmation by the High Court.

Act X, 1872, s. 18.

An Assistant Sessions Judge may pass any sentence authorized by law except a sentence of death *or of* transportation *for any term* or *of* imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Act X, 1872, s. 20.

Sentences which Magistrates may pass.

32. The Courts of Magistrates may pass the following sentences, namely:—

Act IV, 1877, s. 11.

(*a*) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees, Whipping.
(*b*) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(*c*) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

Act X, 1872, s. 20, Expl., s. 309, para. 2. See I. L. R., 1 Mad., 77.

Power to sentence to imprisonment in default of fine.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law *in case of such default*: Provided that the term is not in excess of the Magistrate's powers under this Code:

Act X, 1872, s. 309, para. 1, *proviso*. As to para. 1 of that section see Act I of 1868. Act IV, 1877, s. 12, omitting paras. 1 & 3.

Proviso as to cases decided by a Magistrate.

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Act X, 1872, s. 20, Expl.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Act X, 1872, s. 36.

Higher powers of certain District Magistrates.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

See infra, s. 350.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Act X, 1872, s. 314. Act X, 1875, s. 109. Act IV, 1877, s. 13.

Sentence in cases of simultaneous conviction of several offences.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishments for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of imprisonment.

Provided that in no case shall such person be sentenced to punishment for a longer period than fourteen years:

Provided also that, if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishments shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

I. L. R., Bom., 228.

For the purpose of confirmation or appeal, *aggregate* sentences passed under this section in case of simultaneous convictions for several offences shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

Act X, 1872, ss. 22, 24, 26, 28, 30.

Ordinary powers of Magistrates.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third class have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers."

Act X, 1872, ss. 23, 25, 27, 29.

Additional powers conferrible on Magistrates.

37. In addition to his ordinary powers, any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which a Magistrate of such class may be invested by the Local Government or the District Magistrate.

The power conferred on the District Magistrate by this section shall be exercised subject to the control of the Local Government.

Police-powers of Magistrates.

38. *All Magistrates of the first and second classes, and all Magistrates of the third class specially empowered in this behalf, shall have all the powers conferred by this Code on an officer in charge of a Police-station.*

D.—Conferment, Continuance and Cancellation of Powers.

Act X, 1872, s. 43.

Mode of conferring powers

39. In conferring powers under this Code, the Local Government may empower persons specially by name, or classes of officials generally by their official titles.

Act X, 1872, s. 56.

Continuance of powers of officers transferred.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an

equal or higher office of the same nature within a like local area *under the same Local Government*, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

I. L. R., 2 Cal., 117.

Act X, 1872, s. 54.

41. *Any authority* may cancel any powers conferred *by it* on any person under this Code.

Powers may be varied or cancelled.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

Of Aid and Information to the Magistrates, the Police and Persons making Arrests.

Act X, 1872, s. 91. Act IV, 1877, s. 247.

42. Every person is bound to assist a Magistrate or Police-officer demanding his aid, whether within or without the Presidency-towns,

Public when to assist Magistrates and Police.

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to *any railway, canal or* public property;

(*c*) in the suppression of a riot or affray; or

(*d*) *in the extinguishment of fire dangerous to human life or to valuable property.*

Act X, 1872, s. 163.

43. *When a warrant is directed to a person other than a Police-officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.*

Aid to person other than Police-officer, executing warrant.

Act X, 1872, s. 89. Act IV, 1877, s. 246.

44. Every person, whether within or without the Presidency-towns, aware of the commission of *or intention to commit* any offence punishable under the following sections of the Indian Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, *forthwith* give information of the same to the nearest Magistrate or Police-officer.

Public to give information of certain offences.

Act X, 1872, s. 90.

45. Every village-headman, village-watchman, *village-police-officer*, owner or occupier of land, *and* the agent of any such owner or occupier, and every Native officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, any information which he may obtain respecting—

Village-headmen, landholders and others bound to report certain matters.

(*a*) the residence of any notorious receiver or vendor of stolen property in *any* village of which he is headman, watchman *or police-officer*, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, *or the passage through*, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, *escaped convict or proclaimed offender*;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any death *under suspicious circumstances.*

Explanation.—In this section "village" includes village-lands.

CHAPTER V.

Of Arrest, Escape and Retaking.

A.—Arrest generally.

Act X, 1872, s. 177.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Arrest how made.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Act X, 1872, s. 178, adding words as to attempt to evade.

Resisting endeavour to arrest.

Nothing in this section gives a right to cause the death of a person arrested who is accused of an offence not punishable with death.

Alison's Cr. law cited Mayne P. C. s. 106.

Act X, 1872, ss. 99, 178.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Search of place entered by person sought to be arrested.

Act X, 1872, s. 100.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant cannot be obtained without affording the person to be

Procedure where ingress not obtainable.

arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

Act X, 1872, s. 180.

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Act X, 1872, s. 181, which applies only where person to be arrested is accused of an offence for which a warrant may issue.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Breaking open zanánás.

New.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Power to break open doors for purposes of liberation.

Act X, 1872, s. 182.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

Act X, 1872, s. 387, *para. 1. See section* 534, *infra.*

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

Search of arrested persons.

whenever a person is arrested without warrant, *or by a private person under a warrant*, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom *he* makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Act X, 1872, s. 336. Act IV, 1877, s. 166.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made with strict regard to custom.

Mode of searching women.

New. Liv., p. 50.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the person making the arrest is required by this Code to produce the person arrested.

Power to seize offensive weapons.

B.—Arrest without Warrant.

Act X, 1872, s. 92, omitting cl. 3.

54. Any Police-officer may, without order from a Magistrate and without a warrant, arrest—

When Police may arrest without warrant.

firstly—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, *or credible information has been received*, or a reasonable suspicion exists, of his having been so concerned;

Cf. Livingston, 503.

secondly—any person who has been proclaimed *as an offender* either under this Code or *by order of the Local Government*;

thirdly—any person in *whose possession anything is found* which may reasonably be suspected to be stolen property;

fourthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

"Or Navy" added.

fifthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

Act X, 1872, s. 94.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

Arrest of vagabonds.

(*a*) any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing *a cognizable* offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker, thief, or an habitual receiver of stolen property knowing it to be stolen.

Act X, 1872, s. 103, *para. 1.*

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

Procedure when Police-officer deputes subordinate to arrest without warrant.

Act X, 1872, s. 93.

57. Any person who in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, may be

Refusal to give name and residence.

arrested or detained by such officer in order that his name or residence may be ascertained; and shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released *on his executing a bond for his appearance before a Magistrate if so required.*

Act X, 1872, s. 103.

58. For the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, a Police-officer may pursue such person into any place in British India.

Pursuit of offenders into other jurisdictions.

Act X, 1872, s. 105.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence;

Arrest by private persons.

Act X, 1872, s. 107. N. Y. Crim. Pro. Code, s. 184.

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or in the absence of a Police-officer, take such person to the nearest Police-station.

Procedure on such arrest.

The Police shall deal with such person according to the provisions of section 54 or 57, as the case may be, and shall not detain him in custody unless he appears to be liable to arrest or detention under the section applicable.

Act X, 1872, s. 101.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before *a* Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

Act X, 1872, s. 124, *para.* 1.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate *under section 168*, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Person arrested not to be detained more than 24 hours.

Act X, 1872, s. 122, *para.* 1.

62. Officers in charge of Police-stations shall report to the District Magistrate, *or if he so directs, to the* Sub-divisional Magistrate, the cases of all persons arrested without warrant within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Police to report apprehensions.

Act X, 1872, s. 133, *para.* 2. Act IV, 1877, s. 70, para. 1.

63. No person who has been so arrested by a Police-officer shall be discharged except on his *bond*, with or without sureties, or under the special order of a Magistrate.

Discharge of person apprehended.

Act X, 1872, s. 108. Act IV, 1877, s. 15.

64. When any offence is committed in the presence of a Magistrate *within the local limits of his jurisdiction*, he may *himself arrest or* order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence.

Act X, 1872, s. 166, para. 2. Act IV, 1877, s. 62.

65. Any Magistrate may at any time *arrest or* direct the arrest, in his presence, *within the local limits of his jurisdiction*, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Arrest by or in presence of Magistrate.

Act XXV, 1861, s. 112. N. Y. Cr. Pro. Code, s. 186.

66. If a person in lawful custody escapes or is rescued, *and* the person from whose custody he escaped or was rescued *is not, under the provisions hereinbefore contained, authorized to arrest him without warrant,* he may immediately pursue and *arrest* him in any place in British India.

Power, on escape, to pursue and retake.

Act XXV, 1861, s. 112. N. Y. Cr. Pro. Code, s. 186.

67. The provisions of sections 47 and 48 shall apply to arrests under section 66, although the person making such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

Provisions of sections 47 and 48 to apply to cases under section 66.

CHAPTER VI.

Of Processes to compel Appearance.

A.—Summons.

Act X, 1872, s. 153. Act IV, 1877, s. 47.

68. Every summons issued by a Court under this Code shall be in writing *in duplicate* signed *and sealed* by the presiding officer of such Court, or by such other officer as the High Court may from time to time by rule direct.

Form of summons.

Act X, 1872, s. 153, altered.

Such summons shall be served by *a Police-officer; or, subject to such rules as the Local Government may prescribe in this behalf,* by *an officer of the Court issuing it.*

Summons by whom served.

Act X, 1872, s. 154. Act IV, 1877, s. 48.

69. The summons shall *if practicable* be served personally on *the person summoned* by delivering or tendering *to him one of the duplicates of* the summons.

Summons how served.

Every person *on* whom a summons is so *served* shall, if so required by the serving officer, sign a receipt therefor *on the back of the other duplicate.*

Signature of receipt for summons.

Act X, 1872, s. 154. Act IV, 1877, s. 49.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving *one of the duplicates* for him with some adult male member of his family residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor *on the back of the other duplicate.*

Service when person summoned cannot be found.

Act X, 1872, s. 155.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall fix *one of the duplicates* of the summons on some

Procedure when receipt cannot be obtained.

conspicuous part of the house in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Act X, 1872, s. 158, *proviso.*

72. Where the person summoned is in the active service of *the* Government or of a Railway Company, the Court issuing the summons shall *ordinarily* send it *in duplicate* to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, *and shall return it to the Court with the endorsement required by that section*

Service on servant of Government or of Railway Company.

Act XXIII, 1840, s. 1. Act IV, 1877, s. 50.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall *ordinarily* send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Service of summons outside local limits.

Act IV, 1877 s. 51.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, a solemn declaration, purporting to be made before a Magistrate, that such summons has been served, *and* a *duplicate* of the summons purporting to be *endorsed (in manner provided by section 69 or section 70)* by the person to whom it is delivered or tendered or with whom it is left, *shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.*

Proof of service in such cases, and when serving officer not present.

The declaration mentioned in *this section* may be endorsed on the *duplicate* of the summons and returned to the Court.

B.—Warrant of Arrest.

Act X, 1872, s. 159, amended. Act IV, 1877, s. 56, which does not require the seal. But see 9 Bom., 157.

75. Every warrant *of arrest* issued by a Court *under this Code* shall be in writing, *signed and sealed by the* presiding officer; *or, in the case of a Bench of Magistrates, by any member of such Bench.*

Form of warrant of arrest.

Every such warrant remains in force until it is cancelled by the Court which issued it, or until it is executed.

Continuance of warrant of arrest.

Act X, 1872, s. 160. Act IV, 1877, s. 56.

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his *attendance* before the Court *at a specified time and thereafter until otherwise directed by the Court*, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

Court may direct security to be taken.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the *time at* which he is to *attend* before the Court.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Recognizance to be forwarded.

Act X, 1872, s. 161. Act IV, 1877, s. 56.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same:

Warrants to whom directed.

Act X, 1872, s. 164. Act IV, 1877, s. 59.

Provided that when a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant to several persons.

Act X, 1872, s. 162.

78. A District Magistrate *or Sub-divisional Magistrate* may direct a warrant to any landholder, farmer or manager of land within his district for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Warrant may be directed to landholders, &c.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before *a* Magistrate having jurisdiction *in the case*, unless security is taken under section 76.

Act X, 1872, s. 163.

79. When a warrant is directed to a person other than a Police-officer, any other person may aid in executing such warrant, if the person to whom it is directed is near at hand and acting in execution thereof.

Warrants directed to any person other than a Police-officer.

Act X, 1872, s. 165. Act IV, 1877, s. 60.

80. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Warrant directed to Police-officer.

Act X, 1872, s. 176.

81. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested and, if so required, shall show him the warrant.

Notification of substance of warrant.

Act X, 1872, s. 183.

82. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by *law* to produce him.

Person arrested to be brought before Court without delay.

Act X, 1872, s. 167. Act IV, 1877, s. 63.

Where warrant may be executed.

83. A warrant of arrest may be executed at any place in British India.

Act X, 1872, ss. 168, paras. 1 & 2, 170, first part. Act IV, 1877, s. 64.

Warrant forwarded to Magistrate for execution outside jurisdiction.

84. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and cause it to be executed within the local limits of his jurisdiction.

Act X, 1872, ss. 168, paras. 1 & 3, 170, first part. Act IV, 1877, s. 64, paras. 5, 6, 7.

Warrant directed to Police-officer for execution outside jurisdiction.

85. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he *shall ordinarily* take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local Police shall if so required assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

Act X, 1872, s. 169. Act IV, 1877, s. 65, para. 1.

Procedure on arrest of person against whom warrant issued.

86. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Act X, 1872, s. 170. Act IV, 1877, s. 65, para.

Procedure by Magistrate before whom person arrested is brought.

87. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: *Provided that if* the offence is bailable, *and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant*, and such person is ready and willing to give the security required *by such direction*, the Magistrate or Commissioner shall take *bail or* such security, *as the case may be*, and forward the bond to the Court which issued the warrant.

C.—Proclamation and Attachment.

Act X, 1872, ss. 171, 353, para. 1. Act X, 1875, s. 82. Act IV, 1877, ss. 67, 137. 10 Ben. App. 18.

Proclamation for person absconding.

88. If a Court has reason to believe (*whether after taking evidence or not*) that any person against whom a warrant has been issued by it *has absconded or* is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of *publishing* such proclamation.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court *issuing the proclamation* to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

New as to day of publication.

Act X, 1872, ss. 172, 353, paras. 2 & 3. Act IV, 1877, ss. 68, 137.

Attachment of property of person absconding.

89. The Court may, *after issuing a proclamation under section 88*, order the attachment of any property, moveable or immoveable, or both, belonging to *the proclaimed* person.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) *by seizure*; *or*

(*b*) *by the appointment of a receiver or to any one on his behalf*; *or*

(*c*) *by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf*; *or*

(*d*) *by all or any two of such methods, as the Court thinks fit.*

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by seizure; or

(*f*) by the appointment of a receiver; or

(*g*) by an order *in writing* prohibiting the payment of rent *or delivery of property* to the *proclaimed* person *or to any one on his behalf*; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the person so believed to *have* absconded or *to be* concealing himself does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is of a perishable nature, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Act X, 1872, ss. 173, 354. Act X, 1875, s. 83. Act IV, 1877, ss. 69, 138.

Restoration of attached property.

90. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 89 appears voluntarily or is apprehended and brought before the Magistrate having jurisdiction, and proves to the satisfaction of the Court by whose order the property was attached that he did not abscond or conceal himself for the purpose of *avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein*, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

Act X, 1872, ss. 148, para. 9, 150, 156, 352, 355, 404, para. 1. Act X, 1875, ss. 81, 84. Act IV, 1877, ss. 34, 36, 53, 135, 136, 217.

Issue of warrant in lieu of or in addition to summons.

91. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person *other than a juror or assessor*, issue, *after recording its reasons in writing*, a warrant for his arrest—

(*a*) if either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Act IV, 1877, s. 140.

Power to take bond for appearance.

92. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Act X, 1872, s. 308, para. 2. Act IV, 1877, s. 124, para. 2.

Arrest on breach of bond for appearance.

93. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested or produced before him.

Act X, 1872, ss. 158, para. 1, 185. Act IV, 1877, s. 52.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

94. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY *AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.*

A.—Summons to produce.

Act X, 1872, s. 365. Act X, 1875, s. 86. Act IV, 1877, s. 144.

Summons to produce document or other thing.

95. Whenever any Court, or *in any place beyond the limits of the Presidency towns* any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, *or such officer a written order*, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it *or to produce it* at the time and place stated in the summons *or order*.

Act X, 1877, s. 164.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

New.

Nothing in this section applies to a letter, *post-card*, telegram *or other document* in the custody of the Postal or Telegraph Department.

Act X, 1872, s. 360 last sentence. Act IV, 1877, s. 146.

Procedure as to letters and telegrams.

96. If any *document in such custody* is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require *the Postal or Telegraph* Department, *as the case may be*, to deliver such *document* to such person as such Magistrate or Court directs.

If any such *document* is, in the opinion of any other Magistrate or of any Commissioner of Police, or District Superintendent of Police, wanted for any such purpose, he may require the Postal *or Telegraph* Department, *as the case may be*, to cause search to be made for and to detain such *document*, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

Act X, 1872, s. 366. Act X, 1875, s. 87. Act IV, 1877, s. 145.

When search-warrant may be issued.

97. Where there is reason to believe that a person to whom a summons under section 95, or a requisition under section 96,

paragraph one, has been or might be addressed will not or would not produce the document or other thing as directed in such summons,

or where such document or other thing is not known to be in the possession of any person,

Act X, 1872, s. 368, para. 1. Act IV, 1877, s. 159.

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect *in accordance therewith and the provisions hereinafter contained.*

Act X, 1872, s. 369, cl. 1.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate, to grant a warrant to search for a *document* in the custody of the Postal or Telegraph authorities.

Act X, 1872, s. 398, para. 2. General warrant should not be the rule.

98. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Power to restrict warrant.

Act X, 1872, s. 377. Act IV, 1877, s. 160. *Section 97 seems to render this section superfluous.*

99. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

Search of house suspected to contain stolen property, forged documents, &c.

or for the deposit or sale or manufacture of forged documents, false seals, or counterfeit stamps or coin, or instruments or materials for counterfeiting coin *or stamps* or for forging,

or that any forged documents, false seals or counterfeit stamps, or coin, or instruments or materials used for counterfeiting coin *or stamps* or for forging are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same as specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or for forging.

Act X, 1872, ss. 373, para. 2, 374.

100. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, *any of* the things for which search is made *are* found, *such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Magistrate issuing the warrant, unless* such place is nearer to the Magistrate having jurisdiction therein than to such Court, *in which case the list and things shall* be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing *them* to be taken to such Court.

Disposal of things found in search beyond jurisdiction.

C.—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

***101.** If any Presidency Magistrate, Magistrate of the first class, or Sub-divisional Magistrate has reason to believe that any person is confined so that such confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate.*

D.—General Provisions relating to searches.

Act X, 1872, ss. 370, 371, 372, 373, para. 1, 375, 376. Act IV, 1877, s. 161.

102. The provisions of sections 75, 77, 79, 80, 83, 84 and 85 shall, so far as may be, apply to all search-warrants issued under section 97, *section 99, or section 101.*

Direction, &c., of search-warrants.

Act X, 1872, s. 382. Act IV, 1877, s. 162.

103. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow search.

Act X, 1872, ss. 383, 384. Act IV, 1877, ss. 163, 164.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

Act X, 1872, s. 385. Act IV, 1877, s. 165.

104. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be

Search to be made in presence of witnesses.

searched is situate to attend and witness the search.

The search shall be made in their presence, *and a list of all things found in the course of such search shall be prepared by such officer or other person and signed by such witnesses,* but *no person witnessing a search under this section* shall be required to attend the Court as *a* witness unless specially summoned by it.

Occupant of place searched may attend.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search.

E.—Miscellaneous.

Act X, 1872, s. 367, *first part.* Act X, 1875, s. 88. Act IV, 1877, s. 147.

105. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Power to impound document produced.

Act X, 1872, s. 378, para. 2.

106. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

Of Security for keeping the Peace and for Good Behaviour.

A.—Security for keeping the Peace on Conviction.

Act X, 1872, ss. 489, para. 1, 490, clause 1. Act X, 1875, s. 140. Act IV, 1877, s. 208. Bond becomes void when conviction set aside, N.-W. P. 1878, p. 378.

107. Whenever *any* person accused of rioting, assault or other breach of the peace, or *of* abetting the same, or *of* assembling armed men or taking other unlawful measures with the evident intention of committing the same, *or any person accused of committing criminal intimidation by threatening injury to person or property,* is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

Security for keeping the peace on conviction.

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period not exceeding three years as it thinks fit to fix.

Act X, 1872, ss. 490, 493, para. 1. Cf. s. 506. Act X, 1875, s. 141. Act IV, 1877, s. 209.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Act X, 1872, ss. 491, 502, last para. Act IV, 1877, ss. 213, 281.

108. Whenever a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class receives information that any person is likely to

Security for keeping the peace in other cases.

commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding three years as the Magistrate thinks fit to fix.

One year in Act X, 1872, s. 498, para. 1. Act X, 1872, s. 494, proviso.

109. When any Magistrate not empowered to proceed under section 108, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody *or before the Court*), and may send him before a Magistrate empowered to deal with the case under section 108.

Procedure of Magistrate, &c., not empowered to act under section 108.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the enquiry hereinafter prescribed.

Act X, 1872, ss. 504, *paras.* 1 *and* 4, 515, *para.* 2. Act IV, 1877, ss. 212, 281.

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

Security for good behaviour from vagrants and suspected persons.

(*a*) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Act X, 1872, ss. 505, 506. Act IV, 1877, ss. 213, 214, 281. *I. O. Fin.* 271.

111. Whenever any such Magistrate receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen,

Security for good behaviour from *habitual* offenders.

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

Act X, 1872, s. 517. Act IV, 1877, s. 232.

112. Proviso as to European vagrants. The provisions of sections 110 and 111 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Act X, 1872, ss. 492, 509, para. 1, 515, para. 1. Act IV, 1877, ss. 216, para. 1, 223.

113. Order to be made. When a Magistrate acting under section 108, section 110 or section 111 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, *character and class* of sureties (if any) required.

Act X, 1872, s. 492, Expl. Act IV, 1877, s. 216, para. 2.

114. Procedure in respect of person present in Court. If the person in respect of whom such order is made is present in court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

115. Summons or warrant in case of person not so present. If such person is not present in court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Act X, 1872, ss. 494, 515, para. 1. Act IV, 1877, s. 217, proviso. In bad livelihood cases police can arrest without warrant.

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (*the substance of which report or information shall be recorded by the Magistrate*), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

116. Copy of order under section 113 to accompany summons or warrant. Every summons or warrant issued under section 115 shall be accompanied by a copy of the order made under section 113, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Act X, 1872, s. 495. Act IV, 1877, s. 218.

117. Power to dispense with personal attendance. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to shew cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

New. I. O'Kin. 130. See Act X, 1872, s. 491, Explns.

118. Inquiry as to truth of information. When an order under section 113 has been read or explained to a person present in Court under section 114, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 115, the Magistrate shall proceed to enquire into the truth of the information upon which he has acted.

Act X, 1872, s. 515, para. 2

Such enquiry shall be made, as nearly as may be, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

Act X, 1872, ss. 497. Act IV, 1877, s. 220.

119. Order to give security. If, upon such enquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the enquiry is made should execute a bond with or without sureties, the Magistrate shall make an order accordingly:

Provided—

1st—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 113:

Act X, 1872, s. 496, para. 1. 1 O'Kin. 96.

2ndly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and *shall not be excessive*.

3rdly—that when the person in respect of whom the enquiry is made is a minor, the bond shall be executed only by his sureties.

Act X, 1872, s. 496. Act IV, 1877, s. 219.

120. Discharge of person informed against. If, on an enquiry under section 118, *it is not proved* that there is occasion to bind over the person in respect of whom such enquiry is made to keep the peace, or to be of good behaviour, as the case may be, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the enquiry, shall release him, *or if such person is not in custody shall discharge him.*

C.—Proceedings in all Cases subsequent to Order to furnish Security.

Act X, 1872, ss. 499, para. 2, 504, para. 2. Act IV, 1877, ss. 210, 224. I. L. R., 1 All. 666, n.

121. Commencement of period for which security is required. If any person in respect of whom an order requiring security is made under section 107 or section 119 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

In other cases such period shall commence on the date of such order.

122. Contents of bond. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in *either* case the commission or attempt to commit, or abetment of, any offence whatever, and wherever it may be committed, is a breach of the bond.

Act X, 1872, s. 502, para. 6. Act IV, 1877, s. 227.

Act X, 1872, s. 516.

123. Power to reject sureties. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, *for reasons to be recorded by the Magistrate*, such surety is an unfit person.

Act X, 1872, ss. 489, para. 1, last sentence, 490, last sentence, 497, 498, 499, para. 3, 510. Act IV, 1877, s. 223.

124. Imprisonment in default of security. If any person ordered to give security under section 107 or section 119 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security required.

Act X, 1872, ss. 507, 508. Act IV, 1877, s. 221.

Proceedings when to be laid before High Court or Court of Session.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court, and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Act X, 1872, s. 499, para. 3.

Kind of imprisonment. Imprisonment for failure to give security for keeping the peace shall be simple.

Act X, 1872, s. 510, para. 3.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Act. X, 1872, ss. 500, 511. Act IV, 1877, s. 225.

125. Power to release persons imprisoned for failing to give security. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Act X, 1872, s. 512.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such *hazard*, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Act X, 1872, s. 500.

Power of District Magistrate to cancel any bond for keeping the peace.

126. *The Magistrate of the District may at any time, if he see sufficient cause, cancel any bond for keeping the peace executed under this chapter by order of any Court in the District not superior to his Court.*

Act X, 1872, ss. 501, 513. Act IV, 1877, s. 226.

127. Discharge of sureties. Any security for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel the bond.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 122, 123, 124 and 125, be deemed to be an order made under section 107 or section 119 as the case may be.

CHAPTER IX.

Unlawful Assemblies.

Act X, 1872, s. 490. Act XI, 1874, s. 43. Penal Code, ss. 145, 151.

128. Assembly to disperse on command of Magistrate or Police-officer. Any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Act X, 1872, s. 491.

129. Use of civil force to disperse. If, upon being so commanded, any such assembly does not disperse, *or if without being so commanded it conducts itself in such a manner as to show a determination not to disperse*, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a Volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law.

Act X, 1872, s. 492.

130. Use of military force. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Act X, 1872, s. 494, adding volunteers.

131. Duty of officer commanding troops required by Magistrate to disperse assembly. When a Magistrate determines to disperse any such assembly by military force, he may require any *Commissioned or Non-commissioned* officer in command of any soldiers in Her Majesty's Army or of any Volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by such force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly, or that they may be punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as *may be* consistent with dispersing the assembly and arresting and detaining such persons.

Act X, 1872, s. 487.

132. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it in order to disperse such assembly, or that they may be punished according to law; but *if while he is acting under this section, it becomes possible for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.*

Power of commissioned military officers to disperse assembly.

Act X, 1872, s. 488.

133. No prosecution against any Magistrate, Military officer, Police-officer, soldier *or volunteer* for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

Protection against prosecution for acts done under this chapter.

Act X, 1872, ss. 483, 485, 486.

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 132 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 129 or section 131, and

(*d*) no inferior officer, or soldier, *or volunteer*, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

Public Nuisances.

Act X, 1872, s. 521, substituting "way" for "thoroughfare."

134. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

Conditional order for removal of nuisance.

that any unlawful obstruction or nuisance should be removed from any *way or* river *which may lawfully be used by the public, or from any* public place, or

that any trade or occupation, *or the keeping of any goods or merchandise*, by reason of its being injurious to the health or physical comfort of the community, *or offensive to the religious feelings of any considerable section thereof*, should be suppressed or removed or *prohibited, or*

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

"Combustible" omitted.

that any building is in such a state of weakness that it is likely to fall and thereby cause injury to persons passing by, and that its removal in consequence is necessary, or

that any tank or well adjacent to any *such* way should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, *or keeping any such goods or merchandise*, or owning, possessing or controlling such building, substance, tank or well, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, *repair or support* it; or

to alter the disposal of such substance; or

to fence such tank or well, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.—A "public place" includes *also* property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Act X, 1872, s. 523.

135. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

Service or notification of order.

If such order cannot be so served, it shall be notified by proclamation, *published in such manner as the Local Government may direct*, and a written notice thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Act X, 1872, s. 523, para. 1.

136. The person against whom such order is made shall—

Person to whom order is addressed to obey,

(*a*) perform, within the time specified in the order, the act directed thereby; or

or shew cause or claim jury.

(*b*) appear in accordance with such order and either show cause against the same, or apply to such Magistrate to appoint a jury to try whether the same is reasonable and proper.

Act X, 1872, s. 525.

137. If such person does not perform such act or appear and shew cause or apply for the appointment of a jury as required by section 136, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Consequence of his failing to do so.

Act X, 1872, ss. 525, 527. Act XI, 1874, s. 45.

138. If he appears and shews cause against the order, the Magistrate shall take evidence in the matter.

Procedure where he appears to shew cause.

1 O'Kin. 486.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Act X, 1872, s. 523, para. 2.

139. On receiving an application under section 136 to appoint a jury, the Magistrate shall—

Procedure where he claims jury.

2 Cal. 609.

(*a*) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

Act X, 1872, s. 524, para. 1.

(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

Act X, 1872, s. 523, para. 5.

(*c*) fix a time within which they are to return their verdict.

Act X, 1872, ss. 523, para. 8, 526, para. 1.

140. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

Procedure where jury finds Magistrate's order to be reasonable.

In other cases, no further proceedings shall be taken.

Act X, 1872, s. 526, para. 1.

141. When an order has been made absolute under section 137, section 138, or section 140, the Magistrate shall give notice of the same to the person against whom the order was made and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Procedure on order being made absolute.

Act X, 1872, ss. 525, 526, para 2.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of *such* Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

Consequences of disobedience to order.

No suit shall lie in respect of anything done *in good faith* under this section.

Act X, 1872, s. 525, para. 2.

142. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 141.

Act X, 1872, s. 523, para. 4.

Procedure on failure to appoint jury or omission to return verdict.

Act X, 1872, s. 528.

143. If a Magistrate making an order under section 134 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

Injunction pending inquiry.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done *in good faith* by a Magistrate under this section.

Act X, 1872, s. 519. Penal Code, s. 291.

144. A *District Magistrate or* Sub-divisional Magistrate or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf may order any person not to repeat or continue a public nuisance, *as defined in the Indian Penal Code or any special or local law.*

Magistrate may prohibit repetition or continuance of public nuisances.

CHAPTER XI.

Temporary orders in urgent cases.

Act X, 1872, s. 516, *with* Expl. 1. 1 O'Kin. 93.

145. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate, or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, a speedy remedy is desirable,

Power to issue order absolute at once in urgent cases.

Act X, 1872, s. 518. 1 Ben. Ap. Cr. 20.

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 135, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

Act X, 1872, s. 518, Expl. 2.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice

Disputes as to immoveable property.

upon the person against whom the order is directed, be passed *ex parte*.

Act X, 1872, s. 518, Expl. III.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

As to disobedience to such orders, see Penal Code, s. 188.

Act X, 1872, s. 518, Expl. IV.

Any Magistrate may rescind or alter any order made under this section by himself *or any Magistrate subordinate to him* or by his predecessor in office.

5 Cal. 7.
4 Cal. 410.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a riot or affray, the Local Government by notification in the official Gazette otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Act X, 1872, s. 530.
3 Calc. 552.

146. Whenever a District Magistrate, Sub-divisional Magistrate, or a Magistrate of the first class, is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by *pleader*, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual *physical* possession of the subject of dispute.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

I. L. R. 3 Cal. 320.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, *receive the evidence produced by them* respectively, consider the effect of *such* evidence, *take such further evidence* (*if any*) *as he thinks necessary*, and *then*, if possible, decide whether any and which of the parties is in *such* possession of the said subject.

Inquiry as to possession.

1 O'Kin. 136.
2 O'Kin. 67, 234.
See 6 Calc. 206.

If *the Magistrate* decides that one of the parties is in *such* possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Party in possession to be continued until legally evicted.

Act X, 1872, s. 531.
1 O'Kin. 86.

147. If *the* Magistrate decides that none of the parties is in *such* possession, or is unable to satisfy himself as to which of them is in *such* possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Power to attach subject of dispute.

148. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done, obtains the decision of a competent Civil Court, adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Act X, 1872, s. 532.
4 Calc. 324.

Disputes concerning easements, &c.

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exerciseable at all times of the year, unless such right has been ordinarily exercised within three months next before the institution of the inquiry; or, where the right is exerciseable only at particular seasons, unless *the* right has been so exercised during the season next before *such institution*.

Act X, 1872, s. 533.

149. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such *written* instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

Local inquiry.

The report of the person so deputed may be read as evidence in the case.

CHAPTER XIII.

Preventive Action of the Police.

Act X, 1872, s. 96.

150. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Police to prevent cognizable offences.

Act X, 1872, s. 96.

151. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer *whose duty it is* to prevent or take cognizance of the commission of any such offence.

Information of design to commit such offences.

Act X, 1872, s. 97.

152. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if *it appears to such officer that* the commission of the offence cannot be otherwise prevented.

Arrest to prevent such offences.

Act X, 1872, s. 98, *para.* 1.

153. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Prevention of injury to public property.

Act X, 1872, s. 381.

154. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

Inspection of weights and measures.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND OF THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Act X, 1872, s. 112.
Cf. Penal Code, s. 180.

155. Every information *relating to the commission of a cognizable offence, if given orally* to an officer in charge of a Police-station, shall be reduced to writing by *him* or under his direction, and *any such information, whether given in writing or reduced to writing as aforesaid*, shall be signed by the person giving it; and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information *in cognizable cases.*

Act X, 1872, s. 113.

156. When *information* is *given* to an officer in charge of a Police-station, of the commission within the limits of such station of a non-cognizable offence, he shall *enter in a book to be kept as aforesaid the substance of such complaint and* refer the complainant to the Magistrate.

Information in non-cognizable cases.

Act X, 1872, s. 110.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial.

Investigation into non-cognizable cases.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as *an officer in charge of a Police-station may exercise* in a cognizable case.

Act X, 1872, ss. 109, *114, para.* 2; *v. infra, s. 184.*

157. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to enquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

Investigation into cognizable cases.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Act X, 1872, s. 114, last para.

Act X, 1872, s. 114, *para.* 1.

158. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 157 to investigate, he shall *forthwith* send a report of the same to *a* Magistrate *empowered to take cognizance of such offence upon a police report*, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender:

Procedure where cognizable offence suspected.

See Nelson, 109.

Act X, 1872, s. 116.

Provided that when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where local investigation dispensed with.

Act X, 1872, s. 117, para. 1.

Provided also that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Where Police-officer in charge sees no sufficient ground for investigation.

In each of these cases the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first clause of this section.

Act X, 1872, s. 117, para. 2.

159. Every report *sent to a Magistrate* under section 158 shall, if the Local Government so directs, be submitted through such superior officer of Police as the Local Government, by general or special order, appoints in that behalf.

Reports under section 158 how submitted.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Act X, 1872, s. 115.

160. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold *an investigation or* preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Power to *hold investigation or* preliminary inquiry.

Act X, 1872, s. 118.

161. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or

Police-officer's power to require attendance of witnesses.

any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Act X, 1872, ss. 118, 119, paras. 1 and 2, 131.

162. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Examination of witnesses by Police.

Such person shall be bound to answer all questions relating to such case put him by such officer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Act X, 1872, s. 119, para. 3, 121. 11 Bom. H.C. Rep., 120.

163. No statement, *other than a dying declaration*, made by any person to the police *in the course of an investigation under this chapter* shall be used as evidence against the accused *or shall*, if reduced into writing, be signed by the person making it.

Statements to Police not to be signed or admitted in evidence.

Act X, 1872, ss. 120, 184. Cf. Act I, 1872, s. 24. See 6, Calc. 293-297.

164. No Police-officer or other person in authority shall offer or make any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

No inducement to be offered to confess.

Nelson, 113.

But no Police-officer or other person shall prevent, by any caution or otherwise, *any* person from making *in the course of any investigation under this chapter* any statement which he may be disposed to make of his own free will.

Act X, 1872, s. 122. Act IV, 1877, s. 16. See 6 Cal. 293-297.

165. Any Magistrate *not being a Police-officer* may record any statement or confession made to him in the course of an investigation under this chapter, *or at any time afterwards before the commencement of the inquiry or trial.*

Power to record statements and confessions.

I. L. R., 1 Bom. 219.

Such statements shall be recorded in *such of* the manners hereinafter prescribed for recording evidence *as is in his opinion best fitted for the circumstances of the case.* Such confessions shall be recorded and signed in the manner provided in section *364*, and shall then be forwarded to the Magistrate by whom the case is inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and he shall make a memorandum at the foot thereof to the following effect:—

"I believe that this confession was voluntarily made. *It was taken in my presence and hearing, and* was read over to the person making it and admitted by him to be correct, *and it contains a full and true account of the statement made by him.*

"(*Signed*) A. B.,
"*Magistrate.*"

166. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any *document or other* thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, *and there is reason to believe that a person to whom a summons under section 95 has been or might be addressed will not or would not produce such document or other thing as directed in the summons, or when such document or other thing is not known to be in the possession of any person, such officer* may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Act X, 1872, s. 379.

Search by officer in charge of Police-station.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the *document or other* thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

167. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

Act X, 1872, s. 380.

When officer in charge of Police-station may require another to issue search-warrant.

Such officer, on being so required, shall proceed according to the provisions of section 166, and shall forward the thing found, if any, to the officer at whose request the search was made, *unless the place at which such thing is found is in a different District, and is nearer to the Magistrate having jurisdiction in such place than to the station of which the latter officer is in charge. In such case the thing shall be taken before such Magistrate, who, unless there be good cause to the contrary, shall order such thing to be forwarded to such officer.*

168. Whenever *it appears that* any investigation under this chapter *cannot* be completed within the period of twenty-four hours fixed by section *61*, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall *transmit* to the nearest Magistrate *a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate, unless, for reasons to be recorded by such officer, he thinks that the accused should not be so forwarded.*

Act X, 1872, s. 124, paras. 2, 3 and 4.

Procedure when investigation cannot be completed in twenty-four hours.

The Magistrate receiving a copy under this section may, whether he has or has not jurisdiction to try the case, authorize the detention of the accused *in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole.* If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may *order* the accused *to be forwarded* to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section *detention in the custody of the police* shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is subordinate.

Act X, 1872, s. 123, para 2.

169. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Report of investigation by subordinate Police-officer.

Act X, 1872, s. 125.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, *before a Magistrate having jurisdiction to take cognizance of the offence on a police report.*

Release of accused when evidence deficient.

Act X, 1872, ss. 123, para. 1, 127, para. 1, 130, paras. 1 to 4.

171. If upon an investigation under this chapter it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to *a* Magistrate empowered to take cognizance of *the* offence upon a police report, or if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

Case to be sent to Magistrate when evidence is sufficient.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so many of the persons who appear to be acquainted with the circumstances of the case as may be necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, it shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided notice of such reference be given to such complainant or witness.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to *one* of the persons who executed it, and shall then send to the Magistrate the original with his report.

172. No complainant or witness on his way to the Court of the Magistrate *shall be required to accompany a Police-officer,*

Act X, 1872, s. 130, last para.

Complainants and witnesses not to be required to accompany Police-officer.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Act X, 1872 s. 131, para. 1.

Complainants and witnesses not to be subjected to restraint.

Provided that, if any complainant or witness refuses to attend or to execute the bond directed in section 171, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such recognizance, or until the hearing of the case is completed.

Act X, 1872, s. 131, para. 2.

Recusant complainant or witness may be forwarded in custody.

173. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Act X, 1872, s. 126.

Diary of proceedings in investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for them, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, sections 145 and 161, shall apply.

174. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to *a* Magistrate having jurisdiction *to take cognizance of the offence on a police report* a report in the form prescribed by the Local Government, setting forth the names of

Act X, 1872, ss. 125, 127, paras. 1 & 4.

Report of Police-officer.

the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 159, the report shall be submitted through him, and he may, pending the orders of the Magistrate, *direct the officer in charge of the Police-station to make further* investigation.

Whenever it appears from a report forwarded under this section, that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Act X, 1872, s. 133.

175. The officer in charge of a Police-station, on receiving information that a person—

Police to inquire and report on unnatural and sudden deaths.

(*a*) has been killed by another, or

(*b*) has died *under suspicious circumstances*, or

(*c*) has committed suicide,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, *unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate*, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks *of injury* as may be found on the body, and stating in what manner, or by what weapon or instrument (*if any*) such marks appear to have been inflicted.

This power may be exercised so as to save Military Courts of Inquest.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, *or when for any other reason the Police-officer considers it expedient so to do, he* shall, *subject to such rules as the Local Government may prescribe in this behalf*, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

In the territories respectively administered by the Governors of Fort St. George and Bombay in Council, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

Act X, 1872, s. 134.

176. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. *Every* person so summoned shall be bound to attend and to answer all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

Power to summon persons.

Penal Code ss. 174, 179

If the facts do not disclose a cognizable offence to which section 171 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

Act X, 1872, s. 135.

177. *When any person dies while in the custody of the police* the nearest Magistrate empowered to hold inquests *shall, and in any other case mentioned in section 175, clauses* (*a*), (*b*) *and* (*c*), *any Magistrate so empowered may*, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Inquiry *by Magistrate* into cause of death.

New. Cf. Act IV, 1871, s. 11.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

Power to disinter corpse.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

Act X, 1872, s. 63, *para.* 1. Act IV, 1877, s. 18.

178. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Ordinary place of inquiry and trial.

Act X, 1872, s. 63, *para.* 3.

179. Notwithstanding anything contained in section 178, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division.

Power to order cases to be tried in different Sessions Divisions.

Act XI, 1874, s. 9.

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 537.

Act X, 1872, s. 65. Act IV, 1877, s. 19.

180. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Accused triable in district where act is done, or where consequence ensues.

Illustrations.

(*a*) A is wounded in district X and dies in district Z. The offence of the culpable homicide of A may be inquired into and tried either in X or Z.

(*b*) A is wounded in district X, and is, during ten days in district Y and during ten days more in district Z, unable in either Y or Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into and tried in X, Y or Z.

(*c*) A is put in fear of injury in district X, and is thereby induced, in district Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into and tried either in X or Y.

Act X, 1872, s. 66, *omitting Illustration* (*d*). Act IV, 1877, s. 20.

181. When an act is an offence by reason of its relation to any other act which is also an offence, *or which would be an offence if the doer were capable of committing an offence*, a charge of the first-mentioned offence may be inquired into and tried by a Court within the local limits of whose jurisdiction either act was done.

Place for trial where act is offence by reason of relation to other offence.

Illustrations.

(*a*) A charge of abetment may be inquired into and tried either in the district in which the abetment was committed, or in the district in which the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into and tried either in the district in which the goods were stolen, or in any district in which any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into and tried in the district in which the wrongful concealing, or in the district in which the kidnapping, took place.

Act X, 1872, s. 67, Illustration (*c*), s. 68. Act IV, 1877, s. 20.

182. The offence of being a thug, *of being a* thug *and committing* murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into and tried by a Court within the local limits of whose jurisdiction the person charged is.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

Act X, 1872, s. 67, Illustration (*e*).

The offence of criminal misappropriation or of criminal breach of trust may be inquired into and tried by a Court within the local limits of whose jurisdiction *any part of* the property which is the subject of the offence was received by the accused person, or the offence was committed.

Criminal misappropriation and criminal breach of trust.

Act X, 1872, s. 67, Illustration (*a*). I. L. R. 1 Mad. 17.

The offence of stealing *anything* may be inquired into or tried by a Court within the local limits of whose jurisdiction such *thing* was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Stealing.

Act XVIII, 1862, ss. 29-35. Act X, 1872, s. 67, *omitting the Illustrations.* Act IV, 1877, s. 21.

183. When it is uncertain in which of several local areas an offence was committed, or

Place of inquiry or trial where scene of offence is uncertain;

where an offence is committed partly in one local area and partly in another, or

or not in one district only;

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or offence is continuing;

where it consists of several acts done in different local areas,

or consists of several acts.

it may be inquired into and tried by a Court having jurisdiction over any such local area.

Act X, 1872, s. 67, Illustration (*a*). I. Mad. H. C. Rep. 198.

184. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into and tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offence committed on a journey.

Act IV, 1877, s. 238. Act LII, 1860, repealed. Act IV, 1877, s. 239.

185. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into and tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: provided that the offender and *all* the witnesses necessary for his prosecution are to be found within such town.

Offences against Railway, Telegraph, Post-office and Arms Acts.

Act X, 1872, s. 69. Act IV, 1877, s. 23.

186. Whenever any doubt arises as to the Court by which any offence should *under the preceding provisions of this chapter* be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is, may decide by which Court the offence shall be inquired into or tried.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

Act X, 1872, s. 157. Act IV, 1877, s. 54.

187. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits an offence which cannot, under the provisions of sections 178 to 185 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under

Power to issue summons or warrant for offence committed beyond local jurisdiction.

some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send him to the Magistrate having jurisdiction to enquire into or try such offence, or, if such offence is bailable, take bail for his appearance before such Magistrate.

Act X, 1872, s. 174. Act IV, 1877, s. 55. Act XXIII, 1840, s. 7.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Act X, 1872, s. 175.

188. If the person has been arrested under a warrant issued under section 187 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

Procedure where warrant issued by Subordinate Magistrate.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 187, such Magistrate shall send such person to the District Magistrate or Sub-divisional Magistrate to whom such Court is immediately subordinate.

Act XXI, 1879, s. 9.

Liability of British subjects for offences committed out of British India.

189. When a European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Political Agent to certify fitness of inquiry into charge.

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar against further proceedings against him under this Code in respect of the same offence in any territory beyond the limits of British India.

190. Whenever any such offence as is referred to in section 189 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Act XXI, 1879, s. 10.

Power to direct copies of depositions and exhibits to be received in evidence.

"Political Agent" defined.

191. In sections 189 and 190 the expression "Political Agent" means and includes—

Act XXI, 1879, s. 8.

(a) the principal officer representing the British Indian Government in any territory beyond the limits of British India:

(b) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

Act X, 1872, ss. 140, cl. (a), (b) and (c), 141, para. 1. Act IV, 1877, ss. 24, 29.

Cognizance of offences by Magistrates.

192. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police-report of such facts;

(*c*) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion that such offence has been committed.

Act X, 1872, ss. 140, cl. (d), 142 para. 1. Act IV, 1877 s. 46. Act X, 1872, ss. 26, 26, 27

The Local Government, or the District Magistrate *subject to* the general or special orders of the Local Government, may specially empower any Magistrate to take cognizance under clause (*a*) *or* clause (*b*) of offences.

Act X, 1872 ss. 26, 27.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (*c*) of offences.

Act X, 1872 ss. 46, para. 1, 143, para. 2. Act XI, 1874 s. 6.

Transfer of cases by Magistrates.

193. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

When any Magistrate of the first class specially empowered in this behalf by the Magistrate of a District has taken cognizance of any case, he may transfer it for inquiry or trial to any other Magistrate in such District competent to deal with it under this Code.

Act X, 1872, s. 231. Act XI, 1874, s. 18.

Cognizance of offences by Courts of Session.

194. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused person has been committed by a Magistrate duly empowered in that behalf.

Act X, 1872, s. 17.

Cases to be tried by Additional and Joint Sessions Judges;

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Act X, 1872, s. 18.

by Assistant Sessions Judges.

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division makes over to them by general or special order.

Act X, 1875, s. 145.

Cognizance of offences by High Court.

195. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Charter, 1865, clause 24.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

Act X, 1872, s. 467. Act X, 1875, s. 133. Act IV, 1877, ss. 40, 46.

Prosecution for contempts of lawful authority of public servants.

196. No Court shall take cognizance—

(*a*) of any offence *punishable under* sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the *previous* sanction, or on the complaint, of the public servant concerned, or of *some public servant to whom he is subordinate*;

Act X, 1872, s. 468. Act IV, 1877, s. 41.

Prosecution for certain offences against public justice.

(*b*) of any offence *punishable under* section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed *in or in relation to any proceeding in* any Court, except with the *previous* sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Court of Subordinate Judge is subordinate to that of District Judge. I. L. R. 2 Bom. 481.

Act X, 1872, s. 469. Act IV, 1877, s. 42.

Prosecution for certain offences relating to documents given in evidence.

(*c*) of any offence described in section 463 *or punishable under section* 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the *previous* sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Act X, 1872, s. 470, para. 1. Act X, 1875, s. 134. Act IV, 1877, s. 43. 11 Bom. 36, per West, J. No appeal from order according sanction, I. L. R. 1 All. 17.

Nature of sanction necessary.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Act X, 1872, s. 470, para. 2.

When sanction *is given* in respect of any offence referred to in this section, the Court taking cognizance of the case *may* amend the charge to one of any other offence *so referred to which is* disclosed by the facts.

Any sanction given under this section may be revoked by any authority to which the authority giving it is subordinate.

For the purposes of this section every Court shall be deemed to be subordinate to the Court to which appeals from the former Court ordinarily lie.

Act X, 1872, s. 465. Act X, 1875, s. 131. Act IV, 1877, ss. 38, 46.

Prosecution for offences against the State.

197. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Act X, 1872, ss. 466, paras. 1, 2, 3 and 4. Act X, 1875, s. 132. Act IV, 1877, ss. 39, 46. 7 Bom. 63.

Prosecution of Judges and public servants.

198. No Court shall take cognizance of any offence of which any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Power of Government as to prosecution.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Act X, 1872, s. 142, para. 2. Act IV, 1877, s. 29.

Prosecution for breach of contract, defamation and offences against marriage.

199. No Court shall take cognizance of an offence falling under Chapter XIX or XXI or under sections 493 to 496 (both inclusive) of the Indian Penal Code, except upon a complaint made *by some person aggrieved by such offence.*

Act X, 1872, ss. 476, 476A Act IV, 1877, s. 45. See I O'Kin. 534.

Prosecution for adultery.

200. No Court shall take cognizance of an offence under section 497 or 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XVI.

Of Complaints to Magistrates.

Act X, 1872, s. 144.

Examination of complainant.

201. A Magistrate taking cognizance of a case on complaint shall at once examine the complainant upon oath, and the examination shall be reduced into writing and shall be

signed by the complainant, and also by the Magistrate:

Act X, 1872, s. 44, para. 2.

Provided that when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 193:

Act IV, 1877, s. 30.

Provided also that where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

Act X, 1872, s. 44, para. 2.

Provided *also* that, when the case has been transferred under section 193 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

Act X, 1872, s. 145.

202. If the Magistrate is not competent to entertain the complaint, *and such* complaint has been made in writing, he shall return it for presentation to the proper tribunal *with an endorsement to that effect.*

Procedure by Magistrate not empowered to entertain complaint.

Act X, 1872, s. 146.

203. If *any Presidency Magistrate or* Magistrate *of the first or second class* sees reason to distrust the truth of a complaint *of* which he is authorized to *take cognizance*, he may, *when the complainant has been examined*, postpone the issue of process for compelling the attendance of the person complained against, and may direct a previous *local* investigation to be made by means of any officer immediately subordinate to such Magistrate or of a Police-officer, or *by* such other *person* as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Postponement of issue of process.

If such investigation is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police-officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

Act X, 1872, s. 147, para. 1. Act IV, 1877, s. 32.

204. The Magistrate before whom a complaint is made may dismiss the complaint if, after examining the complainant *and considering the result of the investigation (if any) made under section 203*, there is in his judgment no sufficient ground for proceeding.

Dismissal of complaint.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

Act X, 1872, ss. 147, *para.* 2, 148, *para.* 1, 149. Act XI, 1874, s. 1. Act IV, 1877, ss. 32, 33, 35.

205. If in the opinion of a Magistrate taking cognizance of a case there is sufficient ground for *proceeding and* the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, *he shall* issue his summons. *If* the case appears to be one in which according to that column a warrant should issue in the first instance, *he shall ordinarily issue* his warrant for causing such person to appear or be brought at a certain time and place before such Magistrate or some other Magistrate having jurisdiction.

Issue of process.

Nothing in this section shall be deemed to affect the provisions of section 91.

Act X, 1872, ss. 148, *para.* 2, 150.

206. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

Act X, 1872, s. 151. Act IV, 1877, s. 37.

Magistrate may dispense with personal attendance of accused.

But such Magistrate may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

Act IV, 1877, s. 37.

CHAPTER XVIII.

Of Inquiry into Cases triable by the Court of Session or High Court.

Act X, 1872, s. 148, extended to High Court.

207. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

Power to commit for trial.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Act X, 1872, s. 189. Act IV, 1877, s. 81.

208. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court or, in the opinion of the Magistrate, ought to be tried by such Court.

Procedure in inquiries preparatory to commitment.

Act X, 1872, s. 190. Act IV, 1877, s. 82.

209. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, *or as may be called for by the Magistrate.*

Taking of evidence produced.

Act X, 1872, ss. 357, *para.* 1, 362. Act IV, 1877, s. 83, para. 2.

If the complainant or accused applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Process for production of further evidence.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

Act X, 1872, s. 195. Act XI, 1874, s. 14. Act IV, 1877, s. 87, omitting the Explanations.

210. When the evidence referred to in section 209, *paragraphs 1 and 2*, has been taken, and *he* has examined the accused in regard to such matters connected with the accusation as the Magistrate thinks fit, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

When accused person to be discharged.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Act X, 1872, ss. 195, *Expln. III*, 196, 198, *para.* 1. Act IV, 1877, s. 88. Act IV, 1877, s. 89, omitting paras. 3 and 4. Act X, 1872, s. 199. Act X, 1875, s. 13. Act IV, 1877, s. 90.

211. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

When charge is to be framed.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

Charge to be explained, and copy furnished, to accused.

Act X, 1872, s. 200, *paras.* 1 and 3. Act IV, 1877, s. 91.

212. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

List of witnesses for defence on trial.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time, and nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial before the High Court, to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Further list.

Act X, 1872, s. 200, *para.* 2. Act IV, 1877, s. 91.

213. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 212.

Power of Magistrate to examine such witnesses.

Act X, 1872, ss. 196, *para.* 1, 200, *para.* 3. Act IV, 1877, s. 93, para. 1.

214. When the accused on being required to give in a list under section 212 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 213, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) recording the reasons for such commitment.

Order of commitment.

Act X, 1872, s. 359. Act IV, 1877, s. 92.

215. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him to take his trial before the High Court, and not before the Court of Session.

Person charged in Mufassal jointly with European British subject.

Act X, 1872, s. 197, *explanation and last para.*

216. A commitment once made under section 214 or 215 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Quashing commitments under section 214 or 215.

Act X, 1872, ss. 358, 359. Act IV, 1877, s. 92.

217. When the accused has given in any list of witnesses under section 212 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself to appear before the Court to which the accused has been committed:

Summons to witnesses for defence when accused is committed.

Provided that where such person has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown:

Act X, 1872, s. 359.

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that such witness is material, and if he is not satisfied, may refuse to summon the witness, or before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Refusal to summon unnecessary witness unless deposit made.

Act X, 1872, s. 360. Act IV, 1877, s. 93.

218. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Bond of complainants and witnesses.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the recognizance above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Detention in custody in case of refusal to attend or to execute recognizance.

Act X, 1872, s. 208, para. 1.

219. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge,

Commitment when to be notified.

Act XI, 1874, s. 15.

and shall send the charge, the record of the enquiry and any weapon or other moveable thing which is to be produced in evidence to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Act X, 1872, s. 198, paras. 2, 3 and 4.

Charge, &c., to be forwarded to High Court or Court of Session.

Act X, 1872, s. 198, para. 4.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

English translation to be forwarded to High Court.

Act X, 1872, s. 357, para. 2. Act IV, 1877, s. 91, para. 4.

220. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Power to summon supplementary witnesses.

Such examination shall, if possible, be taken in the presence of the accused, and where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

Act X, 1875, s. 26. Act IV, 1877, s. 89, para. 3.

221. Pending the trial, the Magistrate *shall*, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

See sec. 552, *infra*.

CHAPTER XIX.

Of the Charge.

Form of Charges.

Sects. 265, *infra*.

Act X, 1872, s. 439, paras. 1 to 3. Act IV, 1877, s. 94.

222. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charges.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which *the Court* is *competent to* award, the fact of the previous conviction must be stated in the charge. If such statement is omitted, *the Court* may add *it* at any time before sentence is passed.

Previous conviction when to be set out.

Act X, 1875, s. 116. Act X, 1872, s. 439, last para. Act IV, 1877, s. 94, last para.

Illustrations.

(*a*) *A* is charged with the murder of *B*.

This is equivalent to a statement that *A*'s act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300; or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

Act X, 1872, s. 439, *Illustrations*. Act IV, 1877, s. 94, *Illustrations*.

(*b*) *A* is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to *B*, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) *A* is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that *A* committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) *A* is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Act X, 1872, s. 440. Act IV, 1877, s. 95.

223. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (*if any*) against whom, or the thing (*if any*) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

Act X, 1872, s. 441. Act IV, 1877, s. 96.

224. When the nature of the case is such that the particulars mentioned in sections 222 and 223 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(*a*) *A* is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) *A* is accused of cheating *B* at a given time and place. The charge must set out the manner in which *A* cheated *B*.

(*c*) *A* is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by *A* which is alleged to be false.

(*d*) *A* is accused of obstructing *B*, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which *A* obstructed *B* in the discharge of his functions.

(*e*) *A* is accused of the murder of *B* at a given time and place. The charge need not state the manner in which *A* murdered *B*.

(*f*) *A* is accused of disobeying a direction of the law with intent to save *B* from punishment. The charge must set out the disobedience charged and the law infringed.

Act XVIII, 1862, s. 82.

225. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the *law under which such offence is punishable*.

Words in charge taken in sense of *law under which offence is punishable*.

Act X, 1872, s. 443. Act X, 1875, s. 24. Act IV, 1877, s. 98.

226. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

(*a*) *A* is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that *A* was in fact misled by this omission, the error shall not be regarded as material.

(*b*) *A* is charged with cheating *B*, and the manner in which he cheated *B* is not set out in the charge, or is set out incorrectly. *A* defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) *A* is charged with cheating *B*, and the manner in which he cheated *B* is not set out in the charge. There were many transactions between *A* and *B*, and *A* had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) *A* is charged with the murder of Khoda Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. *A* was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that *A* was not misled, and that the error in the charge was immaterial.

(*e*) *A* was charged with murdering Haidar Baksh on the 20th January and Khoda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that *A* was misled, and that the error was material.

Act X, 1872, s. 446. Act X, 1875, ss. 7, 8.

227. When any person is committed for trial *without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court*, the Clerk of the Crown, *may frame a charge, or add to or otherwise alter the charge, as the case may be*, having regard to the rules contained in this Code as to the form of charges.

Procedure on commitment *without charge or with imperfect charge*.

Act X, 1872, ss. 444, 445. Act X, 1875, ss. 9, 10. Act IV, 1877, ss. 99, 100.

228. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Court may alter charge.

Every such alteration shall be read and explained to the accused.

Act X, 1872, s. 447. Act X, 1875, s. 11. Act IV, 1877, s. 101.

229. If the *charge framed or alteration made under either of the two last preceding sections* is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence *or the prosecutor in the conduct of the case*, the Court may in its discretion, after *such charge or* alteration *has been framed or made*, proceed with the trial as if the *new or* altered charge had been the original charge.

When trial may proceed immediately after alteration.

Act X, 1872, s. 448. Act X, 1875, s. 12. Act IV, 1877, s. 102.

230. If the *new or altered charge* is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused *or the prosecutor as aforesaid*, the Court may either direct a new trial or *adjourn* the trial for such period as may be necessary.

When new trial may be directed, or trial suspended.

Act X, 1872, s. 450. Act X, 1875, s. 13. Act IV, 1877, s. 103.

231. If the offence stated in the *new or altered* charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the altered charge is founded.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

Act X, 1872, s. 449. Act X, 1875, s. 14, omitting during the trial." Act IV, 1877, s. 103.

232. Whenever a charge is altered by the Court *after the commencement of the trial*, the *prosecutor* and the accused shall be allowed to recall *or re-summon*, and examine with reference to such alteration, any witness who may have been examined.

Recall of witnesses when charge altered.

Act X, 1872, s. 451.

233. If any Appellate Court, or the High Court in the exercise of its powers of revision *or of its powers under Chapter XXVII*, is of opinion that any person convicted of an offence was misled in his defence *by the absence of a charge or* by an error in the charge, it shall direct a new trial to be had upon a charge *framed* in whatever manner it thinks fit.

Effect of material error.

If the Court is of opinion that the facts of the case are such that no valid charge could be pre-

ferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

Act XI, 1874, s. 40. *A* is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that *A* had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that *A* had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Act X, 1872, s. 452. Act X, 1875, s. 17. Act IV, 1877, s. 105.

234. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases mentioned in sections 235, 236, 237 and 240.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. *A* must be separately charged and separately tried for the theft and the causing grievous hurt.

Act X, 1872, s. 453, omitting the Explanation. Act X, 1875, s. 18. 2 W. R., 3 Cr. Ca. 540. Act IV, 1877, s. 106; cf. 24 & 25 Vic., c. 96, s. 5.

235. When a person is accused at the same time of more offences than one of the same kind, committed within one year of each other, he may be charged with, and tried at one trial for, any number of them not exceeding three.

More offences than one of same kind may be charged within a year of each other.

Act X, 1872, s. 454, omitting Illustrations (*a*), (*h*), (*i*) and (*k*). Act X, 1875, s. 19. Act IV, 1877, s. 107.

236. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

I.—Trial of more than one offence.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with *and tried at one trial for* each of *such* offences.

II.—One offence falling within two definitions.

III.—If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with *and tried at one trial for* every *such* offence, or any of *such* different offences.

III.—Acts severally constituting more than one offence, but collectively coming within one definition.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) *A* rescues *B*, a person in lawful custody, and in so doing causes grievous hurt to *C*, a constable in whose custody *B* was. *A* may be charged with *and tried* for offences under sections 225 and 333 of the Indian Penal Code.

(*b*) *A* commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with *B*'s wife. *A* may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) *A* entices *B*, the wife of *C*, away from *C*, with intent to commit adultery with *B*, and then commits adultery with her. *A* may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) *A* has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. *A* may be separately charged with, *and* convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to *B*, *A* institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; *and also* falsely accuses *B* of having committed an offence knowing that there is no just or lawful ground for such charge. *A* may be separately charged with, *and* convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) *A*, with intent to cause injury to *B*, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, *A* gives false evidence against *B*, intending thereby to cause *B* to be convicted of a capital offence. *A* may be separately charged with, *and* convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) *A*, with six others, commits the offences of rioting, grievous hurt, and of assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. *A* may be separately charged with, *and* convicted of, offences under sections 147 and 225 and 152 of the *Indian* Penal Code.

(*h*) *A* threatens *B*, *C* and *D* at the same time with injury to their persons with intent to cause alarm to them. *A* may be separately charged with, *and* convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) *A* wrongfully strikes *B* with a cane. *A* may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to *A* and *B*, who know they are stolen property, *for the purpose of concealing them*. *A* and *B* thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. *A* and *B* may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) *A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.*

(*l*) *A* dishonestly uses a forged document as genuine evidence, in order to convict *B*, a public servant, of an offence under section 167 of the Indian Penal Code. *A* may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) *A* commits robbery on *B*, and, in doing so, voluntarily causes hurt to him. *A* may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

Act X, 1872, s. 455. Act X, 1875, s. 20. Act IV, 1875, s. 108. N.W.P., 1875, p. 137.

237. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust, or cheating.

Act X, 1872, s. 456. Act X, 1875, s. 21. Act IV, 1877, s. 109.

238. If, in the case mentioned in section 237, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

Act X, 1872, s. 457. Act X, 1875, s. 22. Act IV, 1877, s. 110. 11 Bom. 241, per West, J.

239. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and *such combination* is proved *but the remaining particulars are not proved*, he may be convicted of *the minor* offence, though he was not charged with it.

When offence proved included in offence charged.

When a person charged with an offence proves circumstances which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 199 or section 200 when no complaint has been made as required by that section.

Illustrations.

(*a*) *A* is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

13 Suth. Cr. R. 61. (*b*) *A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of the Penal Code.*

Act X, 1872, s. 458. Act X, 1875, s. 23. Act IV, 1877, s. 111.

240. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit, and the provisions contained in the former part of this chapter shall apply to all such charges.

What persons may be charged jointly.

Illustrations.

(*a*) *A* and *B* are accused of the same murder. *A* and *B* may be charged and tried together for the murder.

(*b*) *A* and *B* are accused of a robbery, in the course of which *A* commits a murder with which *B* has nothing to do. *A* and *B* may be tried together on a charge, charging both of them with the robbery, and *A* alone with the murder.

(*c*) *A* and *B* are both charged with a theft, and *B* is charged with two other thefts committed by him in the course of the same transaction. *A* and *B* may be both tried together on a charge, charging both with the one theft, and *B* alone with the two other thefts.

Act X, 1872, s. 459, omitting the first ten words "In trials before a Court of Session or High Court," and inserting "the complainant." Act X, 1875, s. 102. Act IV, 1877, s. 112.

241. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw, or such Court of its own accord may suspend the inquiry into, or trial of, the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

Withdrawal of remaining charges on conviction on one of several charges.

CHAPTER XX.

Of the Trial of Summons-cases by Magistrates.

Act X, 1872, s. 203, para. 1. Act IV, 1877, s. 114.

242. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Procedure in summons-cases.

Act X, 1872, ss. 203, para. 2, first clause, 206, para. 1. Act IV, 1877, s. 119.

243. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; *but no formal charge shall be framed.*

Substance of accusation to be stated.

Act X, 1872, s. 206, para. 2. Act IV, 1877, s. 120.

244. If the accused admits that he has committed the offence with which he is charged, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Conviction on admission of truth of accusation.

Act X, 1872, s. 207. Act IV, 1877 s. 121.

245. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as

Procedure when no such admission is made.

may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Act X, 1872, s. 361. Act IV, 1877, s. 142.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Act X, 1872, s. 211, paras. 1 and 2. Act IV, 1877, s. 126.

246. If the Magistrate upon taking the evidence referred to in section 245 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

Act X, 1872, s. 203, para. 2, second clause. Act IV, 1877, s. 117. Nelson, 206.

247. A Magistrate may, under section 244 or section 246, convict the accused of any offence triable under this chapter which from the facts admitted or proved, he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

Act X, 1872, ss. 205, 206, paras. 1, 2, 212. Act IV, 1877, s. 118.

248. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

Act X, 1872, s. 210. Act IV, 1877, s. 125.

249. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

New.

250. In any case instituted otherwise than upon complaint, *a Presidency Magistrate or Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate,* may, *for reasons to be recorded by him,* stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction.

Power to stop proceedings when no complainant.

Act X, 1872, ss. 209, paras. 1 and 2. Act IV, 1877, s. 242.

251. If in any case instituted upon complaint a Magistrate acquits the accused under section 246 or section 248, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

Recovery of compensation.

The sum so awarded shall be recoverable as if it were a fine; and if it cannot be so recovered, the complainant shall be *sentenced to simple imprisonment* for such term, not exceeding thirty days, as the Magistrate directs, unless such sum is sooner paid.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

Of the Trial of Warrant-cases by Magistrates.

Act X, 1872, s. 213.

252. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

Act X, 1872, s. 190.

253. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

See I. L. R., 3 Cal., 389.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

Act X, 1872, s. 362, para. 1. Act IV, 1877, s. 143, para. 1.

254. If upon taking all the evidence *referred to in* section 253, and such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no *case against the accused has been made out which if unrebutted would warrant his conviction,* the Magistrate shall discharge him.

Discharge of accused.

Act X, 1872, s. 216, with Expln. III. I. L. R., 3 Calc., 389.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Act X, 1872, s. 216, without Explanations I & II. Act XI, 1874, s. 16. Act IV, 1877, ss. 116, 122.

255. If, when such evidence and examination have been wholly or partially taken, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

Act X, 1872, s. 217. Act V, 1877, ss. 120, 122.

256. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

Cf. Act X, 1872, ss. 237, para. 2, 324.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

Act X, 1872, s. 218. Act IV, 1877, s. 121.

257. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate *shall* file it with the record.

Act X, 1872, s. 362, para. 2. Act IV, 1877, s. 143, para. 2. Cf. ss. 253 and 209.

258. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded by him in writing, he considers that such application should be refused.

Process for production of evidence for defence.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Act X, 1872, s. 220, omitting the Explanation. See infra, s. 347. Act IV, 1877, s. 126, first half.

259. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Conviction.

Act X, 1872, s. 215, Expl. I. Contrast Act IV, 1877, s. 118; but see s. 133 of same.

260. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

Absence of complainant.

CHAPTER XXII.

Of Summary Trials.

Act X, 1872, ss. 222, 223, 224.

261. Notwithstanding anything contained *in this Code,* the District Magistrate and any Magistrate of the first class specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences:—

Power to try summarily.

I. L. R., 8 Cal., 367.

(*a*) Offences not punishable with death, transportation, whipping, or imprisonment for a term exceeding six months;

(*b*) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;

(*c*) Hurt, under section 323 of the same Code;

(*d*) Theft, under section 379, *380 or 381* of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) Receiving *or retaining* stolen property, under section 411 of the same Code, *when the value of such property does not exceed fifty rupees;*

(*f*) *Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, when the value of such property does not exceed fifty rupees;*

(*g*) Mischief, under section 427 of the same Code;

(*h*) House-trespass, under section 448 of the same Code;

(*i*) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section *506,* of the same Code; Act XI, 1874, s. 17.

(*j*) Abetment of any of the foregoing offences;

(*k*) An attempt to commit any of the foregoing offences when such attempt is an offence:

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

Act X, 1872, s. 225.

262. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

Power to invest Bench of Magistrates invested with less power.

(*a*) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(*b*) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

(*c*) Abetment of any of the foregoing offences; New.

(*d*) An attempt to commit any of the foregoing offences when such attempt is an offence. New.

Act X, 1872, s. 226.

263. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Procedure for summons and warrant-cases applicable with certain exceptions.

Act X, 1872, s. 227.

264. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in *such form as the Local Government may direct* the following particulars:—

Record in cases where there is no appeal.

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, *parentage* and residence of the accused;

(*f*) the offence complained of or proved;

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence *or other final order* ; and
(*j*) the date on which the proceedings terminated.

Act X, 1872, s. 228. Record in appealable cases.

265. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 264.

Such judgment shall be the only record in cases coming within this section.

Act X, 1872, s. 229. Language of *record and* judgment.

266. Records made under section 264 and judgments recorded under section 265 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Act X, 1872, s. 230. Bench may be authorized to employ clerk.

The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

CHAPTER XXIII.

Of Trials before High Courts and Courts of Session.

A.—Preliminary.

Act X, 1875, s. 3. "High Court" defined.

267. In this chapter, *except in section 308*, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may from time to time, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

Act X, 1875, s. 32. Trials before High Court to be by jury.

268. All trials under this chapter before a High Court shall be by jury;

and, notwithstanding anything herein contained, *in* all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so direct, be by jury.

Act X, 1872, s. 232. Trials before Sessions Court to be by jury or with assessors.

269. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Act X, 1872, s. 233, *paras.* 1 and 2. Local Government may order trials before Court of Session to be by jury.

270. The Local Government may by order in the official Gazette direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and from time to time revoke or alter such order.

When the accused is *charged* at the same *trial with* several offences of which some are and some are not triable by jury, he shall be tried by jury for each offence.

Act X, 1872, s. 235. Trial before Court of Session to be conducted by Public Prosecutor.

271. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

B.—Commencement of Proceedings.

Act X, 1872, s. 227. Commencement of trial.

272. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Act X, 1875, ss. 28, 29. Act X, 1875, s. 78. Plea of guilty.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Act X, 1872, s. 226. Act X, 1875 s. 30. Refusal to plead or claim to be tried.

273. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Act X, 1872 s. 238. Act X, 1875 s. 34. Trial by same jury or assessors of several offenders in succession.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Act X, 1875 s. 14. Entry on unsustainable charge.

274. When *it* appears to *the* Court at any time before the commencement of the trial of the person charged, *that there is no legal evidence to sustain any charge or a portion thereof, the* Judge may make on the charge an entry to that effect.

Effect of entry.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

C.—Choosing a Jury.

Act X, 1875 s. 33. Number of jury.

275. In trials before the High Court the jury shall consist of nine persons.

Act X, 1872 s. 236.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may from time to time direct.

Act X, 1872 s. 241. Jury for trial of persons not Europeans or Americans before Court of Session.

276. In a trial by jury, before the Court of Session, of a person not being an European or an American, *a majority* of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Act X, 1872, s. 240. Act X, 1875 s. 33. As to practice in High Court, Bombay, see I. L. R., 1 Bom. 462. Jurors to be chosen by lot.

277. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as *the High Court* may from time to time by rule direct:

Proviso.

Provided that—

Act X, 1875, s. 49. Existing practice maintained.

1*st*, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed.

Act X, 1872, s. 243, *para.* 3. Act X, 1875, s. 33. Persons not summoned when eligible.

2*nd*, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Act X, 1875, s. 38. Trials before special jurors.

3*rd*, in the Presidency-towns—

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

Act X, 1872, s. 243, *paras.* 1 and 2. Act X, 1875, s. 53. Names of jurors to be called.

278. As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Objection to jurors.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Act X, 1875, s. 47, para. 1. Objection without grounds stated.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Act X, 1872, ss. 244, 405, 406. Act X, 1875, ss. 47, 54. Grounds of objection.

279. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, *or being under the age of twenty-one or above the age of sixty years*;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of Police or being entrusted with Police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

Act X, 1872, s. 245. Act X, 1875, s. 57. (*g*) inability to understand the language in which the evidence is given, or when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Act X, 1872, s. 243, para. 3. Act X, 1875, ss. 48, 55. Decision of objection.

280. Every objection taken to a juror shall be decided by the Court, and such decision shall *be recorded and* be final.

Act X, 1872, s. 243, *para.* 4. Act X, 1875, s. 56. Supply of place of juror against whom objection allowed.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 277; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 279 and allowed.

Act X, 1872, s. 246. Act X, 1875, s. 58. Foreman of jury.

281. When the jurors have been chosen, they shall appoint one of their number to be foreman.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

New. Swearing of jurors.

282. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Act X, 1872, s. 254. Procedure when juror ceases to attend.

283. If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not possible to enforce his attendance, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In *each of such* cases the trial shall commence anew.

Act X, 1875, s. 99. Discharge of jury in case of sickness of prisoner.

284. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

D.—Choosing Assessors.

Act X, 1872, s. 239. Assessors how chosen.

285. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Act X, 1872, s. 250. Procedure when assessor is unable to attend.

286. If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending throughout

the trial, or absents himself, and it is not possible to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending or absent themselves, the proceeding shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Act X, 1872, s. 247. Act XI, 1874, s. 19. Act X, 1875, s. 59.

Opening case for prosecution.

287. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

The prosecutor shall then examine his witnesses.

Act X, 1872, s. 248. Act X, 1875, s. 60.

Examination of accused before Magistrate to be evidence.

288. The examination of the accused before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Act X, 1872, s. 249. Act XI, 1874, s. 20. Act X, 1875, s. 75. 13 Ben. Appendix, 16. The exercise of this discretion may be reviewed on appeal, 11 Bom. 282.

Evidence given at preliminary inquiry admissible.

289. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced *and examined*, be treated as evidence in the case.

Act X, 1872, s. 251, *paras. 1 and 2.* Act X, 1875, s. 62.

Procedure after examination of witnesses for prosecution.

290. When the examination of the witnesses for the prosecution and the examination (if any) of the accused is concluded, the accused shall be asked whether he means to *adduce evidence*.

In such case it is not necessary to ask the assessors their opinion. —I. L. R., 1 All., 610, n.

If he says that he does not, the prosecutor may sum up his case; and if the Court *considers that there is no legal evidence to sustain the charge*, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, *or any one of the accused* (*when there are several*), says that he means to *adduce evidence*, or if, on his saying that he does not mean to *adduce evidence*, the prosecutor sums up his case and the Court *considers that there is legal evidence to sustain the charge*, the Court shall call on the accused to enter on his defence.

Act X, 1872, s. 251, *para. 3.* Act X, 1875, s. 62.

Defence.

291. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and *making such comments as he thinks necessary on* the evidence for the prosecution. He may then examine his witnesses, if any, and after their cross-examination and re-examination (if any) may sum up his case.

1872, 1875, 1877,

Right of accused as to examination and summoning of witnesses.

292. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in section 212, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Act X, 1872, s. 252. Act X, 1875 s. 63.

Prosecutor's right of reply.

293. *If the accused, or any of the accused, has stated, when asked under section 290, that he means to adduce* evidence, the prosecutor shall be entitled to reply.

Act X, 1872, s. 253. Act X, 1875, s. 64. Taken from Livingst. Art. 357.

View by jury or assessors.

294. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

Such officer shall not, *except with the permission of the Court*, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

Act X, 1872, s. 258. Act X, 1875, s. 69.

When juror or assessor may be examined.

295. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

Act X, 1872, s. 260. Act X, 1875, s. 67.

Jury or assessors to attend at adjourned sitting.

296. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Act X, 1875, s. 65.

Locking-up jury.

297. The High Court may from time to time make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F.—Conclusion of Trial in Cases tried by Jury.

Act X, 1872, s. 255, *para. 1.* Act X, 1875, s. 90.

Charge to jury.

298. In cases tried by jury, when the case for the defence, and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Act X, 1872, s. 256. Act X, 1875, s. 91.

Duty of Judge.

299. In such cases, it is the duty of the Judge—

(*a*) to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence or the propriety of questions asked by or on behalf

of the parties which may arise in the course of the trial, and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not called as a witness under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Act X, 1872 s. 257. Act X, 1875, s. 98.

Duty of jury.

300. It is the duty of the jury—

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (*other than terms of law*) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) *A* is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Act X, 1872, s. [illegible] para. 1. Act X, 1875, s. 93.

Retirement to consider.

301. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Act X, 1872, s. 263, *para. 1.* Act X, 1875, s. 94.

Delivery of verdict.

302. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Act X, 1872, s. 263, para. 3. Act X, 1875, s. 96. *I. L. R., 6 Calc., 351 (where the jury are unanimous).*

Procedure where jury differ.

303. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Act X, 1872, s. 263, para. 2. Act X, 1875, s. 95.

Verdict to be given on each charge. Judge may question jury.

304. *Unless otherwise ordered by the Court*, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Act X, 1872, s. 263, para. 2, last sentence. New. Dears. C. C. 239.

Questions and answers to be recorded. Amending verdict.

Such questions and the answers to them shall be recorded.

305. When *by accident or mistake* a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Act X, 1875, ss. 97, 98.

Verdict in High Court when to prevail.

306. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in other cases.

If the Judge disagrees with the majority, he shall at once discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Act X, 1872, s. 263, para. 4.

Verdict in Sessions Court when to prevail.

307. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

Act XI, 1874, s. 21.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Act X, 1872, s. 263, *para. 5 and 6.* Act XI, 1874, s. 21. I. L. R., 1 Bom., 10. The dissent must be complete, I. L. R., 2. Bom., 526

Procedure where Judge disagrees with verdict.

308. If in any such case the Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, record-

ing the grounds of his opinion and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

I. L. R., 3 Calc., 628. Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody, or admit him to bail.

See Markby, J., in I. L. R., 3 Calc., 199. *In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on* an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and if it convict him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

Act X, 1875, s. 100. **309.** Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of accused after discharge of jury.

H.—Conclusion of Trial in Cases tried with Assessors.

Act X, 1872, s. 265, para. 1, 261, 262. **310.** When in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court shall require each of the assessors to state his opinion orally, and shall record such opinion.

Delivery of opinion of assessors.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinion of the assessors.

Judgment.

I.—List of Jurors for High Court and summoning Jurors for that Court.

Act X, 1875, s. 39. **311.** The jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter;

Jurors' book.

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Act X, 1875, s. 40. **312.** The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Number of special jurors.

Act X, 1875, s. 41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries but so long only as their names are contained in such list.

Exemption of special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare— Act X, 1875, s. 42.

Lists of common and special jurors.

(*a*) a list of all persons liable to serve as common jurors; and

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council *in the case of the High Court at Calcutta, and in the case of other High Courts the Local Government*, may exempt any salaried officer of Government from serving as a juror.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision. Act X, 1875, s. 43.

Discretion of officer preparing lists.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation. Act X, 1875, s. 44.

Publication of preliminary lists.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries. Act X, 1875, s. 45.

Number of jurors to be summoned.

No persons shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Supplementary summons.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Act X, 1875, s. 50.

Summoning jurors outside the Presidency-towns.

Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Act X, 1875, s. 51. **317.** In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of commissioned and non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

Military jurors.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Act X, 1875, s. 46. **318.** Any person summoned under section 315, 316 or 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

Failure of jurors to attend.

J.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Act X, 1872, s. 404. **319.** All male persons between the ages of twenty-one and sixty *shall*, except *as* next hereinafter mentioned, be *liable to* serve as jurors and assessors *at any trial held within the District in which they reside.*

Liability to serve as jurors and assessors.

Act X, 1872, ss. 264, 405, 406, *para.* 1. **320.** The following persons are exempt from liability to serve as jurors or as assessors, namely :—

Exemptions.

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted by the Local Government from liability to serve as jurors, and persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641.

List of jurors and assessors. **321.** The Sessions Judge and the Collector of the District, or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons *liable to serve as jurors or assessors*, qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, *and not likely to be successfully objected to under section 279, clauses (b) to (h), both inclusive.* Act X, 1872, s. 400.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

Publication of list. **322.** Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside. Act X, 1872, s. 401, para. 1.

Objections to list. **323.** To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice. Act X, 1872, s. 401, para. 2.

Revision of list. **324.** For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may *claim* the exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service. Act X, 1872, s. 402.

In the event of a difference of opinion between the Collector or other officer as aforesaid and the Sessions Judge, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Act X, 1872, s. 403.

325. The list so prepared and revised shall be again revised once in every year.

Annual revision of list.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Act X, 1872, s. 407.

326. The Sessions Judge shall ordinarily, three days at least before the time fixed for holding the sessions, send a letter to *the District* Magistrate requesting him to summon as many persons named in the said revised list as seem to the Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

Court to summon jurors *and assessors*.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Act X, 1872, s. 410.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Power to summon another set of jurors or assessors.

Act X, 1872, s. 409, para. 1.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

Form and service of summons.

Act X, 1872, s. 411.

329. If any person summoned to serve as a juror or assessor be in the service of Government or of a Railway Company, the Court may excuse his attendance if it appear, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

When Government *or Railway servant* may be excused.

Act X, 1872, s. 412.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

Court may excuse attendance of juror or assessor.

Act X, 1872, s. 413.

331. At each session, the said Court shall cause to be made a list of the names of those who *have attended* as jurors or assessors at such session.

List of jurors or assessors attending.

Such list shall be kept with the list of the jurors and assessors *as revised* under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Act X, 1872, s. 414.

Penalty for non-attendance of juror or assessor.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

K.—Special Provisions for High Courts.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

Act X, 1875, s. 146. Cf. s. 260, *supra*.

Power of Advocate General to stay prosecution.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Act X, 1875, s. 4.

Time of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct.

Act X, 1875, s. 5.

Place of holding sittings.

But it may from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, *and* in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of

Notice of sittings.

the original criminal jurisdiction of the High Court.

Act X, 1875, s. 27.

336. The High Court may direct that all European British subjects *and persons liable to be tried by it under section 215, who have been* committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

Place of trial of European British subjects.

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Act X, 1872, s. 347. Act IV, 1877, s. 50.

337. The District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the case, or, with the sanction of the District Magistrate, any *other* Magistrate, may, *in any warrant-case*, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, *the* offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned in the perpetration thereof.

Tender of pardon to accomplice.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial.

Every Magistrate, other than a District Magistrate or a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when *any Magistrate* has made such tender and examined the person *to whom it has been made*, he shall not try the case himself, although the offence which *such* person appears to have committed may be triable by such Magistrate.

Act X, 1872, s. 348, omitting "as a Court of Revision." Act X, 1875, s. 77.

338. At any time after commitment, but before judgment is passed, the *Court to which the commitment is made* may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or *order* the committing Magistrate *or the District Magistrate* to tender, a pardon on the same condition to such person

Power to direct tender of pardon.

339. Where a pardon has been tendered under section 337 or 338, *and* any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made, *he may be tried* for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

Act X, 1872, s. 349. Act X, 1875, s. 78. Act IV, 1877, s. 151. 7 *Calc.*, 66.

Commitment of person to whom pardon has been tendered.

The statement made by a person under pardon may be given in evidence against him when the pardon has been withdrawn under this section.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Act X, 1872, s. 186, paras. 1 and 2. Act XI, 1874, s. 13. Act X, 1875, s. 31. Act IV, 1877, s. 130.

Right of accused to be defended.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Act X, 1872, s. 186, para. 3. Act X, 1875, s. 130. Act IV, 1877, s. 131.

Procedure where accused does not understand proceedings.

342. At any stage of any inquiry or trial the Court may, without previously warning the accused, put such questions to him as the Court considers necessary.

Act X, 1872, ss. 193, para. 1, 250, 343. Act X, 1875, s. 61. Act IV, 1877, ss. 5, 148. 6 *Calc.* 591. 1 O'Kin. 486.

Power to examine the accused.

The accused shall not render himself liable to punishment for refusal to answer such questions, or for giving false answers to them; but the Court *and the jury* (*if any*) shall draw such inference from such refusal or answers as it thinks just.

Act X, 1872, ss. 193, para. 2, 343; see Act I, 1872, s. 114, Ill. (h).

The answers given by the accused may be put in evidence *for or* against him, not only in such inquiry or trial, but also in any other inquiry into, or trial for, any other offence which such answer may tend to show he has committed.

Act X, 1872, s. 193, *Explns.*

No oath shall be administered to the accused.

Act X, 1872, s. 345.

343. Except as provided in sections *337 and 338*, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Act X, 1872, s. 344. Act IV, 1877, s. 149.

No influence to be used to induce disclosures.

PT. VI, CH. XXIV. General Provisions as to Inquiries and Trials.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order *in writing, stating the reasons therefor*, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and by a warrant remand the accused if in custody :

Act X, 1872, ss. 194, para. 1 and *Expln.*, 208, para. 1, 219, 264. Act X, 1875, s. 66. Act IV, 1877, ss. 86, 124. 11 & 12 Vic., c. 42, s. 21.

Power to postpone or adjourn proceedings.

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a *term* exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Reasonable cause for remand.

Act X, 1872, s. 188. Act X, 1875, s. 151. Act IV, 1877, s. 128. Compare N. Y. Crim. Proc. Code, s. 731.

345. *The offences punishable under the sections of the Indian Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table :—*

Compounding of offences.

Offence.	*Sections of Indian Penal Code applicable.*	*Person by whom offence may be compounded.*
Causing hurt ...	*323, 334, 337, 338*	*The person to whom the hurt is caused.*
Wrongfully restraining or confining any person.	*341, 342*	*The person restrained or confined.*
Assault or use of criminal force.	*352, 358*	*The person assaulted or to whom criminal force is used.*
Unlawful compulsory labour.	*374*	*The person compelled to labour.*
Mischief, when the only loss or damage caused is loss or damage to a private person.	*426, 427*	*The person to whom the loss or damage is caused.*
Criminal trespass ...	*447*	*The person in possession of the property trespassed upon.*
House-trespass ...	*448*	
Criminal Breach of Contract of service.	*490, 491, 492*	*The person with whom the offender has contracted.*
Adultery ...	*497*	*The husband of the woman.*
Enticing or taking away or detaining with a criminal intent a married woman.	*498*	
Defamation ...	*500*	*The person defamed.*
Printing or engraving matter knowing it to be defamatory.	*501*	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	*502*	
Insult intended to provoke a breach of the peace.	*504*	*The person insulted.*
Criminal Intimidation, except when the offence is punishable with imprisonment for seven years.	*506*	*The person intimidated.*

The offence of voluntarily causing hurt, voluntarily causing grievous hurt or cheating, punishable under section 324, section 335 or section 417 of the Indian Penal Code may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused, or by the person cheated, as the case may be.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition *of an offence under this section* shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

PT. VI, CH. XXIV. General Provisions as to Inquiries and Trials.

346. If, in the course of an inquiry or trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

Act X, 1872, s. 45, *paras.* 1 and 2. Madras H. C. ruling cited Nelson, 63.

Procedure of Mufassal Magistrate in cases which he cannot dispose of.

The Magistrate to whom the case is submitted *may*, if so empowered, either try the case himself, or refer it to any *Magistrate* subordinate to him having jurisdiction, or commit the accused for trial.

Act X, 1872, ss. 46, *para.* 3, 221, 436, *para.* 3. Act IV, 1877, s. 127.

347. If in any *enquiry* before a Magistrate *or in any trial before a Magistrate before signing judgment*, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and *if* he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

Procedure when after commencement of *inquiry or* trial Magistrate finds case should be committed.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

Act X, 1872, s. 215. Act IV, 1877, s. 128.

348. Whoever, having been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him a habitual offender, be committed to the Court of Session or High Court, as the case may be; *or*, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Trial of persons previously convicted of offences against coinage, stamp-law and property.

Act X, 1872, s. 46, *paras.* 1 and 2, inserting "different in kind from or"

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion upon concluding a trial that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, he may record the *opinion* and, instead of passing sentence, submit his proceedings, and forward the accused to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

Procedure when Magistrate cannot pass sentence sufficiently severe.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case; and may call for and take any further evidence, and shall pass such sentence or order in the case as he thinks fit, and as is according to law: Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

350. Whenever any Magistrate, after having heard the whole or any part of the evidence in an enquiry or trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the enquiry or trial :

Act X, 1872, ss. 328, 329. Act IV, 1877, s. 156. *See.* 4 *Calc.*, 452, *and sec.* 568, *infra.*

Conviction *or commitment* on evidence partly recorded by one Magistrate and partly by another.

Provided that *in any trial* the accused may, when the second Magistrate commences his proceedings, demand that the witnesses *or any of them* be re-summoned and re-heard :

Provided also that the High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, without appeal, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

351. Any person attending a Criminal Court, although not upon an arrest or summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed, and may be proceeded against as though he had been arrested or summoned.

Act X, 1872, s. 104.

Detention of offenders attending Court.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them :

Act X, 1872, s. 167. Act X, 1875, s. 150. Act IV, 1877, s. 132.

Courts to be open.

Provided that the presiding Judge *or Magistrate* may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case

that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

Of the Mode of taking and recording Evidence in Inquiries and Trials.

Act X, 1872, s. 191, para. 1. Act IV, 1878, s. 83, para. 1.

Evidence to be taken in presence of accused.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Act X, 1872, s. 332.

Manner of recording evidence in Mufassal.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Act X, 1872, ss. 292, 293.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned *in section 261, clauses (b) to (k), both inclusive,* when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Act X, 1872, s. 334.

Record in other cases in the Mufassal.

No exception of cases in which no appeal lies. 11 Ben. Appx. 6.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapter XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Evidence given in English.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Act X, 187 s. 333.

Language of record of evidence.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence *of each witness* shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct *the Sessions Judge or Magistrate* to take down the evidence in the English language, or in the language of the Court, *although such language is not his mother-tongue.*

Act X, 187 s. 336.

Option to Magistrate in cases under section 355.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Act X, 187

Mode of recording evidence under section 356 or 357.

359. Evidence taken under section 356 or 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Act X, 18 s. 339.

Procedure in regard to such evidence when completed.

360. As the evidence of each witness taken under section 356 is completed, it shall be read over to him in the presence of

the accused if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, he may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

Act X, 1872, s. 340.

Interpretation of evidence to accused or his agent.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Act X, 1872, s. 335. Act IV, 1877, s. 116.

Record of evidence in Presidency Magistrates' Courts.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall be part of the record.

Act X, 1872, s. 333. Act IV, 1877, s. 115.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Act X, 1872, s. 341.

Remarks respecting demeanour of witness.

363. Every Sessions Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Act X, 1872, s. 346, *paras. 1, 2, 3 and 4.* Act IV, 1877, ss. 84, 123.

Examination of accused how recorded.

364. Whenever the accused is examined by any Magistrate or by any Court other than a High Court established by Royal Charter, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, *in the language in which he is examined, or, if that is not practicable, in the language of the Court,* and *such record* shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, *the record* shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that *the examination* was taken in his presence and hearing, and *that the record* contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 243, 244 or 264.

Act X, 1875, s. 68, including Chief Court.

Record of evidence in High Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

Of the Judgment.

Act VIII, 1859, s. 188. Act X, 1872, ss. 211, *para. 3,* 462.

Mode of delivering judgment.

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Act X, 1872, s. 366. Cf. Act X, 1877, s. 200.

Language of judgment.

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English, and shall contain the point or points for determination, the decision thereon, and the

Act X, 1872, s. 464, *para. 1.* Cf. Act VIII, 1859, s. 186.

Contents of judgment.

reasons for the decision, and shall be dated and signed by the presiding officer in open court at the time of pronouncing it.

Act X, 1872, ss. 461, cl. 1, 464, para. 1. It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Act X, 1872, s. 461, cl. 2. When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the same Code.

Judgment in alternative.

If it be a judgment of acquittal, it shall direct that the accused be set at liberty.

Act X, 1872, s. 287, para. 2. If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed :

Act X, 1872, ss. 255, last para., 464, para. 4. Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

Act X, 1872, s. 321. Act X, 1875, s. 118. **368.** When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

Act X, 1872, s. 464, para. 1, second sentence. **369.** No Court when it has signed its judgment shall alter or review the same, *except as provided in section 395 or to correct a clerical error.*

Court not to alter judgment.

Act IV, 1877, s. 114. **370.** Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars :—

Presidency Magistrate's judgment.

(*a*) the serial number of the case ;

(*b*) the date of the commission of the offence ;

(*c*) the name of the complainant (if any) ;

(*d*) the name of the accused person, *and (except in the case of an European British subject) his parentage and residence* ;

(*e*) the offence complained of or proved ;

(*f*) the plea of the accused and his examination (if any) ;

(*g*) the final order ;

(*h*) the date of such order ; and

Act IV, 1877, s. 126. (*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Act XI, 1874, s. 6, para. 2. **371.** The judgment shall be explained to the accused, and on his application a copy of the judgment or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. *Such copy shall, in any case other than a summons-case, be given* free of cost.

Judgment to be explained and copy given to accused.

In trials by jury, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Act XI, 1874, s. 22. *Case of person sentenced to death.*

Act X, 1872, s. 464, para. 3. **372.** The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, a translation thereof into the language of the Court shall be added to such record.

Judgment to be translated.

Act X, 1872, s. 302, para. 1. **373.** In cases tried by the Court of Session, the Court shall forward a copy of its judgment (*if any*) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

Court of Session to send copy of judgment to District Magistrate.

CHAPTER XXVII.

Of the Submission of Sentences for Confirmation.

Act X, 1872, s. 307, para. 1. **374.** When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Sentence of death to be submitted by Court of Session.

Act X, 1872, s. 289. **375.** If when such proceedings are submitted the High Court thinks that additional evidence upon any point bearing upon the guilt or innocence of the convicted person is necessary, it may *take such evidence itself* or direct *it* to be taken.

Power to direct additional evidence to be taken.

Such evidence shall not be taken in the presence of jurors or assessors, and unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is taken.

The result of such evidence *when it is not taken by the High Court* shall be certified to *such* Court.

Act X, 1872, s. 263. **376.** In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

Power of High Court to confirm sentence or annul conviction.

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, *and convict the accused of any offence of which the Sessions Court might have convicted him, or* order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person :

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Act X, 1872, s. 290. **377.** In every case so submitted, the confirmation of the sentence or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be *made and* signed by at least two of them.

Confirmation or new sentence to be signed by two Judges.

Act X, 1872, s. 371B. (Act XI, 1874, s. 22.) **378.** When any such case is heard before a Bench of Judges and such Judges are equally divided, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in case of difference of opinion.

Act X, 1872, s. 301, para. 1. **379.** In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases submitted to High Court for confirmation.

Act X, 1872, ss. 18, 36. Act XI, 1874, s. 3. **380.** When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

I. L. R., 4 Bom., 259. (*a*) may *confirm the sentence, or pass any other sentence which the lower Court might have passed, or*

(*b*) *may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge, or*

(*c*) *may acquit the accused ; or*

(*d*) if he thinks further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may direct such inquiry or evidence to be made or taken.

Unless the *Sessions* Court otherwise directs the presence of the convicted person may be dispensed with when such evidence is taken ; and when the sentence has been submitted by an Assistant Sessions Judge, such evidence shall not be taken in the presence of jurors or assessors.

The result of such evidence shall be certified to the Sessions Court.

CHAPTER XXVIII.

Of Execution.

Act X, 1872, s. 301, para. 2. **381.** When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order *of confirmation or other order* of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Execution of order passed under section 376.

Act X, 1872, s. 306. Act X, 1875, s. 114, adding "to transportation for life." **382.** If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Postponement of capital sentence on pregnant woman.

Act X, 1872, s. 302A, cl. 1. (Act XI, 1874, s. 32.) Act IV, 1877, s. 183. **383.** Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court *passing the sentence* shall forthwith forward a warrant to the jail in which he is to be confined *together with the accused, unless he is already confined in such jail.*

Execution of sentences of transportation or imprisonment in other cases.

Act X, 1872, s. 303. Act X, 1875, ss. 103, 104. Act IV, 1877, s. 184. **384.** Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Direction of warrant for execution.

Act X, 1872, s. 304. Act X, 1875, s. 104. **385.** When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant with whom to be lodged.

Act X, 1872, s. 307, para. 1. Act X, 1875, s. 105. Act IV, 1877, s. 185. **386.** Whenever an offender is sentenced to pay a fine, the Court passing the sentence may in its discretion issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Warrant for levy of fine.

Act X, 1872, s. 307, para. 2. Act X, 1875, s. 105. Act IV, 1877, s. 185. **387.** Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

Effect of warrant.

Act IV, 1877, s. 186. **388.** When *an offender has been sentenced to fine only, and the* Court issues a warrant under section 386, it may, instead of at once ordering *him* to be imprisoned under section 64 of the Indian Penal Code, release him

Detention of offender until return made to distress-warrant.

on his executing a bond with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than *fifteen* days from the time of executing the bond.

Act X, 1872, s. 307, last para. Act IV, 1877, s. 185, last sentence.

389. Who may issue warrant. The warrant may be issued either by any Judge or Magistrate who *passed the sentence* or by his successor in office.

Act X, 1872, s. 302A, cl. 2. (*Act XI, 1874, s. 32.*) Act IV, 1877, s. 183.

390. Execution of sentence of whipping only. Where the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Act X, 1872, s. 310. Act IV, 1877, s. 187.

391. Execution of sentence of whipping, in addition to imprisonment. When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence or, if an appeal be made within that time, until the sentence is confirmed by the appellate Court: but the whipping shall be inflicted *as soon as possible after* the expiry of the fifteen days or, in case of an appeal, *as soon as possible after* the receipt of the order of the appellate Court confirming the sentence.

Act X, 1872, s. 811, para. 3. Act XI, 1874, s. 38, *para. 1.* The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

Act X, 1872, s. 811, para. 1. Act X, 1875, s. 108. Act IV, 1877, s. 188.

392. Mode of inflicting punishment. In the case of a person of or over sixteen years of age, whipping shall be inflicted with such instrument, in such mode, and on such part of the person, as the Local Government directs; and in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Act X, 1872, s. 311, para. 2. *See précis, paras. 249, 251.*

393. Limit of number of stripes. In no case, if the cat-o'-nine-tails be the instrument employed, shall whipping exceed one hundred and fifty lashes, or if the ratan be employed, shall such punishment exceed thirty stripes.

Act X, 1872, s. 312, para. 3. Act IV, 1877, s. 190.

Not to be executed by instalments. No sentence of whipping shall be executed by instalments.

Act X, 1872, s. 312, *paras. 1 and 2.* Act XI, 1874, s. 33, *para. 2.* Act X, 1875, s. 106. Act IV, 1877, s. 189.

394. Whipping not to be inflicted if offender not in fit state of health. The punishment of whipping shall not be inflicted, unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Stay of execution. If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Act X, 1872, s. 313. Act X, 1875, s. 108. Act IV, 1877, s. 191.

395. Procedure if punishment cannot be inflicted under the last section. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any *term not exceeding three months*, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Act X, 1872, s. 316. Act X, 1875, s. 110. Act IV, 1877, s. 192.

396. Execution of sentence on escaped convicts. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, *subject to the provisions hereinbefore contained*, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

Explanation.—For the purpose of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Act X, 1872, s. 317. Act X, 1875, s. 111. Act IV, 1877, s. 193.

397. Sentence on offender already sentenced for another offence. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

Act X, 1872, s. 317, *proviso.*

398. Saving as to sections 396 and 397. Nothing in section 396, or section 397, shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Act X, 1872, s. 318. Act X, 1875, s. 112. Act V of 1876 has not yet come into force anywhere except—

399. Confinement of youthful offenders in reformatories. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Act X, 1872, s. 805.

400. Return of warrant on execution of sentence. *When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.*

CHAPTER XXIX.

Of Suspensions, Remissions and Commutations of Sentences.

Act X, 1872, s. 322, para. 1. Act XI, 1874, s. 34, cl. 1. New.

401. Power to suspend or remit sentences. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before *or by* which the conviction was had *or confirmed* to furnish without delay a statement of the facts proved on the trial, and of any facts having reference to the propriety of granting or refusing the application.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Act X, 1872, s. 322, para. 2.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

Act XI, 1874, s. 34, cl. 2.

Act X, 1872, s. 322, para. 3.

402. Power to commute punishment. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it:—

death, transportation, penal servitude, *rigorous* imprisonment, *simple imprisonment*.

CHAPTER XXX.

Of previous Acquittals or Convictions.

Act X, 1872, s. 460. Act X, 1875, s. 117. Act IV, 1877, s. 113. Cf. N. Y. Code of Crim. Proc., s. 13. Form of plea under this section, N.-W. P., 1875, p. 378.

403. Person once convicted or acquitted not to be tried for same offence. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 237, or for which he might have been convicted under section 238.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 236, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that for which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Act X, 1872, ss. 147, para. 2, 195, Expln, 215, Expl. 2. Act X, 1875, s. 14.

EXPLANATION.—The dismissal of a complaint, *the stopping of proceedings under section 250*, the discharge of the accused, or any entry made upon a charge under section 274, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) *A* is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, *while the acquittal remains in force*, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) *A* is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that *A* committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) *A* is tried for *causing grievous hurt* and convicted. The person *injured* afterwards dies. *A* may be tried again for culpable homicide.

(*d*) *A* is charged before the Court of Session and convicted of the culpable homicide of *B*. *A* may not afterwards be tried on the same facts for the murder of *B*.

(*e*) *A* is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to *B*. *A* may not afterwards be tried for voluntarily causing grievous hurt to *B* on the same facts, unless the case comes within paragraph three of this section.

(*f*) *A* is charged by a Magistrate *of the second class* with and convicted by him of, theft of property from the person of *B*. *A* may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) *A*, *B* and *C* are charged by a Magistrate of the first class with, and convicted by him of, robbing *D*. *A*, *B* and *C* may afterwards be charged with, and tried for, dacoity on the facts.

PART VII.
OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.
OF APPEALS.

Act X, 1872, ss. 282, para. 2, 286, omitting the Illustrations.

Unless otherwise provided, no appeal to lie.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Act IV, 1877, s. 180.

Appeal from order rejecting application for restoration of attached property.

405. *Any person whose application under section 90 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.*

Act X, 1872, s. 267.

Appeal from order requiring security for good behaviour.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 119 may appeal to the District Magistrate.

Act X, 1872, s. 266, omitting "or to a Magistrate of first class empowered."

Appeal from sentence of Magistrate of the second or third class.

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced by a Sub-divisional Magistrate of the second class under section 349, may appeal to the District Magistrate.

Transfer of appeals to first class Magistrate.

The District Magistrate may *direct that* any appeal under this section, or any class of such appeals, *shall be heard by* any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and *thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented shall be transferred to him. The District Magistrate* may withdraw from such Magistrate any appeal *or class of appeals* so *presented or transferred*. Act X, 1872, s. 47, para. 2.

Appeal from sentence of *Assistant Sessions Judge* or Magistrate of the first class.

408. Any person convicted on a trial held by *an Assistant Sessions Judge*, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session: Act X, 1872, ss. 269, para. 1, 270, para. 2.

Provided that when *in any case an Assistant Sessions Judge or* a District Magistrate passes any sentence *which is subject to the confirmation of the Sessions Court, every* appeal *in such case* shall lie to the High Court, *but shall not be presented until the case has been disposed of by the Sessions Court:* Act X, 1872, s. 270, paras. 1 and 3.

Provided also that any European British subject so convicted may at his option appeal either to the High Court or the Court of Session. Act X, 1872, s. 79.

Appeals to Court of Session how heard.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeal from sentence of Sessions Court.

410. Any person convicted on a trial held by a Sessions Judge, or Additional or Joint Sessions Judge, may appeal to the High Court. Act X, 1872, ss. 60, 270, para. 2, 271. Act XI, 1874, s. 22, cl. 1.

Appeal from sentence of Presidency Magistrate.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees. Act IV, 1877, s. 167.

No appeal in certain cases when accused pleads guilty.

412. Notwithstanding anything hereinbefore contained, where an accused person has *pleaded guilty and* been convicted by a Court of Session or a Presidency Magistrate on *such* plea, there shall be no appeal except as to the extent or legality of the sentence. Act X, 1872, s. 273, last para. Act IV, 1877, s. 167.

No appeal in petty cases.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only. Act X, 1872, s. 273, para. 1.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed. Act X, 1872, s. 273, para. 2.

Act X, 1872, s. 274, para. 1.

No appeal from certain summary convictions.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 261 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

Act X, 1872, s. 274, para. 2.

Proviso to sections 413 and 414.

415. An appeal may be brought against any sentence referred to in section 413 or 414 by which any two or more of the punishments therein mentioned are combined; but not against any sentence which would not otherwise be liable to appeal, because the person convicted is ordered to find security to keep the peace.

Act XI, 1874, s. 24.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Act X, 1872, s. 274, para. 3.

Saving of sentences on European British subjects.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed on European British subjects under Chapter XXXIII.

Act X, 1872, s. 272, paras. 1 and 2. Act IV, 1877, s. 168, para. 1.

Appeal on behalf of Government in case of acquittal.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal *passed by any Court other than a High Court.*

Act X, 1872, s. 271, last para. (*Act XI, 1874*, s. 22.) Compare Act X, 1877, s. 541.

Appeal on what matters admissible.

418. An appeal may lie on a matter of fact as well as a matter of law, except where *the* trial *was* by jury, in which case the appeal shall be admissible on a matter of law only.

Act X, 1872, s. 275. Act IV, 1877, s. 169.

Petition of appeal.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant *or his pleader*, and every such petition shall be accompanied by a copy of the judgment or order appealed against, and in cases tried by a jury a copy of the heads of the charge recorded under section 367.

Act X, 1872, s. 277. Act IV, 1877, s. 171.

Procedure when appellant in jail.

420. If the appellant is in jail, he may present his petition of appeal, and the *copies accompanying the same*, to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Act X, 1872, s. 273, paras. 1 and 2. Act IV, 1877, s. 172, omitting last sentence. *L. R.*, 4 *Bom.*, *101.*

Summary rejection of appeal.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily. Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Notice of appeal.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant *or his pleader* and *to such officer as the Local Government may appoint in this behalf*, of the time and place at which such appeal will be heard, and shall, *on the application of such officer*, furnish *him* with a copy of the grounds of appeal; Act X, 1872, ss. 62, 269, para. 2, 279, Act IV, 1877, s. 173.

and in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused. Act XI, 1874, s. 27.

Powers of Appellate Court in disposing of appeal.

423. The Appellate Court shall then send for the record of the case, *if such record is not already in Court.* After perusing *such record*, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor if he appears, *the Court* may, if it considers there is no sufficient ground for interfering, reject the appeal or may— Act X, 1872, ss. 272, para. 3, 280. Act IV, 1877, ss. 174, 179.

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(*b*) in an appeal from a conviction (1) reverse the finding and sentence, and *acquit or discharge* the accused, or *order him to be* retried by a Court of competent jurisdiction subordinate to such Appellate Court, or (2) alter the finding, *maintaining the sentence*, or, with or without altering the finding, enhance or reduce the sentence, or (3) alter the nature of the sentence with or without such enhancement or reduction and with or without altering the finding; Act X, 1872, s. 284.

(*c*) in an appeal from any other order, alter or reverse such order:

Provided that, if the appeal is from the sentence of a Magistrate *acting otherwise than under section 30*, the Appellate Court shall not inflict a greater punishment for the offence which, in the opinion of the Appellate Court, the appellant has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class:

Provided also that nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge. Act X, 1872, s. 271, extended to appeals by the Crown. Act X, 1872, s. 299, para. 3.

Judgments of subordinate Appellate Courts.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court.

Order on *appeal* to be certified to lower Court or District Magistrate.

425. Whenever a case is *decided on appeal* by the High Court under this chapter, it shall certify its decision or order to the Court by which the finding, sentence or order *appealed against* was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the Act X, 1872, s. 299, paras. 1 and 2.

District Magistrate, the certificate shall be sent through the District Magistrate.

The Court or Magistrate to which the High Court certifies its *decision or* order shall thereupon make such orders as are conformable to the decision of the High Court and, if necessary, the record shall be amended in accordance therewith.

Act X, 1872, s. 281, and s. 297, para. 8, in case of Court of Revision. Act IV, 1877, s. 175.

426. Pending any appeal by a convicted person, the Appellate Court may, *for reasons to be recorded by it in writing*, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail *or on his own bond*.

Suspension of sentence pending appeal.

Release of appellant on bail.

When the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in computing the term of his imprisonment.

Act IV, 1877, s. 168, para. 3, I. L. R., I. Calc., 281.

427. When an appeal is presented under section 417, the High Court may *issue a warrant directing that* the accused be arrested and brought before it *or any subordinate Court*, and *the Court before which he is brought* may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeals under section 417.

Act X, 1872, s. 282, *paras. 1, 3 and 4.* Act IV, 1877, s. 176.

428. In dealing with any appeal under this chapter, the Appellate Court, if it think's additional evidence to be necessary, may either take such evidence itself, or may direct it to be taken by *a Court of Session or* a Magistrate.

Appellate Court may take further evidence or direct it to be taken.

When the additional evidence is taken by *the Court of Session or* the Magistrate, *it or* he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the appellant or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

Act X, 1872, s. 271B. (Act XI, 1874, s. 22.)

429. When the Judges composing the Court of appeal are equally divided, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure where Judges of Court of appeal, &c., are equally divided.

Act X, 1872, s. 285.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 416 and Chapter XXXII.

Finality of orders on appeal.

I. L. R., 2 Bom., 564.

431. Every appeal under section 417 finally abates on the death of the accused, and every other appeal under this chapter finally abates on the death of the appellant.

Abatement of appeals.

CHAPTER XXXII.

Of Reference and Revision.

Act IV, 1877, s. 249.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail or release him on bail to appear for judgment when called upon.

Reference by Presidency Magistrate to High Court.

Act IV, 1877, s. 241.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Disposal of case according to decision of High Court.

The High Court may direct by whom the costs of such reference shall be paid.

Direction as to costs.

Act X, 1875, s. 101.

434. When any person has, in a trial before a Judge of a High Court *constituting of more Judges than one and* acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Power to reserve questions arising in original jurisdiction of High Court.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail or, if the Judge thinks fit, be admitted to bail,

Procedure when question reserved.

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment as the High Court thinks fit.

Act X, 1872 ss. 294, 296 para. 1. 12 Ben., 253.

435. The High Court or any Court of Session or District Magistrate, *or any Sub-divisional Magistrate empowered by the Local Government in this behalf*, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the *correctness*, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of the proceedings of such inferior Court.

Power to call for records of inferior Courts.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Act X, 1872, s. 520. See I. L.R., 2 Calc., 295.

Orders made under sections 144 and 145 *and proceedings under section 177* are not proceedings within the meaning of this section.

Act X, 1872, s. 296, paras. 2 and 3. (Act XI, 1874, s. 29.) 10 Ben., 289.

436. When on examining the record of any case under section 435 *or otherwise*, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may, *instead of directing a fresh inquiry*, direct him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Power to order commitment.

1 O'Kin. 93.

Provided that the accused has had an opportunity of shewing cause to such Court or Magistrate why the commit*ment* should not be made:

Act XI, 1874, s. 29.

Provided also that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Act X, 1872, s. 298. (Act XI, 1874, s. 31.)

437. On examining any record under section 435 *or otherwise*, the Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him *to make, and* the District Magistrate may *himself make or* direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 204, *or into the case of any accused person who has been discharged.*

Power to order inquiry.

Act X, 1872, s. 296, para. 1.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 *or otherwise* the record of any proceeding, report for the orders of the High Court the results of such examination, *and when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.*

Report to High Court.

Act X, 1872, s. 297. 1. L. R., 2 Calc., 113. I. All., I, 189. 1 Bom., 125; Nelson, 287. 1 O'Kin. 84. This will empower High Court to reduce amount of forfeited recognizances? 2 O'K. 408.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 423, 426, 427 and 428, and when the Judges composing the Court of revision are equally divided, the case shall be disposed of in manner provided by section 429.

High Court's powers of revision.

Act X, 1872, ss. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

440. No party has any right to be heard either personally or by pleader before any High Court when exercising its powers of revision: *Provided that* the High Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader: *Provided also that no order shall be made to the prejudice of the accused unless he has had an opportunity of being heard in his own defence.*

Optional with Court to hear parties.

Act X, 1872, s. 297, last para.

Act IV, 1877, s. 182.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

Statement by *Presidency* Magistrate of grounds of his decision to be considered by High Court.

Act X, 1872, s. 299, paras. 1 & 2.

442. When a case is revised by the High Court under this chapter, it shall certify its decision or order in manner provided by section 425, and the Court or Magistrate to which the High Court so certifies its decision or order shall give effect thereto in manner provided by that section.

High Court's order to be certified to lower Court or District Magistrate.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

Criminal Proceedings against Europeans and Americans.

Act X, 1872, ss. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, *shall inquire into or try any charge against an European British subject.*

Magistrates who may inquire into and try charges against European British subjects.

Act X, 1872, ss. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

444. No *Judge presiding in a Court of Session shall exercise jurisdiction over* an European British subject unless *he himself* is an European British subject; *and if he is an Assistant Sessions Judge*, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Sessions Judge to be an European British subject.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Act X, 1872, ss. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Cognizance of offence committed by European British subject.

Act X, 1872, ss. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

Provided that if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Act X, 1872, s. 74, *para.* 2.

446. Notwithstanding anything contained in section 32, or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

Sentences which may be passed by Mufassal Magistrates.

Act X, 1872, ss. 75, *para.* 1, 438, *para.* 2.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session or, in the case of a Presidency Magistrate, to the High Court.

When commitment is to be to Court of Session and to High Court.

Act XI, 1874, s. 12, *para.* 1.

When the offence *which appears to have been committed* is punishable with death or transportation for life, the commitment shall be to the High Court.

Act XI, 1874, s. 12, *para.* 2.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Trial for offences of which one is, and the others are not, punishable with death or transportation.

Act X, 1872, s. 76.

449. *Notwithstanding anything contained in section 31, no Court of Session shall* pass on *any* European British subject any sentence *other than a sentence* of imprisonment for a term which may extend to one year, or fine, or both.

Sentences which may be passed by Court of Session.

If *at any time after the commitment and* before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge finds his powers inadequate.

Act X, 1872, s. 77.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the *highest Court of Criminal appeal for the local area within which such division is situate.*

Procedure when Sessions Judge is not an European British subject.

451. In trials of European British subjects before a High Court or Court of Session, if before the first juror is called and accepted or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Mixed jury for trial of European British subjects.

Act X, 1872, s. 78, *para.* 2. Act X, 1875, s. 35.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

Trial of European British subject and Native jointly accused.

Act X, 1875, s. 36.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

When Native may claim separate trial.

Act X, 1875, s. 37.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's decision was wrong shall lie upon him.

Procedure on claim of European British subject to be dealt with as such.

Act X, 1872, s. 83.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall after such further enquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before and disallowed by the committing Magistrate, it is not again made before the Court to which he is committed, he shall be held to have *relinquished his right* as such European British subject, and shall not assert it in any subsequent stage of the same case.

Failure to plead status a waiver.

Act X, 1872, s. 84.

6 Calc., Rep. 465.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

Act X, 1872, s. 85.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment or trial (as the case may be) shall not, by reason of such dealing, be invalid.

Trial under this chapter of person not an European British subject.

Act X, 1872, s. 81, *para.* 1, *cl.* 1.

456. *When* any European British subject is *unlawfully* detained in custody by any person, *such European British subject or any person on his behalf* may apply to the High Court which would have jurisdiction over *such European British subject* in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Right of European British subject under detention to apply for order to produce his person.

Act X, 1872, s. 81, *para.* 1, *cl.* 2.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Procedure on such application.

Act X, 1872, s. 81, *para.* 3.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may from time to time direct.

Territories throughout which High Court may issue such orders.

Act XXII, 1870, ss. 2, 4.

459. Unless there be something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer *on Magistrates or on the Court of Session* jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Application of Acts conferring jurisdiction on *Magistrates or the Sessions Court.*

Nothing in this section shall be deemed to authorise any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate outside the Presidency towns not being an European British subject.

460. In every case *triable by jury or with the aid of assessors* in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so *claims*, be Europeans or Americans.

Jury for trial of Europeans or Americans.

Act X, 1872, s. 284, *para.* 1, *cl.* 2.

461. Whenever an European or American is charged before the Court of Session jointly with a person *not an European or American*, and *in compliance with a claim made under section 460 is* tried by a jury *or with the aid of a set of assessors, of which* at least one-half *consists* of Europeans and Americans, such person shall, if he so *claims*, be tried separately.

Jury when European or American charged jointly with one of another race.

Act X, 1872, s. 242.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451, or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

Summoning and empannelling jurors under section 451 or 460.

Act X, 1872, s. 408, *paras.* 1, 2 & 3.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 277, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained:

Act X, 1872, s. 406, last clause.

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Act X, 1872, s. 87.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of *this Code.*

Conduct of criminal proceedings against European British subjects.

CHAPTER XXXIV.

LUNATICS.

Act X, 1872, ss. 433, 434, *para.* 3. Act IV, 1877, s. 194.

464. When any person accused of an offence before a Magistrate holding an inquiry or a trial appears to such Magistrate to be of unsound mind and *consequently* incapable of making

Procedure in case of accused being lunatic.

his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination into writing.

If such Magistrate is of opinion that the accused is of unsound mind *and consequently incapable of making his defence*, he shall postpone further proceedings in the case.

Act X, 1872, s. 425. Act X, 1875, s. 120.

465. Procedure in case of person committed before Court of Session or High Court being lunatic. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and *consequently* incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

Act XI, 1874, s. 39.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Act X, 1872, s. 426. Act X, 1875, s. 121. Act IV, 1877, s. 196.

466. Release of lunatic pending investigation or trial. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, *if the case is one in which bail may be taken*, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

If the *case is one in which bail may not be taken*, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order *the accused* to be confined in a Lunatic Asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Custody of lunatic.

I. L. R., 2 Calc., 356.

Act X, 1872, s. 427. Act X, 1875, s. 122. Act IV, 1877, s. 197.

467. Resumption of inquiry or trial. Whenever an inquiry or trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Act X, 1872, s. 428. Act X, 1875, s. 123. Act IV, 1877, s. 198.

468. Procedure on accused appearing before Magistrate or Court. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

Act X, 1872, s. 424, *paras. 1 and 2.* Act IV, 1877, s. 195.

469. When accused appears to have been insane. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was *wrong or* contrary to law, the Magistrate shall proceed with the case and, if the offence be triable exclusively by the Court of Session or High Court, send the accused for trial before the Court of Session or High Court, as the case may be.

Act X, 1872, s. 429. Act X, 1875, s. 124. Act IV, 1877, s. 199. 39 & 40 Geo. III, c. 94. *Reg.* v. *Macnaughten*, 10 Cl. & Fin. 200.

470. Judgment of acquittal on ground of lunacy. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was *wrong or* contrary to law, the *finding* shall state specifically whether he committed the act or not.

Act X, 1872, s. 430. Act X, 1875, s. 125. Act IV, 1877, s. 200.

471. Person acquitted on such ground to be kept in safe custody. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a Lunatic Asylum, jail or other suitable place of safe custody.

Act X, 1872, s. 431. Act X, 1875, s. 127. Act IV, 1877, s. 202.

472. Lunatic prisoners to be visited by Inspector General. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Act X, 1872, s. 432. Act X, 1875, s. 126. Act IV, 1877, s. 201.

473. Procedure where lunatic prisoner is reported capable of making his defence. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making

his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Act X, 1872, s. 433. Act X, 1875, s. 128. Act IV, 1877, s. 203.

474. Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and in case it orders him to be transferred to an Asylum, may appoint a commission, consisting of a judicial and two medical officers.

And such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, *which* may order his discharge or detention as it thinks fit.

Act X, 1872, s. 434. Act X, 1875, s. 129. Act IV, 1877, s. 204.

475. Delivery of lunatic to care of relative. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate under section 474.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Act X, 1872, ss. 471, 477. Act X, 1875, s. 135. Act IV, 1877, s. 44, omitting last paras. I. L. R., 1 Calc., 484. I. L. R., 1 All., 161, 198. cf. 14 & 15 Vic., c. 100, s. 19. 2 O'Kin. 217.

476. Procedure in cases mentioned in section 196. When any *Civil, Criminal or Revenue* Court is of opinion that there is ground for enquiring into any offence referred to in section 196, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for enquiry *or trial* to *the District* Magistrate, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such trial or enquiry.

Such Magistrate shall thereupon proceed according to law, and may transfer the enquiry *or trial* to some other competent Magistrate.

Act X, 1872, s. 472, *paras. 1 and 3.* *Reg.* v. *Nomal*, 4 Ben. App. Crim. Jur. 11.

477. Power of Sessions Court as to such offences committed before itself. *Subject to the provisions of section 444*, a Court of Session may charge a person for any offence referred to in section 196 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Act X, 1872, s. 474, paras. 1 and 2. *See I. L. R.*, 4 Bom., 267.

478. Power of Civil Courts to complete investigation and commit to Sessions Court. When any such offence is committed before any Civil *or Revenue* Court, or brought under the notice of any Civil *or Revenue* Court in the course of a judicial proceeding and *the* case is triable exclusively by the High Court or Court of Session, or such Civil *or Revenue* Court thinks that it ought to be tried by the High Court or Court of Session, such Civil *or Revenue* Court may, instead of sending the case under section 476 to a Magistrate for enquiry, itself complete the enquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

See I. L. R., 4 Bom., 269.

For the purposes of an enquiry under this section, the Civil *or Revenue* Court may, *subject to the provisions of section 443*, exercise all the powers of a Magistrate; and its proceedings in such enquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Act X, 1872, s. 475.

479. Procedure of Civil Court in such cases. When any such commitment is made by a Civil *or Revenue* Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Act X, 1872, s. 480, *paras. 1,* Act IV, 1877, s. 205.

480. Procedure in certain cases of contempt. When any such offence as is described in section 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of any *Civil, Criminal or Revenue* Court, the Court may cause the offender, whether he is a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day* may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not

* Pollard's case, L. R. 2, P. C. 106.

exceeding two hundred rupees and, in default of payment, to *simple* imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Act X, 1872, s. 435, paras. 2 and 3.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

Record in such cases.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X, 1872, s. 436, paras. 1 *and 2.* Act IV, 1877, s. 206.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

Procedure where Court considers that case should not be dealt with under section 480.

The Magistrate to whom any person is forwarded under this section shall proceed to hear the complaint against him in manner hereinbefore provided.

New. 18, Bengal App. 40.

483. A Registrar appointed under the Indian Registration Act, 1877, *and, when the Local Government so directs, a Sub-Registrar appointed under the same Act,* shall be deemed to be a Court within the meaning of sections 480 *and 482.*

Registrar to be deemed a Civil Court within section 480.

Act X, 1872, s. 437. Act IV, 1877, s. 207.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

Act X, 1872, ss. 366, 364. Act X, 1875, s. 98. Act IV, 1877, s. 211.

485. If any witness before a Court refuses to answer such questions as are put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, *for reasons to be recorded in writing,* sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, *or to produce the document*; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or 482, and in the case of a Court *established by Royal Charter* shall be deemed guilty of a contempt.

Imprisonment or committal of person refusing to answer or produce document.

Omitting 'by warrant under his hand and seal.'

Act X, 1872, s. 268.

486. Any person convicted by any Court under section 480 or section 485 may, *notwithstanding anything hereinbefore contained,* appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

Appeals from convictions in contempt-cases.

Sections 419, 420, 421, 426 and 428 shall apply to appeals under this section, and the Appellate Court may alter or reverse the finding or sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by *any other* Court *of Small Causes shall lie* to the Court of Session for the Sessions Division within which such Court is situate.

New.

An appeal from such conviction by any officer as Registrar *or Sub-Registrar* appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a conviction by such officer in his capacity as such Judge, and in other cases may be made to the *District Judge, or, in the Presidency-towns, to the High Court.*

Act X, 1872, s. 473. I. L. R., 1 Bom., 339, 1 All., 162, 625. 7 Mad., XVI. App. Pro. See I. L. R., 1 Mad., 306. I. L. R., 1 All., 625.

487. Except as provided in sections 477, 480 and 485, no Judge *of a Criminal Court* or Magistrate other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 196, when such offence is committed before himself *or in contempt of his authority,* or *is* brought *to* his notice *as such Judge or Magistrate* in a judicial proceeding.

Judge or Magistrate not to try offences referred to in section *196* when committed before himself.

Nothing in section 476 or 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from *himself* committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for enquiry to another Magistrate.

CHAPTER XXXVI.

Of the Maintenance of Wives and Children.

Act X, 1872, s. 536. Act IV, 1877, s. 234.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable

Order for maintenance of wives and children.

to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for each month's allowance remaining unpaid, to imprisonment for any term not exceeding one month:

Enforcement of order.

1 O'Kin. 89.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

Act X, 1872, s. 537. Act IV, 1877, s. 235.

489. On proof of a change in the circumstances of any person receiving *under section 488 a monthly allowance,* or ordered under *the same* section to pay a monthly allowance *to* his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Alteration in allowance.

Act X, 1872, s. 538. Act IV, 1877, s. 236.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

Enforcement of order of maintenance.

CHAPTER XXXVII.

State-Prisoners.

Ben. Reg. III, 1818, s. 2. Mad. Reg. II, 1819, s. 2. Bom. Reg. XXV, 1827, Preamble and Section 1.

491. Whenever, for all or any of the reasons of State hereinafter mentioned, the Governor General in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council, *hereinafter called the Government,* is of opinion that any person should be placed under personal restraint, without any immediate view to ulterior judicial proceedings, a warrant of commitment under the authority of the *Government* and under the hand of one of *its* Secretaries, shall be issued to the officer in whose custody such person (hereinafter called a State-prisoner) is to be placed.

Procedure in placing persons under restraint as State-prisoners.

The reasons above referred to are as follows:—

(*a*) the maintenance of the alliances formed by the British Government with foreign powers;

(*b*) the preservation of tranquillity in the territories of Native Princes and States entitled to its protection;

(*c*) the security of the British dominions from foreign hostility or internal commotion.

Act III, 1858, s. 2.

492. Such warrant shall authorize the detention of the State-prisoner therein mentioned in any fortress, jail or other place within British India.

Form and effect of warrant.

Ben. Reg. III, 1818, s. 5. Mad. Reg. II, 1819, s. 5. Bom. Reg. XXV, 1827, s. 5, clause 2.

493. The officer in whose custody any State-prisoner has been placed under this chapter or under any enactment repealed by this Code, shall forward, with such observations as he thinks necessary, to the Government under whose authority such prisoner was so placed, every representation which he may from time to time be desirous of submitting to such Government.

Representations made by State-prisoners to be submitted to Government.

Ben. Reg. III, 1818, s. 6. Mad. Reg. II, 1819, s. 6. Bom. Reg. XXV, 1827, s. 5, clause 1.

494. Every officer in whose custody any State-prisoner is placed shall, as soon after taking such prisoner into his custody as may be practicable, report to such Government whether the degree of confinement to which the State-prisoner is subjected seems likely to injure his health, and whether the allowance fixed for his support is adequate to the supply of his own wants and those of his family then with him according to their rank in life.

Report to Government regarding nature of confinement, health and allowances of State-prisoners.

Ben. Reg. III, 1818, s. 9. Mad. Reg. II, 1819, s. 9. Bom. Reg. XXV, 1827, s. 7.

495. Whenever the *Government* for any of the reasons mentioned in section 491, considers it necessary to attach, without any previous decision of a Court of justice or other judicial proceeding, the lands of any proprietor *which are situate outside the Presidency-towns, it* shall direct the District Magistrate within the local limits of whose jurisdiction the lands are situate to attach such lands, and they shall be attached accordingly.

Attachment of lands *in mufassal* by order of Government.

Ben. Reg. III, 1818, s. 10. Mad. Reg. II, 1819, s. 10. Bom. Reg. XXV, 1827, s. 8.

496. The lands so attached shall be held under the management of the Collector, and shall be administered in *such* manner as the Government *may direct.*

Lands attached to be placed under management.

Such lands shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, so long as they are so held under attachment, without the consent of the Government and the proprietor.

and not to be sold in execution.

Bom. Reg. varies.

But the whole or any part of the annual nett proceeds of such lands may, if the Government so directs, be applied to the satisfaction of the decrees of the Civil Courts against the proprietor.

Government to arrange for satisfying decrees.

Ben. Reg. III, 1818, s. 11. Mad. Reg. II, 1819, s. 11. Bom. Reg. XXV, 1827.

497. Whenever the Government by whose direction such lands were attached, is of opinion that the circumstances which rendered necessary the attachment have ceased to operate, and that the management of the lands can be committed to the proprietor without public hazard or inconvenience, such Government shall direct the Collector to release the lands from attachment, to adjust the accounts of the collections during the period in which they have been superintended by Government and to pay over to the proprietor the nett proceeds of the lands which have accumulated during the attachment.

Procedure where Government orders release of land from attachment.

Act XXXIV, 1850, s. 1. Act III, 1858, s. 3.

498. The warrant of commitment of any State-prisoner under this chapter may be directed to the Superintendent of the jail in any Presidency-town, or to the Commandant of any fortress, or to the officer in charge of any jail or other place, in which it is deemed expedient that such State-prisoner be confined, in any part of British India; and such warrant shall authorize the detention of such State-prisoner in the jail, fortress or other place therein mentioned.

Officers to whom warrant of commitment of State-prisoner may be directed.

Act III, 1858, s. 5.

499. The Governor General in Council may order the removal of any State-prisoner confined under this chapter or any enactment repealed by this Code from any jail, fortress or place in which he may be confined to any other jail, fortress or place of confinement within British India.

Removal of State-prisoners from one place of confinement to another.

Act XI, 1857, s. 6. Bom. Reg. XXV, 1827, Ch. 1, s. 1.

500. Nothing in this chapter applies to European British subjects.

Saving of European British subjects.

CHAPTER XXXVIII.

Directions of the Nature of a Habeas Corpus.

Act X, 1872, s. 82. Act X, 1875, s. 148.

501. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

Power to issue directions of the nature of a *habeas corpus*.

(*a*) that a person within the limits of its ordinary original criminal jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial, or to be examined touching any matter depending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial;

(*f*) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may from time to time frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to State-prisoners detained under Chapter XXXVII or under any enactment hereby repealed.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXIX.

Of the Public Prosecutor.

Act X, 1872, ss. 57, 58.

502. The Governor General in Council or the Local Government may appoint *in any case or for any* class of cases in any local area *one or more* officers to be called Public Prosecutors.

Power to appoint public prosecutors.

Act X, 1872, s. 209, para. 2.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Subdivisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police *below the rank of Assistant District Superintendent* to be Public Prosecutor *for the purposes of such case*.

Act X, 1872, s. 60.

503. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under

Public Prosecutor may plead in all Courts in cases under his charge.

inquiry, trial or appeal; and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Pleaders, privately instructed, to be under his direction.

Act X, 1872, s. 61.

504. The Public Prosecutor may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw *from the prosecution of* any person, and upon such withdrawal,

Effect of withdrawal *from prosecution*.

(*a*) if it is made *before a charge has been framed*, the accused shall be discharged;

New.

(*b*) if it is made *after a charge has been framed, or when under this Code no charge is required*, he shall be acquitted.

Act X, 1872, s. 59. Act XI, 1874, s. 8. Act IV, 1877, s. 129.

505. Any Magistrate inquiring into or trying any case may permit any person *other than an officer of police below the rank of Assistant District Superintendent* to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, *Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf* shall be entitled to do so without such permission.

Permission to conduct prosecution.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XL.

Of Bail.

Act X, 1872, ss. 128, para. 2, 194, para. 2, 204, para. 1, 389, 393. Act IV, 1877, ss. 70, 74. N.-W. P., 1874, p. 371.

506. When any person *other than a person accused of a non-bailable offence* is arrested or detained without warrant by *an officer in charge of a Police-station*, or appears or is brought before a Court, and is prepared at any time while in the custody of such *officer* or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

Bail to be taken in case of bailable offence.

Act X, 1872, ss. 128, para. 1, 194, para. 2, 389. Act IV, 1877, s. 71.

507. When any person accused of any non-bailable offence is arrested or detained without warrant by *an officer in charge of a Police-station* or appears or is brought before a Court, *he may be released on bail, but* he shall not be *so* released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

When bail *may* be taken in case of non-bailable offence.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there *are* not reasonable grounds for believing that *the accused* has committed such offence, but that there *are* sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, *or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.*

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Act X, 1872, ss. 390, 502. Act X, 1875, s. 136. I.L. R., 1 All., 151.

508. The *amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the* High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Power to direct admission to bail or reduction of bail.

Act X, 1872, s. 391. Act IV, 1877, s. 72.

509. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court as the case may be.

Bond of accused and sureties.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Act X, 1872, s. 394. Act IV, 1877, s. 73.

510. As soon as the bond has been executed, the *person for whose appearance it has been executed* shall be released; and when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Discharge from custody.

Act X, 1872, s. 392. Act IV, 1877, s. 75.

511. If, through mistake, fraud, *or otherwise*, insufficient sureties have been *accepted*, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person *released on bail* be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Power to order sufficient bail when that first taken is insufficient.

Act X, 1872, s. 395. Act IV, 1877, s. 76.

512. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

Discharge of sureties.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other

sufficient sureties, and if he fails to do so, may commit him to *custody*.

CHAPTER XLI.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

Act X, 1872, s. 330, paras. 1 and 2. Act X, 1875, s. 76, para. 1. Act IV, 1877, s. 157. Act IV, 1877, s. 158.

513. When attendance of witness may be dispensed with.

Whenever, in the course of an inquiry, trial or other proceeding under this Code, it appears to a Presidency Magistrate, *a District Magistrate*, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate *or officer* to whom the commission is issued, or, if he is the District Magistrate, *he or* such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where *the* witness is, or shall summon *the* witness before him, and shall take *down* his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Act XI, 1874, s. 35, *para.* 1. Act X, 1875, s. 76, para. 4.

514. Commission in case of witness being within Presidency-town.

If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Act X, 1872, s. 330, para. 4. *Act XI, 1874, s. 35, para.* 2. Act X, 1875, s. 76, para. 5.

515. Parties may examine witness.

The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate *or officer* to whom the commission is directed shall examine the witness upon such interrogatories.

Such parties may appear before such Magistrate *or officer* by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Act X, 1872, s. 330, para. 5.

516. Power of mufassal *Subordinate* Magistrate to apply for issue of commission.

Whenever, in the course of *an inquiry or* trial *or other proceeding under this Code* before any Magistrate other than a Presidency Magistrate *or District Magistrate*, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, *and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable*, such Magistrate shall apply to the *District Magistrate*, stating the reasons for the application; and *the District Magistrate* may either issue a commission in the manner hereinbefore provided or reject the application.

As in sec. 513.

Act XI, 1874, s. 35, *last para.* Act X, 1875, s. 76, para. 6.

517. Return of commission.

After any commission issued under section 513 or section 516 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition of such witness shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

N. Y. Crim. Proc. Code, s. 708.

518. Stay of inquiry or trial.

In every case in which a commission is directed under section 513 or section 516, the inquiry, trial *or other proceeding* may be stayed for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLII.

SPECIAL RULES OF EVIDENCE.

Act X, 1872, s. 323. Act X, 1875, s. 71. Act IV, 1877, s. 152.

519. Deposition of medical witness.

The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate *in the presence of the accused*, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Act X, 1872, s. 325, *para.* 1. Act X, 1875, s. 73. Act IV, 1877, s. 153.

520. Report of Chemical Examiner.

Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Act XVIII, 1862, s. 27. Not in Act X of 1872.

521. Good faith to be presumed in certain cases.

In proving the existence of circumstances as a defence under the second, third, fifth, sixth, seventh, eighth, ninth or tenth Exception to section 499 of the Indian Penal Code, good faith shall be presumed until the contrary appears.

Act X, 1872, ss. 326, 515, last clause. Act X, 1875, s. 119. Act IV, 1877, ss. 154, 280.

522. Previous conviction or acquittal how proved.

In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, *in addition to any other mode provided by any law for the time being in force*,—

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered.

Act X, 1872, s. 327. Act X, 1875, s. 74. Act IV, 1877, s. 155.

523. Record of evidence in absence of accused.

If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions, and any such deposition may, on the arrest of such person, be *given in evidence against him* on *the inquiry into or* trial for the offence with which he is charged, *provided that* the attendance of the deponent cannot be procured.

CHAPTER XLIII.

PROVISIONS AS TO BONDS.

Act X, 1872, s. 399. Act X, 1876, s. 139. Act IV, 1877, s. 80.

524. Deposit instead of recognisance.

When any person is required by any Court or officer to execute a bond with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Act X, 1872, ss. 398, 897, 398, paras. 1 & 2, 503, paras. 1 to 3 and 7, 505, 514, [illegible]

525. Procedure on forfeiture of bond.

Whenever it is proved *to the satisfaction of* the Court by which a bond under this Code has been taken, or *of* the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, *the* Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Act X, 1872, s. 398, *penultimate para.*

526. Appeals from, and revision of, orders under section 525.

All orders passed under section 525 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Act X, 1872, s. 398, last para. Act X, 1872, s. 138, last para.

527. Power to direct levy of amount due on certain recognisances.

The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

CHAPTER XLIV.

OF THE DISPOSAL OF PROPERTY.

Act X, 1872, s. 418, Act X, 1872, s. 519, Act X, 1872, s. 523, Act X, 1872, s. 524, Act X, 1872, s. 525, Act X, 1872, s. 526, Act X, 1872, s. 527, Act X, 1872, s. 528, Act X, 1872, s. 529, Act X, 1872, s. 530, Act X, 1872, s. 531, Bombay Government Gazette, 18th Sept. 1877, p. 993.

528. Order for disposal of property regarding which offence committed.

When an inquiry or trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence, or which has been produced as evidence in such inquiry or trial.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the committing Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been dismissed.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

529. *In lieu of itself passing an order* under section 528, *the Court may direct* the property *to be delivered* to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if *it* had been seized by the police, and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to District or Sub-divisional Magistrate. Act X, 1872, s. 420.

530. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen, and that any money has under this Code been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on prisoner. 30 & 31 Vic., c. 35, s. 10.

531. Any Court of appeal, confirmation, reference or revision may direct any order *under section 528 or 529* passed by a Court subordinate thereto to be stayed pending consideration by the former Court, and may modify, alter or annul such order.

Stay of order *under section 528 or 529.* Act X, 1872, s. 419. I. L. R., 3 Calc., 879. 'Court of appeal.'

532. On a conviction under the Indian Penal Code, section 292, 293, 501 or 502, the Court may order all the copies of the thing in respect of which the conviction was had, and which remain in the possession or power of the person convicted, to be destroyed.

Destruction of libellous and other matter. Livingston, p. 480.

The Court may in like manner, on a conviction under the Indian Penal Code, sections 272, 273, 274 or 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

533. Whenever a person is convicted of *an offence attended by* criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may order such person to be restored to the possession of the same.

Power to restore possession of immoveable property. Act X, 1872, s. 564. Act X, 1875, s. 142. Act IV, 1877, s. 298.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

534. The seizure by any Police-officer of property *taken under section 51, or* alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to *the person entitled to the possession thereof*, or if such *person* cannot be ascertained, respecting the custody and production of such property.

Procedure by police upon seizure of property *taken under section 51* or stolen. Act X, 1872, ss. 523, para. 2, 415. Act IV, 1877, s. 344.

If the *person so entitled* is known, the Magistrate *may* order *the property* to be delivered to him on such condition (if any) as the Magistrate thinks fit. If *such person* is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown. Act X, 1872, s. 416.

535. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

Procedure where no claimant appears within six months. Act X, 1872, s. 417. Act IV, 1877, s. 344.

In the case of every order passed under this section, an appeal shall be allowed to the Court to which appeals against sentences of the Court passing such order would lie.

536. If the *person entitled to the possession* of property is unknown or absent, and *the* property is of a perishable nature, or the Magistrate is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 534 and 535 shall, as nearly as may be, apply to the nett proceeds of such sale.

Power to sell perishable property. Act X, 1872, s. 418, para. 2.

CHAPTER XLV.

Of the Transfer of Criminal Cases.

537. Whenever it is made to appear to the High Court—

High Court may transfer case, or itself try it. Act X, 1872, s. 64. Act X, 1875, s. 147.

(*a*) that a fair and impartial enquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory enquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be enquired into or tried by any Court not empowered under sections 178 to 185, but in other respects competent to enquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 268, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

I. L. R., 1 Calc., 223. Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

Archb. 88. When an accused person makes an application under this section, the High Court may direct him to execute a bond, *with or without sureties*, conditioned that he will, if convicted, pay the costs of the prosecutor.

Act IV, 1877, s. 181. Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Notice to Public Prosecutor of application under this section.

Nothing in this section shall be deemed to affect any order made under section 198.

538. Whenever it appears to the Governor General in Council that the transfer next hereinafter mentioned will promote the ends of justice or tend to the general convenience of parties or witnesses, he may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court.

Act X, 1872, s. 644A. (Act XII, 1874, s. 11.) Power of Government of India to transfer criminal cases and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

539. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Act X, 1872, ss. 44, last para., 47, para. 1. Magistrate may withdraw or refer cases. Act XII, 1874, s. 6.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

Act X, 1872, s. 48. Power to authorize District Magistrates to withdraw classes of cases.

CHAPTER XLVI.

Of irregular Proceedings.

540. If any Magistrate *not* empowered by law to do any of the following things, namely:—

Irregularities which do not vitiate proceedings. Act X, 1872, ss. 32, 134, cl. (9). Nelson, p. 54.

(*a*) to issue a search-warrant, under section 99;

(*b*) to order, under section 156, the police to investigate an offence;

(*c*) to hold an inquest under section 177;

(*d*) to issue process, under section 187, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits; or

(*e*) to take cognizance of an offence under section 192, clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 193;

(*g*) *to tender a pardon under section 337 or section 338.*

(*h*) *to sell property under section 535 or section 536;*

(*i*) to withdraw a case and try it himself under section 539;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of *his not being so empowered.*

541. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

Irregularities which vitiate proceedings. Act X, 1872, s. 34, excepting cl. (9).

(*a*) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(*b*) takes cognizance under section 192, clause (*c*), of an offence;

(*c*) attaches and sells property under section 89;

(*d*) tries an offender summarily;

(*e*) decides an appeal;

(*f*) calls under section 435 for proceedings;

(*g*) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(*h*) revises under section 526 an order passed under section 525;

(*i*) demands security to keep the peace;

(*j*) discharges bonds to keep the peace;

(*k*) demands security for good behaviour;

(*l*) discharges a person lawfully bound to be of good behaviour;

(*m*) makes an order under section 134 as to a local nuisance;

(*n*) issues an order under section 145;

(*o*) prohibits under section 144 the repetition or continuance of a public nuisance;

(*p*) makes an order under Chapter XII; or

(*q*) makes an order for maintenance;

his proceedings shall be void.

542. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error *occasioned a failure of justice.*

Proceedings in wrong place. Act X, 1872, s. 70. Act IV, 1877, s. 24.

543. If any Magistrate or other authority purporting to exercise powers duly conferred, but not being so conferred, commits an accused person to take his trial before a Court of

When irregular commitments may be validated. Act X, 1872, s. 33. Act X, 1875, s. 25.

Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been prejudiced, unless objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority during the inquiry and before the order of commitment.

If such Court considers that the accused was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Act X, 1872, s. 346, last para.

544. If *any Court before which a confession or other statement of an accused person recorded under section 165 or 364 is tendered in evidence* finds that the provisions of *such* section have not been fully complied with by *the* Magistrate *recording the statement*, it shall take evidence that such person duly made the statement recorded: and unless the error injures the accused as to his defence on the merits, it shall not affect the admissibility of such statement.

Non compliance with provisions of section 165 or 364.

Act X, 1872, s. 86.

545. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding, *although it appears that he was aware of the rights claimable under this Code by him as such subject.*

Omission to ask question prescribed by section 454, clause 2.

Act X, 1872, s. 216, Explns. 1.

546. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

Effect of omission to prepare charge.

Act X, 1872, s. 216, Explns. II.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Act X, 1872, s. 233, Expln. & Calc. 209.

547. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground be invalid.

Trial by jury of offences triable with assessors.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Trial with assessors of offences triable by jury.

Act X, 1872, ss. 208, para. 3, 283, para. 1, 300, 464, paras. 6 and 7. (Act XI, 1874, s. 41,) 11 & 12 Vic. c. 43, s. 9. Act IV, 1877, ss. 117, 177. I. L. R., 1 All., 310. Act IV, 1877, ss. 81, 178.

548. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered *under Chapter XXVII* or on appeal or revision on account—

Finding or sentence when reversible by reason of error or omission in charge or proceedings.

of any error, omission *or irregularity* in the complaint, summons or charge, *judgment* or *other* proceedings *before or* during trial, *or*

of the want of any sanction required by section 196, or

of any misdirection in any charge to a jury, unless such error, omission, *irregularity, want or* misdirection has occasioned a failure of justice.

549. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, *or* of distress or other proceedings relating thereto.

Distress not illegal nor distrainer a trespasser for defect of form in proceedings.

CHAPTER XLVII.

MISCELLANEOUS.

Provide for succession abolished Court? See précis, paras. 617 & 618.

Act X, 1875, s. 146.

550. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Courts and persons before whom affidavits may be sworn.

Act X, 1872, ss. 102, 351. Act X, 1875, s. 80. Act IV, 1877, ss. 86, 134.

551. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness or examine any person in attendance, though not summoned as a witness; or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person, if his evidence appears to it essential to the just decision of the case.

Power to summon material witness, or examine person present.

Act X, 1872, s. 88.

552. *Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.*

Power to appoint place of imprisonment.

Act IV, 1877, s. 189.

553. Notwithstanding anything contained in the Prisoners Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

Power to order prisoner in jail to be brought up for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Act X, 1875, s. 70. Act X, 1872, s. 123.

554. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Interpreter to be bound to interpret truthfully.

Act X, 1872, s. 431. Act X, 1875, s. 116. Act IV, 1877, s. 345.

555. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any enquiry, trial or other proceeding before such Court under this Code.

Expenses of complainants and witnesses.

Act X, 1872, s. 308, paras. 1, 2 and 3. Act X, 1875, s. 106.

556. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal or revision a sentence of fine, or a sentence of which fine forms a part, the Court may *when passing judgment* order the whole or any part of the fine *recovered* to be applied—

Power of Court to pay expenses or compensation out of fine.

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence *committed*, where substantial compensation *is*, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Act X, 1872, s. 308, last para. Act X, 1875, s. 106, last para. 23 Suth. W. R., Civil Rulings, 336.

557. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid *or recovered* as compensation under section 556.

Payments to be taken into account in subsequent suit.

558. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Moneys ordered to be paid recoverable as fines.

Act X, 1872, ss. 201, 276. Act XI, 1874, s. 25. Act X, 1875, s. 13. Act IV, 1877, s. 170.

559. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Copies of proceedings.

Ben. Reg. XX, 1825.

560. When any person *is brought before a Magistrate and charged with an offence for which he is liable, under the Army Discipline and Regulation Act, 1879, section forty-one, to be tried by a Court-martial, such Magistrate* shall, unless the Governor General in Council otherwise *generally or specially* directs, deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being brought for trial before a Court-martial.

Delivery to Military authorities of persons liable to be tried by Court-martial.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of *such* offence.

Apprehension of such persons.

Act X, 1872, s. 137.

561. Police-officers superior in rank to officers in charge of a Police-station may exercise the same powers, within the *local area for* which they are appointed, as may be exercised by officers in charge of Police-stations within the limits of their respective stations.

Powers of superior officers of Police.

Act IV, 1877, s. 17.

562. Upon complaint made to a Presidency Magistrate *or District Magistrate* on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

Power to compel restoration of abducted females.

Act IV, 1877, s. 248, omitting provision as to complaints, which is made elsewhere.

563. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

Compensation to person groundlessly given in charge in Presidency-town.

In such cases, if more persons than one are arrested or complained against, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and if it cannot be so recovered, the person by whom it is payable *shall be sentenced to simple imprisonment* for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

Act X, 1872, ss. 292, 293.

564. *With the previous sanction of the Governor General in Council, the High Court at Fort William, and with the previous sanction of the Local Government, any other High Court established by Royal Charter, may from time to time make rules for the inspection of the records of subordinate Courts.*

Power to make rules for inspection of records of subordinate Courts.

With the previous sanction of the Local Government, every High Court not established by Royal Charter may from time to time—

Power of certain High Courts to make rules for other purposes.

(*a*) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it;

(*b*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts; and

(*c*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided:

Provided that *the* rules and forms *made and framed under this section shall not* be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the official Gazette.

See Act X, 1872, ss. 482, 493, para. 1, 509, para. 2; and Act IV, 1877, s. 97.

565. Subject to the power conferred by section 564, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Forms.

Act X, 1872, s. 327.

566. The Local Government may determine what, for the purposes of this Code, shall be *deemed* to be the language of each Court within the territories administered by such Government, other than the High Courts established *by Royal Charter*.

Power to decide language of the Court.

567. All powers conferred by this Code on the Local Government may be exercised from time to time as occasion requires.

Powers of Local Government exercisable from time to time.

Act X, 1872, ss. 3, 539. Act IV, 1877, ss. 5, 237.

568. The *provisions of* this Code shall *apply*, so far as may be, *to* all cases pending in any Criminal Court when this Code comes into force and *to* all miscellaneous criminal cases and proceedings instituted in any Court.

Pending cases and miscellaneous proceedings.

If any doubt arises as to the procedure to be followed in any case or class of cases under this section, the Court shall be guided by such rules consistent with this Code as the High Court may from time to time make in this behalf.

SCHEDULE I.

ENACTMENTS REPEALED.

(*a*).—*Statutes.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain Regulations for the better management of the affairs of the East India Company as well in India as in Europe.	Section 38.

(*b*).—*Acts.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XXXIV of 1850 ...	State-Prisoners	The whole.
III of 1858 ...	State-Prisoners	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
Act V of 1861 ...	*Police Act*	*Sections 6 and 24.* *Section 35, down to and including the words "Provided that."* *Sections 37 to 40, both inclusive.*
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulations III of 1818 and XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed.
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Acts XXXIV of 1850 and III of 1858, and to Bengal Regulations III of 1818 and XX of 1825, Madras Regulation II of 1819, and Bombay Regulation XXV of 1827.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 144 and so much of section 146 as relates to informations.
XVII of 1875 ...	Burma Courts	So much of section 98 as relates to Bengal Regulation III of 1818.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts*, continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as relates to Bengal Regulations III of 1818 and XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole *Act except section 57.*
XXI of 1879 ...	*Extradition*	*Chapter III.*

(*c*).—*Regulations.*

Number and Year.	Subject.	Extent of repeal.
Bengal Regulation III of 1818.	State-Prisoners	So much as has been repealed.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial... ...	Ditto.
Madras Regulation II of 1819.	State-Prisoners	Ditto.
Bombay Regulation XXV of 1827.	Ditto	Ditto.
III of 1872 ...	Sontal Parganas Settlement	So far as relates to Acts XXXIV of 1850, III of 1858 and X of 1872, and to Bengal Regulation III of 1818.
IX of 1874 ...	Arakan Hills District Laws	So far as relates to Acts XXXIV of 1850, III of 1858, II of 1869, X of 1872 and XI of 1874, and to Bengal Regulation III of 1818.
II of 1877 ...	Ajmer Laws	So far as relates to Bengal Regulations III of 1818 and XX of 1825.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

CHAPTER V.—OF ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	*According as the offence abetted is compoundable or not.*	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

	When one act is abetted and a different act is done, subject to the proviso.	Ditto	...	Ditto	...	Ditto	...	*Ditto*	...	The same punishment as for the offence intended to be abetted.	Ditto.
111	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto	..	Ditto	...	Ditto	...	*Ditto*	...	The same punishment as for the offence committed.	Ditto.
13	If abettor is present when offence is committed.	Ditto	...	Ditto	...	Ditto	...	*Ditto*	...	Ditto	Ditto.
14	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	...	Ditto	...	Not bailable	...	*Ditto*	...	Imprisonment of either description for 7 years and fine.	Ditto.
115	If an act which causes harm be done in consequence of the abetment.	Ditto	...	Ditto	...	Ditto	...	*Ditto*	...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto	...	Ditto	...	According as the offence abetted is bailable or not.		*Ditto*	...	Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto	...	Ditto	...	Ditto	...	*Ditto*	...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

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SCHEDULE II—*continued.*

CHAPTER V.—OF ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	*According as the offence abetted is compoundable or not.*	Imprisonment of either description for 3 years, or fine, or both.	By the Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ..	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed..	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	*Ditto* ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years.	
	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	*Ditto* ...	Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If not committed	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	Punishm nt under the Indian Penal e Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death, or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
147	Rioting.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
148	Rioting armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	*Ditto* ...	The same as for the offence ..	By the Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	*Ditto* ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued*.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXV, or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Yefusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXV of this Code, or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either decription for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale,or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued*.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	*Ditto* ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fradulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If offence charged be capital, or punishable with transportation for life, or imprisonment for *a term exceeding* 7 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either descriptionfor 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presiency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.

	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	*Dito* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter XXXV of this Code.
229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life or imprisonment of either description for 10 years and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
236	Abetting in India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Persons employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
295A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Fine of 1,000 rupees ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulchre, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ..	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Death, transportation for life and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Offences against Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Death, or transportation for life, or imprisonment for 10 years and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto ...	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for one year and fine.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ...	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt.	*Shall not* arrest without warrant.	Summons ...	Bailable ...	*Compoundable*	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	*Compoundable when permission is given by the Court before which a prosecution is pending.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ..	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ..	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	*Shall not arrest without warrant.*	Summons ...	Bailable ...	*Compoundable*	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	*Compoundable when permission is given by the Court before which a prosecution is pending.*	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	*Compoundable.*	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.
	Of wrongful Restraint and wrongful Confinement.						
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling st oration of property, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	*Ditto* ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Compoundable.*	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery and forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Forcible Abduction, Slavery and forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
372	Selling or letting to hire minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purpose ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
			Of Rape.				
376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session
			Of Unnatural Offences.				
377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life ...	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life ...	Ditto.

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death, transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

Of Cheating.

417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable when permission is given by the Court before which a prosecution is pending.*	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
			Of Mischief.				
426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	*Compoundable when the only loss or damage caused is loss or damage to a private person.*	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	*Not compoundable.*	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 46.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards *or, in case of agricultural produce, 10 rupees or upwards.*	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
	Of Criminal Trespass.						
447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	*Not compoundable.*	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ..	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Punishment for forgery ...	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	*Ditto* ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If the document is a valuable security or will.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 10 years and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 5 years, or fine, or both.	*Presidency Magistrate or Magistrate of the first class.*
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—OF DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable.*	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XXI.—OF DEFAMATION—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable.*	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	*Not compoundable.*	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	*Compoundable.*	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	*Compoundable when the offence attempted is compoundable.*	Transportation or imprisonment not exceeding half of the longest term, and of the description, provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant	Not bailable ...	*Not compoundable.*	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto	Ditto ...	*Ditto* ...	.....	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons	Bailable ...	*Ditto* ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto	Ditto ...	*Ditto* ...	.....	

SCHEDULE III.

ORDINARY POWERS OF MUFASSAL MAGISTRATES.

I.—Ordinary Powers of Magistrates of the Third Class.

(1) Power to arrest, *or direct the arrest of*, an offender in the presence of the Magistrate, section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 84, 85 & 87.
(3) Power to issue proclamations in cases judicially before him, section 88.
(4) Power to attach and sell property in cases judicially before him, section 89.
(5) Power to endorse a search-warrant and order delivery of thing found, sections 100 & 102.
(6) Power to record confessions or statements during a Police-investigation, section 165.
(7) Power to authorize detention of a person during a Police-investigation, section 168.
(8) Power to detain an accused person found in Court, section 351.
(9) Power to sell perishable property of a suspected character, section 536.

II.—Ordinary Powers of Magistrates of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 156.

III.—Ordinary Powers of Magistrates of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrants otherwise than in course of an inquiry, section 99.
(3) Power to require security to keep the peace, section 108.
(4) Power to require security for good behaviour, sections 110 & 111.
(5) Power to make orders, &c., in possession-cases, sections 146, 147, 148.
(6) Power to commit for trial.
(7) Power to make orders of maintenance, sections 488 & 489.

IV.—Ordinary Powers of Sub-divisional Magistrates.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to make orders as to local nuisances, section 134.
(3) Power to make orders under section 145.
(4) Power to make orders prohibiting repetitions of nuisances, section 144.
(5) Power to hold inquests, section 175.
(6) Power to issue process for person within jurisdiction who has committed an offence outside the jurisdiction, section 187.
(7) Power to entertain complaints, section 192.
(8) Power to receive police-reports, section 192.
(9) Power to entertain cases without complaint, section 192.
(10) Power to transfer cases to a Subordinate Magistrate, section 193.
(11) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(12) Power to sell property alleged or suspected to have been stolen, &c., section 535.
(13) Power to withdraw cases other than appeals, and to try or refer them for trial, section 539.

V.—Ordinary Powers of District Magistrates.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to issue search-warrants for *documents* in Post-office *or Telegraph Department*, section 97.
(4) Power to discharge persons bound to be of good behaviour, section 125.
(5) Power to try summarily, section 261.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to withdraw or refer appeals from convictions by Magistrates of the second and third classes, section 406.
(8) Power to hear appeals from convictions by Magistrates of the second and third classes, section 406.
(9) Power to call for proceedings, section 435.
(10) Power to revise orders passed under section 525, *see section* 526.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH MUFASSAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to make orders as to local nuisances, section 134: (2) Power to make orders under section 145: (3) Power to make orders prohibiting repetitions of nuisances, section 144: (4) Power to hold inquests, section 175: (5) Power to issue process for person within jurisdiction who has committed an offence outside the jurisdiction, section 187: (6) Power to entertain complaints, section 192: (7) Power to receive police reports, section 192: (8) Power to entertain cases without complaint, section 192: (9) Power to try summarily, section 261: (10) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (11) Power to sell property alleged or suspected to *have* been stolen, &c., section 535:
	BY THE MAGISTRATE OF THE DISTRICT	(1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section 144: (3) Power to hold inquests, section 175: (4) Power to entertain complaints, section 192: (5) Power to receive police reports, section 192: (6) *Power to transfer cases, section 193.*
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to commit for trial: (2) Power to make orders under section 145: (3) Power to make orders prohibiting repetitions of nuisances, section 144: (4) Power to hold inquests, section 175: (5) Power to entertain complaints, section 192: (6) Power to receive police reports, section 192: (7) Power to entertain cases without complaint, section 192:
	BY THE MAGISTRATE OF THE DISTRICT	(1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section 144: (3) Power to hold inquests, section 175: (4) Power to entertain complaints, section 192: (5) Power to receive police reports, section 192.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to commit for trial: (2) Power to make orders under section 145: (3) Power to make orders prohibiting repetitions of nuisances, section 144: (4) Power to hold inquests, section 175: (5) Power to entertain complaints, section 192:
	BY THE MAGISTRATE OF THE DISTRICT	(1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section 144: (3) Power to hold inquests, section 175: (4) Power to entertain complaints, section 192.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or by pleader, as the case may be*) before the (*Magistrate*) of *at* , on the day of . Herein fail not.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to apprehend the said , and to produce him before me. Herein fail not.

(*Seal.*) (*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows :—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or two sureties each in the sum of*), to *attend* before me on the day of *and to continue so to attend until otherwise directed by me,* he may be released.

Dated this day of , 18 .

(*Signature.*)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 87.*)

I, (*name*), of , being brought before the Magistrate of the District of (*or as the case may be*) under a warrant issued to compel my appearance to answer to the

FORMS. SCHEDULE V—*continued.*

charge of , do hereby bind myself to *attend* in the Court of on the day of next to answer to the said charge, *and to continue so to attend until otherwise directed by the Court*; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovesaid of , that he shall attend before at in the Court of on the day of next to answer to the charge on which he has been arrested, *and shall continue so to attend until otherwise directed by the Court*; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said of is required to appear before this Court (*or before me*) to answer the said complaint within days from this date.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 88.*)

WHEREAS complaint has been made before me that (*name, description and place of residence*) has committed (*or is suspected to have committed*) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching on the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said (*name*) is required to appear before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VI.—ORDER OF ATTACHMENT.

(*See section 89.*)

To the Police-officer in charge of the Police-station at .

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees (*see sections and*) which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS.

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

WARRANT OF ATTACHMENT TO COMPEL APPEARANCE.

(*See section 89.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than the land paying revenue to Government in the village (*or town*) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 89.*)

To the Deputy Commissioner of the District of .

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or town*) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 91.*)

To (*name and designation of the Police-officer or other person or persons to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or is suspected to have*) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to serve the said (*name*) with this warrant, and to bring him before this Court on the day of , using no unnecessary violence or forcible restraint for that purpose, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 98.*)

To (*name and designation of the Police-officer or other person or persons to execute the warrant*).

WHEREAS information has been laid (*or complaint has been made*) before me of the commission (*or suspected commission*) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the enquiry now being made (*or about to be made*) into the said offence (*or suspected offence*);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court: returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 99.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due enquiry thereupon had I have been led to believe that the house (*describe the house or other place*) is used as a place for the deposit (*or sale*) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or documents, or stamps, or seals, or coins, as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, or false seals, or counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 107.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 110 and 111.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Empress and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 115.*)

To of .

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or by which act a breach of the peace will probably be occasioned*), you are hereby required to attend in person (*or by a duly authorized agent*) at the Magistrate's Office at on the day of , 18 , at ten o'clock in the forenoon, to shew cause why you should not be required to enter into a bond for rupees (*when sureties are required, add*) and also to give security by the bond of one (*or two as the case may be*) sureties in the sum of rupees (*each, if more than one*), that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 124.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS (*name and place*) appeared before me in person (*or by his authorized agent*) on the day of in obedience to a summons calling upon him to shew cause why he should not enter into a bond for rupees with one surety (*or a bond with two sureties each in rupees*), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his sureties entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 124.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or, and that he is unable to give any satisfactory account of himself*);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is by repute a robber (*or house-breaker, &c., as the case may be*);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is by habit a robber (*or house-breaker, &c., as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or two or more sureties as the case may be*), himself for rupees , and the said surety (*or such of the said sureties*) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you the said (*name of Police-officer*) to take and deliver or cause to be taken and delivered the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the same (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), unless in the meantime he shall be prepared to furnish the said security, and in that event forthwith to cause him to be brought before the Court to be dealt with according to law; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 125.*)

To the Superintendent (*or Keeper*) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or sureties*) duly entered into a recognizance,

or

and sufficient cause has been shewn to me for his release from further imprisonment,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without any hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 134.*)

To (*name, description and place of residence*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or nuisance*) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or nuisance*) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade and the place where it is carried on*), and that the same is injurious to the public health (*or comfort*) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or are in possession of or have the control over*) a certain tank (*or well*) adjacent to the public passage (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or well*) being without a fence (*or insecurely fenced*);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to remove (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on to (*specify the more suitable place by a limit of distance or local description*), or to appear, &c.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 139.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*); and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 141.*)

To (*name, description and residence*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING ENQUIRY BY JURY.

(*See section 143.*)

To (*name, description and residence.*)

WHEREAS the enquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local enquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &c., OF A NUISANCE.

(*See section 144.*)

To (*name, description and place of residence*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by Form No. XXI*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &c.

(*See section 145.*)

To (*name, description and place of residence*).

WHEREAS it has been made to appear to me that you are in possession (*or have the management*) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the pub-

FORMS. SCHEDULE V—*continued.*

lic street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stone dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 146.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only, if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due enquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or they are*) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or their*) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 147.*)

To the Police-officer in charge of the Police-station at [*or, to the Collector of*] .

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only, if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due enquiry in the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid*];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 148.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or water*) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due enquiry into the same, that the said land (*or water*) has been open to the enjoyment of such use by the public (*or if by an individual or class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been ordinarily enjoyed within three months of the

SCHEDULE V—*continued.* FORMS.

institution of the said enquiry (*or, if the use is enjoyable only at particular seasons, say: "during the last of the seasons at which the same is capable of being enjoyed"*);

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or retain*) possession of the said land (*or water*) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or they*) shall obtain the decree or order of a competent Court adjudging him (*or them*) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY ENQUIRY BEFORE A POLICE-OFFICER.

(*See section 170.*)

I, (*name*), of , being charged with the offence of and after enquiry required to appear before the Magistrate of ,

or

and after enquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (*or on such day as I may hereafter be required to attend*) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or we jointly and severally declare ourselves and each of us*) surety (*or sureties*) for the above-said that he shall attend at , in the Court of , on the day of next (*or on such day as he may hereafter be required to attend*); further to answer to the charge pending against him, and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 171.*)

I, (*name*), of (*place*), do hereby bind myself to *attend* at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or, as the case may be, to prosecute and give evidence, or to give evidence*) in the matter of a charge of against one A. B., and, in case of making default herein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 219.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 222, 223, 224.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian

On Penal Code, section 121.

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 124.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 161.

(4) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 304.

(5) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 306.

(6) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 325.

(7) That you, on or about the day of , at , *robbed* [*state the name*] *and thereby* committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 392.

(8) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 395.

(9) That you, on or about the day of , at , did [*or omitted to do, as the case may be*] , such conduct being contrary to the provisions of Act , section , and was known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 166.

(10) That you, on or about the day of , at , in the course of the trial of , before stated in evidence that " ," which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 193.

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows :—

(*b*) *First.*—That you, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or *High Court*].

On sections 241 and 242.

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

SCHEDULE V—*continued.* FORMS.

[*To be substituted for* (*b*) :—] [*Signature and seal of the Magistrate.*]

First.—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On sections 302 and 304.

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

For (*b*) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On sections 379 and 382.

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

For (*b*) That you, on or about the day of , at , in the course of the enquiry into before , stated in evidence that " ," and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ," one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

Alternative charges on section 193.

In trials before Magistrates, substitute "within my cognizance" *for* "within the cognizance of the Court of Session," *and omit* "by the said Court."

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 246 and 259.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Jail at

WHEREAS on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or sections*) of the Penal Code (*or of Act*), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name of offender*) to the Superintendent (*or Keeper*) of the said jail, and you the said Superintendent (*or Keeper*) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 251.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Civil Jail at

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous and vexatious, and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), *subject to the provisions of section 69 of the Indian Penal Code*, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty: returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 253.*)

To of

WHEREAS complaint has been made before me that of has (*or is suspected to have*) committed the offence of (*state the offence concisely with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXII.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See section 259.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Jail at

WHEREAS on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or sections*) of the *Indian* Penal Code (*or of Act*), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name of offender*) to the Superintendent (*or Keeper*) of the said jail, and you the said Superintendent (*or Keeper*) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XXXIII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named of the revised list of jurors and assessors furnished to this Court, you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*)

(*Signature.*)

XXXIV.—SUMMONS TO JUROR OR ASSESSOR.

(*See section 328.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or Juror*) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or Keeper*) of the Jail at

WHEREAS at the Sessions held before me on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the *Indian* Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or Keeper*), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and him there safely keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVI.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or Keeper*) of the Jail at

WHEREAS (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar at the Sessions held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or Keeper*) to carry the said sentence into execution by causing the said to be hanged by the neck until be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXXVII.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381, 382.*)

To the Superintendent (*or Keeper*) of the Jail at .

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, or 3rd, as the case may be*) prisoner in case No. of the Calendar at the said Sessions, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of Court (*a duplicate of which is hereunto annexed*) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and to require you, the said Superintendent (*or Keeper*), safely to keep the said (*prisoner's name*) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said Jail," " and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVIII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, hath not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or forthwith*), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIX.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To (*name and designation of Police Constable*) at the Police-station of , and to (*name*) the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) the presence (*or view*) of the Court committed wilful contempt,

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the said (*name of Police Constable*), to take and deliver, or cause to be taken and delivered, the said (*name of offender*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you, the said Superintendent (*or Keeper*) of the said Civil Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless the said fine be sooner paid; and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS.

XL.—MAGISTRATE'S WARRANT OF COMMITMENT FOR REFUSING TO ANSWER WHERE THERE IS NO FINE.

(*See section 485.*)

To (*name and designation of Police Constable*) at the Police-station of .

WHEREAS (*name and description*), being summoned (*or brought before this Court*) as a witness and this day required to give evidence on an enquiry into an alleged offence, refused to answer a certain question (*or questions*) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in the Lock-up of the said station for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLI.—SESSIONS JUDGE'S WARRANT OF COMMITMENT FOR REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of the Police Constable at the Police-station of*).

WHEREAS (*name and description*) being a witness in case No. of the calendar of cases for trial at the Court of Session holden before me on this day, and being required by the Court to answer a certain question (*or questions*) put to him on the hearing of the said case, and duly recorded has refused to answer the said question (*or questions*) without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody, for (*term of detention adjudged*); This is to authorize and require you to take the said (*name*) into custody, and him safely to keep in the lock-up of the said station for the space of days, unless in the meantime he shall consent to be examined, and to answer the question (*or questions*) asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Jail at .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [or his child (*name*)], who is by reason of (*state the reason*) unable to maintain (*herself or himself*) and to have neglected (*or refused*) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or child*) for maintenance the monthly sum of rupees , and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or months*) of : And thereupon an order was made adjudging him to undergo simple (*or rigorous*) imprisonment in the said jail for the period of ;

This is to authorize and require you the said (*name of Police-officer*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XLIII.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [or his child (*name*)], who is by reason of (*state the reason*) unable to maintain (*herself or himself*), and to have neglected (*or refused*) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or child*) for maintenance the monthly sum of rupees , and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or months*) *of* ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or forthwith*), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIV.—WARRANT OF COMMITMENT UNDER SECTION 491.

To the (*here insert the officer's designation*).

WHEREAS the Governor General (*or the Governor of Fort St. George, or the Governor of Bombay, as the case may be*) in Council, for good and sufficient reasons, has seen fit to determine that (*here insert the State-prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby required, in pursuance of that determination, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor General (*or the Governor*) in Council, and the provisions of the Code of Criminal Procedure, Chapter XXXVII.

Fort William (*or as the case may be*), the

By order of the Governor General (*or the Governor*) in Council,

A. B.,

Secretary (*or Chief Secretary*) to Government.

XLV.—BOND AND BAIL-BOND ON A PRELIMINARY ENQUIRY BEFORE A MAGISTRATE.

(*See sections 506, 509.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Sessions Court, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary enquiry into the said charge, and should the case be sent for trial by the Sessions Court to be, and appear, before the said Court when called upon to answer the charge against me, and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or we jointly or severally declare ourselves and each of us*) surety for the said (*name*) that he shall attend at the Court of on every day of the preliminary enquiry into the offence charged against him, and should the case be sent for trial by the Sessions Court, that he shall be and appear before the said Court to answer the charge against him, and in case of his making default therein, I bind myself to forfeit to Her Majesty the Empress the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XLVI.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 510.*)

To the Superintendent (*or Keeper*) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or sureties*) duly executed a bond,

or

and sufficient cause has been shewn to me for his release from further imprisonment,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without any hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody.

Given under my hand and the seal of the Court, this day of ,18 .

(*Signature.*)

XLVII.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 525.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Empress the sum of rupees (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the district of , by seizure and detention, and if the said amount be not paid within three days to sell the property so attached or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See Section 525.*)

To of

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Empress; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees , you are hereby required to pay the said penalty or shew cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 525.*)

To of

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would keep the peace for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Empress; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

FORMS. SCHEDULE V—*continued.*

You are hereby required to pay the said penalty of rupees , or to shew cause within days, why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See Section 525.*)

To

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Empress the sum of rupees (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the district of , by seizure and detention. If the said amount be not paid within three days, to sell property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LI.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See Section 525.*)

To (*name and designation of Police-officer*) and the Superintendent (*or Keeper*) of the Civil Jail at

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Empress; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or shew any sufficient cause why it should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his confinement in Jail for (*specify the period*);

This is to authorize and require you the said (*name of Police-officer*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—NOTICE OF FORFEITURE OF A BOND TO KEEP THE PEACE TO THE PRINCIPAL.

(*See Section 525.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to shew cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

LIII.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 525.*)

To (*name and designation of Police-officer*) at the Police-station of

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the

SCHEDULE V—*continued.* FORMS.

peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to shew cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the district of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LIV.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 525.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Empress the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to shew cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you the said (*name of Police-officer*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail; and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LV.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 525.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and residence*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to shew cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize you and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LVI.—WARRANT OF IMPRISONMENT ON FORFEITURE OF A BOND FOR GOOD BEHAVIOUR.

(*See Section 525.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at

WHEREAS (*name, description and residence*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (*name*) has forfeited to Her Majesty the Empress the sum of rupees ; and whereas he has failed to pay the said sum or to shew cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

Table shewing correspondence of the section-numbers of Act X of 1872, as amended by Act XI of 1874, with those of the Bill.

ACT X OF 1872.	BILL.	ACT X OF 1872.	BILL.
1, para. 1 ...	1, para. 1	4, para. 1, cl. 11	4, para. 1, cl. (*i*)
2 ..	2	12	(*j*)
3 ...	1	13	(*q*)
2, para. 1 ...	2, 1	14	.....
2 ...	1, 2	15	4, para. 1, cl. (*s*)
3 ...	3, 1	16	(*s*)
4 ...	2	17	(*v*)
[1] 5, cl. 1	4, para. 1, cl. (*s*)	18	(*u*)
2	205, 1	19	(*t*)
3	4, 1, cl. (*t*)	20	(*t*)
4	28	[2] 4, para. 2, cl. 1	4, para. 2, cl. 1
6 ...	.....	5 ...	6
7 ...	2, para. 2	6 ...	5
8 ...	568, 1	7 ...	5
4, para. 1 ...	4, 1	8, para. 1 ...	5, and 29, cl. 1
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2	.....	9 ...	26
3	4, para. 1, cl. (*b*)	10 ...	2, para. 2
4	(*c*)	11 ...	5
5	.....	12 ...	7, para. 1, cl. 1
6	.....	13 ...	2
7	4, para. 1, cl. (*d*)	14 ...	3
8	(*e*)	15, para. 1 ...	9, para. 1
9	.....	2 ...	31, 2
10	4, para. 1, cl. (*h*)	16 ...	9, para. 1

[1] See Act XI 1874, s. 1.

[2] See Act XI, 1874, s. 2.

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17 ...	9, para. 2 31, 2 194, 2	37, para. 2 ...	17, para. 1, cl. 1, and para. 3
		3 ...	.....
18, para. 1 ...	9, 2 31, 3 194, 3	38 ...	7, para. 2.
		39[3] ...	7, para. 1, cl. 2, and paras. 3, 8.
2[1] ...	31, 3 380, 1	40, para. 1 ...	13, para. 1
19 ...	6	2 ...	2
20, para. 1 ...	32, para. 1	3 ...	3
2 ...	32, para. 1	41 ...	17 1, cl. 2
3 ...	32, para. 2	42, para. 1 ...	14 1
Expl. ...	33, para. 1, cl. 1, and para. 2	2 ...	2
21 ...	36, and 37, para. 1	3[4] ...	3
22 ...	36	43 ...	39
23 ...	37, and 192, para. 2	44, para. 1[5] ...	193 1
24 ...	36	2 ...	201, *Provisos* 1 & 3
25 ...	37, and 192, paras. 2 and 3	3 ...	.....
		4 ...	539, para. 1
26 ...	36	45 1 ...	346 1
27 ...	37, and 192, paras. 2 and 3	2 ...	2
		3 ...	.....
28 ...	36	4 ...	.....
29 ...	37	46, paras. 1 & 2	349
30 ...	36	3 ...	347
31 ...	.....	*Ill.*[6]	.....
32 ...	540	47 1[7] ...	539, para. 1.
33 ...	543	2 ...	407 2
34 ...	541	48 ...	539 2
34, cl. (9) ...	540, cl. (*h*)	49 ...	12 1
35 ...	10	49, *Proviso* ...	.....
36[2] ...	30, 34, & 380, para. 1	50 ...	15, para. 1
37, para. 1 ...	12, para. 1		

[1] and [2] See Act XI, 1874, s. 3.

[3] See Act XI, 1874, s. 4.

[4] Ditto ditto, s. 5.

[5] and [7] See Act XI, 1874, s. 6.

[6] Ditto ditto, s. 7.

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52 ...	16
53 ...	16
54 ...	41
55 ...	11
56 ...	40
57 ...	4 cl. (*n*) 502, para. 1
58 ...	502, para. 1
59[1] ...	505
60 ...	503
61 ...	504
62 ..	422, cl. 1
63, para. 1 ...	178
2 ...	179, para. 1
Proviso[2] ...	*Proviso*
Expl. ...	.....
64 ...	537, paras. 1 and 2
Proviso[3] ...	.....
64A[4] ...	538
65 ...	180
66 ...	181
66, *Ill.* (*a*) ...	181, *Ill.* (*a*)
(*b*) ...	(*b*)
(*c*) ...	(*c*)
(*d*) ...	.....
67 ...	183
67, *Ill.* (*a*) ...	184
(*b*) ...	.....
(*c*) ...	182, para. 1
(*d*) ...	.....

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67, *Ill.* (*e*) ...	182, para. 2
(*f*) ...	3
68 ..	182, para. 1
69 ...	186
70 ...	542
71 ...	4, cl. (*w*)
72, para. 1 ...	443, 444
2 ...	443
3 ...	.....
73 ...	445
74, para. 1 ...	443
2 ...	446
75, para. 1 ...	447, para. 1
2[5] ...	2
3[6] ...	448
76, para. 1 ...	444, 449
2 ...	449
77 ...	450
78, para. 1 ...	.....
2 ...	451
79 ...	408, *Proviso* 2
80 ...	410
81, para. 1, cl. 1	456
2	457
81, para. 2 ...	458
82 ...	2, para. 1 501
83 ...	453, paras. 1 and 3
84 ...	454
85 ...	455, 545

[1] See Act XI, 1874, s. 8.
[2] Ditto ditto, s. 9.
[3] Repealed by Act XI, 1874, s. 10.
[4] See Act XI, 1874, s. 11.
[5 and 6] See Act XI, 1874, s. 12.

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87 ...	463
88 ...	552
89 ...	44
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91 ...	42
92, cl. 1 ...	54, cl. 1
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cl. *secondly* ...	cl. *firstly*
cl. *thirdly* ...	.....
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cl. *fifthly* ...	cl. *thirdly*
cl. *sixthly* ...	cl. *fourthly*
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93 ...	57
94, cl. 1 and 2 ...	55
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95 ...	150
96 ...	151
97 ...	152
98, para. 1 ...	153
2 ...	.....
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100 ...	48, para. 1, cl. 1 & 2
101 ...	60
102, para. 1 ...	56
2 ...	.....
103 ...	58
104 ...	351
105 ...	59, para. 1, cl. 1
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108 ...	64
109 ...	157, para. 1
110 ...	156, paras. 2 and 3
111 ...	1, para. 2
112 ...	155
113 ...	156, para. 1
114, para. 1 ...	158, para. 1
2 ...	157, para. 1
3 ...	2
115 ...	160
116 ...	158, para. 1, *Proviso* 1
117, para. 1 ...	158, para. 1, *Proviso* 1
2 ...	159
118 ...	161, 162
119, paras. 1 and 2	162
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120 ...	164
121 ...	162, 163
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123, para. 1 ...	171, paras. 1 and 2
2 ...	169
124, para. 1 ...	61
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125 ...	170, and 174, para. 2
126 ...	173
127, para. 1 ...	174, para. 1 171, para. 2
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3 ...	.....
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129 ...	508
130, para. 1 ...	171, para. 2
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3 ...	4
4 ...	5
5 ...	172, cl. 1
131, para. 1 ...	2
2 ...	*Proviso*
132, para. 1 ...	62
2 ...	63
133, para. 1 ...	175, para. 1
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3 ...	3
4 ...	4
134 ...	176
135 ...	177, para. 1
136 ...	4, para. 1, cl. (*p*)
137 ...	561
138 ...	.....
139 ...	.....
140, cl. (*a*) ...	192, para. 1, cl. (*b*)
(*b*) ...	ditto
(*c*) ...	192, para. 1, cl. (*a*)
(*d*) ...	(*c*)
141, para. 1 ...	192, para. 1, cl. (*a*) & (*b*)
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2 ...	199: see also sec. 196, *et. seq.*

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144, paras. 1 & 2	201, para. 1
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147, para. 1 ...	204
2 ...	403, *Expln.*
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148, para. 1 ...	205
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160, para. 1 ...	76, paras. 1 & 2
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161 ...	77, para. 1
162 ...	78
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3 ...	88, para. 1, cl. (*c*)
4 ...	88, para. 3
172, para. 1 ...	89, para. 1
2 ...	2
3 ...	4, first cl. & cl. (*e*), (*f*) & (*g*)
4 ...	89, para. 6
173 ...	90
174 ...	187
175 ...	188
176 ...	81
177 ...	46, para. 1
178 ...	2
179 ...	47
180 ...	48, para. 1, cl. (2)
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185 ..	94
186, para. 1[1] ...	340
2 ...	340
3 ...	341
187 ...	352
188, para. 1 ...	345, paras. 1 & 2
2 ...	para. 5
189 ...	208
190 ...	209, para. 1, and 253, para. 1.
191, para. 1 ...	353
2 ...	.....
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193, para. 1 ...	342, para. 1
2 ...	2
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196 ...	211, para. 1
197 ...	215
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198, para. 1 ...	211, para. 1 214
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199 ...	211, para. 2
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[1] See Act XI, 1874, s. 13.
[2] Ditto ditto, s. 14.

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3 ...	212, para. 2
201 ...	559
202, para. 1[1] ...	219, cl. 1
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203, para. 1 ...	242
2, 1st cl.	243
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3 ...	548
204, para. 1 ...	506
2 ...	.....
205 ...	248
206, para. 1 ...	243
2 ...	244
207 ...	245, para. 1
208, para. 1 ...	244, para. 1
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209, paras. 1 & 2	251, para. 1
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210 ...	249
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215 ...	254, para. 1
215, *Expln.* 1 ...	260
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220 ...	259
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221	347
222	261
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(2) ...	(*b*)
(3) ...	(*c*)
(4), (5), (6)	(*d*)
(7) ...	(*e*)
(8) ...	(*g*)
(9) ...	(*h*)
(10)[3] ...	(*i*)
(11) ...	(*j*), (*k*)
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224 ...	261
225 ...	262, with cl. (*a*) & (*b*)
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228 ...	265
229 ...	266, para. 1
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233, paras. 1 & 2 ...	270, para. 1

[1] See Act XI, 1874, s. 15.
[2] See Act XI, 1874, s. 16.
[3] Ditto ditto, s. 17.
[4] Ditto ditto, s. 18.

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233, *Expln.* ...	547
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235 ...	271
236 ...	275, para. 2
237, paras. 1 & 2	272
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238 ...	273, para. 1
239 ...	285
240 ...	277
241 ...	276
242 ...	461
243, paras. 1 & 2	278, paras. 1 & 2
para. 3 ...	280, para. 1
4	277, *Proviso* 2nd 280, para. 2
244, *opening clause*	279, *opening clause*; 320
cl. (1) ...	.....
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(3) ...	.....
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261 ...	310, para. 2
262 ...	310
263, para. 1 ...	301, 302
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5[4] ...	308, paras. 1 & 2
6[5] ...	3
264 ...	344, para. 1
265 ...	273, *Proviso*
266 ...	407, para. 1
267 ...	406.
268, para. 1 ...	486, paras. 1 & 2
2 ...	para. 3
269, para. 1 ...	408, para. 1
2 ...	422, cl. 1
270, para. 1 ...	408, *Proviso* 1
2 ...	para. 1

[1] See Act XI, 1874, s. 19.
[2] Ditto ditto, s. 20.
[3], [4] and [5] See Act XI, 1874, s. 21.

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271, para. 1[1] ...	410	3 ...	428, para. 2
2[2] ...	418, and 423, *Proviso* 2	4 ...	428, para. 3
271A, para. 1[3] ...	371, para. 3	5 ...	.....
2[4] ...	.....	283, para. 1 ...	548
271B[5] ...	378, 429	2 ...	.....
272, para. 1 ...	417	3 ...	.....
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2, cl. 2[6]	.....	285 ...	430
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273, para. 1 ...	413	286, *Illustrations* ...	.....
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3 ...	412	2 ...	367, para. 5
274, para. 1 ...	414	288 ...	376
2[7] ...	415	289, para. 1 ...	375, para. 1
3 ...	416	2 ...	2
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275 ...	419	290 ...	377
276[9] ...	559	291 ...	.....
277 ...	420	292 ...	564
278, para. 1 ...	421, para. 1	293 ...	564
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279, cl. 1 ...	422, cl. 1	2 ...	.....
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[1], [2], [3], [4] and [5] See Act XI, 1874, s. 22.
[6] Ditto ditto, s. 23.
[7] and [8] Ditto ditto, s. 24.
[9] See Act XI, 1874, s. 25.
[10] Ditto ditto, s. 26.
[11] Ditto ditto, s. 27.
[12] Ditto ditto, s. 28.
[13] and [14] See Act XI, 1874, s. 29.
[15] Ditto ditto, s. 30.

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299, para. 1 ...	425, para. 1 442	3[3] ...	391, para. 2
2 ...	425, para. 2 442	312, paras. 1 & 2[4]	394
3 ...	423, *Proviso* 2	para. 3 ...	393, para. 2
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301, para. 1 ...	379	314, para. 1 ...	35, para. 1
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302, para. 1 ...	373	2, *Prov.* 1	2, *Proviso* 1
2 ...	.....	2, *Prov.* 2	2, *Proviso* 2
3 ...	.....	315 ...	348
302 A,[2] para. 1 ...	383	316 ...	396
2 ...	390	317 ...	397
303 ...	384	*Proviso* ...	398
304, para. 1 ...	386	318 ...	399
2 ...	.....	319 ...	.....
305 ...	400	320 ...	.....
306 ...	382	321 ...	368
307, para. 1 ...	386	322, para. 1[5] ...	401, para. 1
2 ...	387	2 ...	3
3 ...	.....	3 ...	402
4 ...	389	4, cl. 1[6]	401, para. 4
308, paras. 1, 2 & 3	556	cl. 2[7]	.....
4 ...	557	323 ...	519
309, para. 1 ...	.....	324 ...	256, para. 2
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2 ...	38, para. 1, with *Proviso* 1	2 ...	.....
310 ...	391, para. 1	326 ...	522
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[1] See Act XI, 1874, s. 31.
[2] Ditto ditto, s. 32.
[3] See Act XI, 1874, s. 33, para. 1.
[4] Ditto ditto, s. 33, para. 2.
[5], [6], and [7] Ditto ditto, s. 34.

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3[1] ...	514, para. 1
4[2] ...	515
5 ...	516
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331 ...	.....
332 ...	354
333 ...	355
334, para. 1 ...	356, para. 1
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5 ...	4
335 ...	357, and 362, para. 1
336 ...	358
337 ...	566
338 ...	359, and 362, para. 2
339 ...	360
340 ...	361
341 ...	363
342 ...	342, para. 1
343 ...	2
344 ...	343
345 ...	342, para. 4
346, para. 1 ...	364, para. 1
2 ...	2
3 ...	3
4 ...	2
5 ...	544
347 ...	337
348 ...	338
349 ...	339
350 ...	.....
351 ...	551
352 ...	91
353, para. 1 ...	88, paras. 1, 2, *cl.* (*b*)
2 ...	89, para. 1
3 ...	2
354 ...	90
355 ...	91
356 ...	485
357, para. 1 ...	209, para. 2
2 ...	220
358 ...	217, para. 1
359 ...	217, *Proc.* 2
360 ...	218
361 ...	245, paras. 2 and 3
362, para. 1 ...	209, para. 2 253, para. 2
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363 ...	292
364 ...	485
365 ...	95, para. 1
366 ...	97
367 ...	105
368, para. 1 ...	97
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369, *cl.* 1 ...	97, para. 2
2 ...	96

[1], [2], and [3] See Act XI, 1874, s. 35.

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373, para. 1 ...	102
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374 ...	100
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377 ...	99, except cl. (*d*) & (*e*)
378, para. 1 ...	.....
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383 ...	2
384 ...	2
385 ...	104
386 ...	52
387, para. 1 ...	51, para. 1
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388 ...	506
389, para. 1 ...	507, para. 1
2 ...	2
390 ...	508
391 ...	509
392 ...	511
393 ...	506
394 ...	510
395 ...	512
396 ...	525, paras. 1, 2 & 3
397, para. 1 ...	525, para. 1
2 ...	2 & 3
3 ...	4
398, para. 1 ...	525, paras. 1 to 4
1, *Prov.*[2]	para. 5
2 ...	526
3 ...	527
399 ...	524
400, para. 1 ...	321, para. 1
2 ...	2
401, para. 1 ...	322
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403 ...	325
404 ...	319
405, cl. i ...	279, 320
2 ...	279, cl. (*d*)
3 ...	(*e*)
4 ...	(*f*)
5 ...	279, 320
6 ...	279, cl. (*e*)
406, para. 1, cl. 1	320, cl. 1
2	(*a*)
3	(*b*)

See Act XI, 1874, s. 36.

[2] See Act XI, 1874, s. 37.

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6	(*e*)
7	279, 320
8	320, cl. (*g*)
9	(*h*)
10	(*i*)
11	(*f*)
12	(*j*)
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3 ...	279, 320
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408, para. 1 ...	462, para. 1
2 ...	2
3 ...	3
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409, para. 1 ...	328
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421 ...	555
422 ...	554
423 ...	464
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2 ...	469
3 ...	464
425, para. 1 ...	465, para. 1
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430 ...	471
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433 ...	474
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435, para. 1 ...	480
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[1] and [2] See Act XI, 1874, s. 38.
[3] Ditto ditto, s. 39.

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443 ...	226
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445 ...	228
446 ...	227
447 ...	229
448 ...	230
449 ...	232
450 ...	231
451[1] ...	233
452 ...	234
453 ...	235
453, *Expln.* ...	.....
454, paras. 1 to 3	236
454, *Ill.* (*a*) ...	236, *Ill.* (*a*)
(*b*) ...	(*d*)
(*c*) ...	(*e*)
(*d*) ...	(*f*)
(*e*) ...	.....
(*f*) ...	236, *Ill.* (*g*)
(*g*) ...	(*h*)
(*h*) ...	.....
(*i*) ...	.....
(*j*) ...	236, *Ill.* (*i*)
(*k*) ...	.....
(*l*) ...	236, *Ill.* (*j*)
(*m*) ...	(*l*)

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454, *Ill.* (*n*) ...	236, *Ill.* (*b*)
(*o*) ...	(*m*)
(*p*) ...	(*c*)
455 ...	237
456 ...	238
457 ...	239, para. 1
457, *Ill.* (*a*) ...	239, *Ill.* (*a*)
(*b*) ...	.....
458 ...	240
459 ...	241
460, para. 1 ...	403, para. 1
2 ...	2
3 ...	3
4 ...	4
Ill. (*a*) ...	*Ill.* (*a*)
(*b*) ...	(*b*)
(*c*) ...	(*c*)
(*d*) ...	.....
(*e*) ...	403, *Ill.* (*d*)
(*f*) ...	(*e*)
(*g*) ...	(*f*)
(*h*) ...	(*g*)
461, cl. 1 ...	367, para. 2
2 ...	3
462 ...	366
463 ...	367, para. 1
464, para. 1 ...	367, paras. 1, 2 & 4 369
2[2] ...	371, para. 1
3 ...	372
4 ...	367, para. 5, *Proviso*

See Act XI, 1874, s. 40.
[2] See Act XI, 1874, s. 41.

ACT X OF 1872.	BILL.
464, para. 5 ...	.....
6 ...	548
7[1] ...	548
465	197
466, paras. 1, 2 & 3	198, para. 1
4 ...	2
5[2] ...	4, last para.
467 ...	196, para. 1, cl. (*a*)
468 ...	(*b*)
469	(*c*)
470, para. 1 ...	196, para. 2
2 ...	3
470, *Expln.* ...	.....
471, paras. 1 & 2	476, para. 1
3	2
472, para. 1 ...	477, para. 1
2 ...	.....
3 ...	477, para. 2
473 ...	487, para. 1
474, paras. 1 & 2	478
3	.....
475 ...	479
476 ...	478, para. 2
477 ...	476
478 ...	200
479 ...	200
480 ...	128
481 ...	129
482 ...	130
483 ...	133, cl. (*a*)

[1] See Act XI, 1874, s. 41.
[2] Ditto ditto, s. 42.

ACT X OF 1872.	BILL.
484 ...	131
485 ...	133, cl. (*c*)
486 ...	(*d*)
487 ...	132, and 133, cl. (*b*)
488 ...	133, cl. 1
480 to 488 (Ch. XXXVI)[3]	128 to 133 (Ch. IX)
489, para. 1 ...	107, para. 1 124, paras. 1 to 3
2 ...	121, para. 1
3 ...	.....
4 ...	.....
490 ...	107, para. 1 124, paras. 1 to 3
491 ...	108
Explns. ...	108, 118
492 ...	113
492, *Expln.* ...	114
493, para. 1, cl. 1	565
2	107, para. 1, last cl., and 119, *Proviso 2nd.*
2 ...	.....
494 ...	91
Proviso ...	109, para. 1 115, *Proviso*
495 ...	117
496 ...	1 0
497 ...	119, para. 1 124, para. 1
498, para. 1 ...	108, 124
2 ...	124
499, para. 1 ...	.....
2 ...	.....

[3] See Act XI, 1874, s. 43.

ACT X OF 1872.	BILL.
499, para. 3 ...	124, paras. 1 & 4
Expln. ...	.....
500 ...	125, para. 1, and 126.
501 ...	127
502, para. 1 ...	525, para. 1
2 ...	2
3 ...	3
4 ...	4
5 ...	1
6 ...	122
7 ...	108, 525
503, para. 1 ...	525, para. 1
2 ...	2 & 3
3[1] ...	4
504, para. 1 ...	110
2 ...	121, para. 1
3 ...	.....
4 ...	110
505 ...	111
506 ...	111
507, para. 1 ...	124, para. 2
2 ...	3
508 ...	124, para. 3
509, para. 1 ...	113
2 ...	565
510, para. 1 ...	124, para. 1
2 ...	5
511 ...	125, para. 1
512 ...	2
513 ...	127

ACT X OF 1872.	BILL.
514, para. 1	525, para. 1
2	paras. 2 & 3
3	para. 4
515, para. 1 ...	113, 115
2 ...	110
3 ...	118, para. 2
4 ...	522
516 ...	123
517 ...	112
518, with *Expln.* 1	145, para. 1
518, *Expln.* 2 ...	2
3 ...	3
4 ...	4
519 ...	144
520 ...	435, para. 3
521 ...	134
522 ...	135
523, para. 1 ...	136
2 ...	139, cl. (*a*)
3 ...	140
4 ...	142
5 ...	139, cl. (*c*), and 140
524, para. 1 ...	139, cl. (*b*)
2 ...	.....
525, para. 1 ...	137, & 138, para. 1 141, para. 2.
2 ...	141, para. 3
526, para. 1 ...	140, para. 1 141, para. 1
2 ...	141, para. 2
527[2] ...	138, para. 2

[1] See Act XI, 1874, s. 44.
[2] See Act XI, 1874, s. 45.

ACT X OF 1872.	BILL.	ACT X OF 1872.	BILL.
528 ...	143	535 ...	1, para. 2
529 ...	1, para. 2	536 ...	488
530 ...	146	537 ...	489
531 ...	147	538 ...	490
532 ...	148	539 ...	568, para. 1
533 ...	142, para. 1	540 ...	1, para. 2
534 ...	533	541 ...	1, para. 2

Table shewing correspondence of the section-numbers of Act XI of 1874 separately with those of the Bill.

ACT XI OF 1874.	BILL.	ACT XI OF 1874.	BILL.
1 ...	4, cl. (*s*) & (*t*), 28, 205, para. 1	23 ...	.....
		24, cl. 1 ...	.....
2 ...	4, para. 2, cl. 1	2 ...	415, *Expln.*
3 ...	380, para. 1	25 ...	559
4 ...	7, para. 1, cl. 2, para. 3	26 ...	Om., see secs. 421, 423
		27 ...	422, cl. 2
5 ...	14, para. 3	28 ...	423
6 ...	193, para. 1, 539, para. 1	29, cl. 1 ...	436, cl. 1
		2 ...	*Proviso* 2
7 ...	.....	30 ...	439
8 ...	505	31 ...	437
9 ...	179, *Proviso*	32 ...	383, 390
10 ...	.....	33 ...	391, para. 2, 394
11 ...	538	34, cl. 1 ...	401, para. 1
12 ...	447, para. 2, 448	2 ...	4
13 ...	340	3 ...	.....
14 ...	210	35 ...	514, para. 1, 515, 517
15 ...	219, cl. 1	36 ...	166, para. 4
16 ...	255	37 ...	525, para. 5
17 ...	261, cl. (*i*)	38 ...	528, para. 1 & *Expln.*
18 ...	194, para. 1	39 ...	465, para. 2
19 ...	287	40 ...	233, *Ill.*
20 ...	289	41 ...	371, para. 1, 548
21 ...	307, para. 1, 308	42 ...	4, last para.
22, cl. 1 ...	410	43 ...	Chapter IX
2 ...	418, 423, *Proviso* 2	44 ...	525, para. 4
3 ...	371, para. 3	45 ...	138, para. 2
4 ...	.....		
5 ...	378, 429		

Table shewing correspondence of the section-numbers of the High Courts Act (X of 1875) with those of the Bill.

ACT X OF 1875.	BILL.	ACT X OF 1875.	BILL.
1 ...	...	31 ...	340
2 ...	2	32 ...	268
3 ...	4, 267	33 ...	275, 277, 277
4 ...	334	34 ...	273
5 ...	335	35 ...	451
6 ...	5	36 ...	452
7 ..	227	37 ...	452
8 ...	227	38 ...	277
9 ...	228	39 ...	311
10 ...	228	40 ...	312
11 ...	229	41 ...	312
12 ...	230	42 ...	313
13 ...	211, 559	43 ...	313
14 ...	274, 403	44 ...	314
15 ...	232	45 ...	315
16 ...	231	46 ...	318
17 ...	234	47 ...	278, 279
18 ...	235	48 ...	280
19 ...	236	49 ...	277
20 ...	237	50 ...	316
21 ...	238	51 ...	317
22 ...	239	52 ...	.....
23 ...	240	53 ...	278
24 ...	226	54 ...	279
25 ...	543	55 ...	280
26 ...	221	56 ...	280
27 ...	336	57 ...	279
28 ...	272	58 ...	281
29 ...	272	59 ...	287
30 ...	273	60 ...	288

ACT X OF 1875.	BILL.	ACT X OF 1875.	BILL.
61 ...	342	92 ...	301
62 ...	290, 291	93 ...	300
63 ...	293	94 ...	302
64 ...	294	95 ...	304
65 ...	297	96 ...	303
66 ...	344	97 ...	306
67 ...	296	98 ...	306
68 ...	365	99 ...	284
69 ...	295	100 ...	309
70 ...	554	101 ...	434
71 ...	519	102 ...	241
72 ...	520	103 ...	384
73 ...	.....	104 ...	384, 385
74 ...	523	105 ...	386, 387
75 ...	289	106 ...	556, 557
76 ...	513, 514, 515, 517	107 ...	.....
77 ...	338	108 ...	392, 394, 395
78 ...	339	109 ...	35
79 ...	.....	110 ...	396
80 ...	551	111 ...	397
81 ...	91	112 ...	399
82 ...	88	113 ...	368
83 ...	90	114 ...	382
84 ...	91	115 ...	528
85 ...	292	116 ...	555
86 ...	95	117 ...	403
87 ...	97	118 ...	222
88 ...	105	119 ...	522
89 ...	485	120 ...	465
90 ...	298	121 ...	466
91 ...	299	122 ...	467

ACT X OF 1875.	BILL.	ACT X OF 1875.	BILL.
123 ...	468	139 ...	524
124 ...	470	140 ...	107
125 ...	471	141 ...	107
126 ...	473	142 ...	533
127 ...	472	143 ...	1
128 ...	474	144 ...	.....
129 ...	475	145 ...	195
130 ...	341	146 ...	333
131 ...	197	147 ...	537
132 ...	198	148 ...	501
133 ...	196	149 ...	550
134 ...	196	150 ...	352
135 ...	476	151 ...	345
136 ...	508	152 ...	25
137 ...	525	153 ...	.....
138 ...	525, 527		

Table shewing correspondence of the section numbers of the Presidency Magistrates' Act (IV of 1877) with those of the Bill.

ACT IV OF 1877.	BILL.	ACT IV OF 1877.	BILL.
1 ...	.....	31 ...	548
2 ...	.....	32 ...	204
3 ...	1	33 ...	205
4 ...	.....	34 ...	91, 205
5 ...	342, 568	35 ...	205
6 ...	4	36 ...	91
7 ...	.....	37 ...	206
8 ...	7, 18, 19, 20, 25	38 ...	197
9 ...	18, 20, 21	39 ...	198
10 ...	3	40 ...	196
11 ...	32	41 ...	196
12 ...	33	42 ...	196
13 ...	35	43 ...	196
14 ...	5	44 ...	476
15 ...	64	45 ...	200
16 ...	165	46 ...	196, 197, 198
17 ...	562	47 ...	68
18 ...	178	48 ...	69
19 ...	180	49 ...	70
20 ...	181	50 ...	73
21 ...	183	51 ...	74
22 ...	182	52 ...	94
23 ...	186	53 ...	91
24 ...	542	54 ...	187
25 ...	192	55 ...	187
26 ...	.....	56 ...	75, 77
27 ...	205	57 ...	.....
28 ...	192	58 ...	76
29 ...	199	59 ...	77
30 ...	201	60 ...	80

ACT IV OF 1877.	BILL.	ACT IV OF 1877.	BILL.
61 ...	.....	92 ...	217
62 ...	65	93 ...	218
63 ...	83	94 ...	222, 222
64 ...	84, 85	95 ...	223
65 ...	86, 87	96 ...	224
66 ...	.....	97 ...	565
67 ...	88	98 ...	226
68 ...	89	99 ...	228
69 ...	90	100 ...	228
70 ...	63, 506	101 ...	229
71 ...	507	102 ...	230
72 ...	509	103 ...	232
73 ...	510	104 ...	231
74 ...	506	105 ...	234
75 ...	511	106 ...	235
76 ...	512	107 ...	236
77 ...	525	108 ...	237
78 ...	525	109 ...	238
79 ...	525	110 ...	239
80 ...	524	111 ...	240
81 ...	208	112 ...	241
82 ...	209	113 ...	403
83 ...	209, 353	114 ...	242, 370
84 ...	364	115 ...	362
85 ...	551	116 ...	255
86 ...	344	117 ...	247, 548
87 ...	210	118 ...	248, 260
88 ...	211	119 ...	243
89 ...	211, 214, 221	120 ...	244, 256
90 ...	211	121 ...	245, 257
91 ...	212, 213, 214, 220, 292	122 ...	255, 256
		123 ...	364

Act IV of 1877.	Bill.	Act IV of 1877.	Bill.
124 ...	93, 344	155 ...	523
125 ...	249	156 ...	350
126 ...	246, 259, 370	157 ...	518
127 ...	347	158 ...	518
128 ...	348	159 ...	97
129 ...	505	160 ...	99
130 ...	340	161 ...	102
131 ...	341	162 ...	103
132 ...	352	163 ...	103
133 ...	260, 345	164 ...	103
134 ...	551	165 ...	104
135 ...	91	166 ...	52
136 ...	91	167 ...	411, 412
137 ...	88, 89	168 ...	417, 427
138 ...	90	169 ...	419
139 ...	553	170 ...	559
140 ...	92	171 ...	420
141 ...	485	172 ...	421
142 ...	245	173 ...	422
143 ...	253, 258	174 ...	423
144 ...	95	175 ...	426
145 ...	97	176 ...	428
146 ...	96	177 ...	548
147 ...	105	178 ...	548
148 ...	342	179 ...	423
149 ...	343	180 ...	404
150 ...	337	181 ...	537
151 ...	339	182 ...	441
152 ...	519	183 ...	383, 390
153 ...	520	184 ...	384
154 ...	522	185 ...	386, 387, 388, 389, 549

Act IV of 1877.	Bill.	Act IV of 1877.	Bill.
186 ...	556	217 ...	91, 115
187 ...	391	218 ...	117
188 ...	392	219 ...	120
189 ...	394	220 ...	119
190 ...	393	221 ...	124
191 ...	395	222 ...	113
192 ...	396	223 ...	124
193 ...	397	224 ...	121
194 ...	464	225 ...	125
195 ...	469	226 ...	127
196 ...	466	227 ...	122
197 ...	467	228 ...	525
198 ...	468	229 ...	525
199 ...	470	230 ...	522
200 ...	471	231 ...	108, 110, 111
201 ...	473	232 ...	112
202 ...	472	233 ...	533
203 ...	474	234 ...	488
204 ...	475	235 ...	489
205 ...	480	236 ...	490
206 ...	247, 482	237 ...	568
207 ...	484	238 ...	185
208 ...	107	239 ...	185
209 ...	107	240 ...	432
210 ...	121	241 ...	433
211 ...	.....	242 ...	251, 563
212 ...	110	243 ...	528
213 ...	111	244 ...	528, 534, 535
214 ...	111	245 ...	555
215 ...	108	246 ...	44
216 ...	113, 114	247 ...	42

STATEMENT OF OBJECTS AND REASONS.

No less than three Codes of Criminal Procedure are now in operation in British India: Act X of 1872, amended by Act XI of 1874, which is in force throughout the Mufassal; the High Courts' Act, X of 1875, which is in force in the Presidency-towns, Allahabad and Lahore; and the Presidency Magistrates' Act, IV of 1877, also in force in the Presidency-towns.

Many of the provisions of these Codes merely repeat one another; many of their rules, though dealing with the same subjects, unnecessarily vary in language; and the result is that the bulk of the Indian Statute-book is far greater than need be and that the Courts when construing one Code are often deprived of the guidance of prior decisions on another.

The primary object of this Bill, which has been framed at the suggestion of the Secretary of State, is to recast the Code of 1872, combining with it the substance of the High Courts' Act and the Presidency Magistrates' Act, and incorporating in it the numerous reported decisions on its wording, and thus at last give to India a single and complete Code of Criminal Procedure, and carry out, so far, the policy of providing a simple and uniform system of law for this country. The language and arrangement of Act X of 1872 have, for obvious reasons, been departed from only so far as is necessary for the main purpose of the Bill.

2. Though many of the outlying Acts and Regulations dealing with Criminal Procedure were repealed and re-enacted by Act X of 1872, many more are still untouched, and the secondary object of the present Bill is to consolidate these enactments, which are twelve in number:—

Acts.

XXIII of 1840 (Execution of process).
XXXIV of 1850 (State-Prisoners).
III of 1858 (State Prisoners).
V of 1861, sections 6, 24, 37 to 40 inclusive, part of section 35 (Police).
XVIII of 1862 (Administration of Criminal Justice in the High Courts).
II of 1869 (Justices of the Peace).
XXII of 1870, sections 2 and 4 (Application to European British subjects of Acts giving summary jurisdiction).
XXI of 1879, Chapter III (Inquiries in British India into crimes committed abroad by British subjects).

Regulations.

Bengal Regulation III, 1818 (State-Prisoners).
Bengal Regulation XX, 1825 (Jurisdiction of Courts Martial).
Madras Regulation II, 1819 (State-Prisoners).
Bombay Regulation XXV, 1827 (State-Prisoners).

3. The result of consolidating the Acts and Regulations above specified will be to substitute a single Act of 568 sections for fifteen enactments containing 1,055 unrepealed sections.

4. The present Bill is divided into nine Parts, the first containing the usual preliminary matter; the second dealing with the constitution and powers of the Criminal Courts and offices; the third containing some general provisions; the fourth treating of the prevention of offences; the fifth, of information to the Police and of their powers to investigate; the sixth, of proceedings in prosecutions; the seventh, of appeal, reference and revision; the eighth, of special proceedings; the ninth, of supplementary provisions.

I.—Preliminary.

5. Part I consists of a single chapter containing the usual preliminary matter. The wording of some of the definitions in Act X of 1872 has been amended, and definitions of 'to sign,' 'public prosecutor,' 'pleader,' 'offence,' 'chapter,' 'schedule,' 'place,' and 'police-station' have been added. The definition of 'complaint' has been amended so as to exclude the report of a Police-officer and information given to a Police-officer; and the definition of 'investigation' has been extended so as to comprise the proceedings of persons authorized by a Magistrate under section 160 or 203 to make local investigations. The definition of 'cognizable offence' has been amended so as to connect it with the second schedule. A clause has been added to the definition of 'High Court' so as to enable the Governor General in Council to appoint in outlying territories where no such Court is established by law, an officer to perform its functions under the Code. Words such as 'special law,' 'local law,' defined in the Penal Code will have the meanings attached to them respectively by that Code. On the other hand, the definitions of 'inquired into,' 'trial,' 'Magistrate's case,' have been omitted as not needed in the Code in its revised form.

II.—Criminal Courts.

6. Part II (constitution and powers of the Criminal Courts and offices) consists of two chapters, of which the first deals (*a*) with the classes of Criminal Courts, (*b*) with territorial divisions, (*c*) with Courts outside the Presidency-towns, (*d*) with the Courts of the Presidency Magistrates, (*e*) with Justices of the Peace and (*f*) with the suspension and removal of Judges, Magistrates and Justices of the Peace. The provisions of the Police Act (V of 1861), section 6, have been incorporated in this chapter, section 14. The Local Government has been empowered (section 16) to make rules for the guidance of Magistrates' Benches. This will result in uniformity of practice wherever such uniformity is desirable. Assistant Sessions Judges have been declared (section 17) subordinate to the Sessions Judge in whose Court they exercise jurisdiction. This will preclude a doubt which has been raised on the subject.

The second chapter treats of the powers of Judges and Magistrates, the description of offences cognizable by each Court, the sentences which may be passed by Courts of various classes, and the mode of conferring powers on the latter. The changes of the law here made are little more than verbal, save in the following cases. Magistrates of the first class are forbidden (section 29) to try offences under special or local laws which are punishable with imprisonment for seven years: such grave cases should be tried by a higher Court. All Magistrates of the first and second classes, and all Magistrates of the third class when specially empowered, are to have the powers of an officer in charge of a Police-station (section 38). It is desirable that the police powers which Magistrates can exercise in investigating offences should be clearly defined. In section 40 (= Act X of 1872, section 56), as to the continuance of powers of an officer transferred to another local area, words have been introduced to shew that powers conferred by one Local Government do not accompany an officer, when he is transferred to a province under another Local Government.

In connection with section 33, as to power to sentence to imprisonment in default of payment of fine, it will be necessary to pass simultaneously with the Bill a short Act amending section 67 of the Penal Code, by inserting a declaration that such imprisonment shall be simple.

Section 35 declares, in accordance with a decision of the Bombay High Court, that, for the purpose of confirmation or appeal, a combined sentence, in case of simultaneous convictions for several offences, shall be deemed to be a single sentence.

III.—General Provisions.

7. Part III contains certain general provisions which it seems convenient to group together and which, to avoid forward references, must stand near the beginning of the Code. They relate to the following matters: aid and information to the Magistrates, the Police and persons making arrests: arrest, escape and retaking: processes to compel appearance and production of documents, and processes for the discovery of persons wrongfully confined. Here, again, the changes in the law are little more than verbal. But to the offences which the public are bound to assist in preventing, have been added (section 42) attempts to injure public property, railways and canals: the public (section 42) must assist in cases of fire dangerous to human life or valuable property: the section (45) requiring village-headmen, &c., to report, has, for obvious reasons, been extended to escaped convicts and proclaimed offenders, and (to provide for villages in hill-passes through which bands of dacoits habitually proceed), also to cases where the criminal merely goes through the village: the section (46) authorizing, in the case of forcible resistance, the use of necessary means to effect arrests, has been extended to meet the case of attempts to evade them: power has been given (section 49) to break open the doors of a house for the purpose of liberating persons who have lawfully entered for the purpose of making arrests therein: persons making arrests have been expressly empowered (section 53) to take from the person arrested any offensive weapons which he may have about him: the police have been authorized (section 54) to arrest, without warrant, deserters from the Navy; and sections (66, 67) equivalent to Act XXV of 1861, section 112, have been inserted to provide for the retaking of persons escaping or rescued from lawful custody.

The wording of section 178 of the present Code, which empowers the police to use "all means necessary to effect the arrest" of a person forcibly resisting or attempting to escape, appears dangerously wide. The Bill accordingly explains that this power does not give the right to cause the death of an arrested person who is not accused of a capital offence. The Bill here follows the law of Scotland, which, in Mr. Mayne's opinion, is in India the safer rule.

8. Under the present Code (Act X of 1872, section 153), summonses issued by Magistrates are ordinarily served "through a Police-officer:" the Bill (section 68) provides that (subject to rules to be made by the Local Government) they may also be served by an officer of the Court. Provision is made (sections 73, 74) for the service of a summons outside the local jurisdiction of the Magistrate who issues it, and for the proof of such service.

9. Section 75 requires that all warrants of arrest, whether issued in the Presidency-towns or the Mufassal, shall be sealed. Act IV of 1877, section 56, does not in such cases require a seal. Warrants of arrest issued by a Bench of Magistrates may be signed by any member of the Bench. This will legalise what probably is the practice at present.

Sub-divisional Magistrates have been empowered (section 78) to direct warrants to landholders, &c., for the arrest of escaped convicts. This extension is in harmony with the large powers generally possessed by Magistrates in charge of sub-divisions.

10. Section 88 clears up a doubt as to the commencement of the period provided in the corresponding section (171) of Act X of 1872, for the appearance of a person absconding against whom a warrant has been issued.

11. On the other hand, the power to arrest without warrant persons against whom a hue and cry has been raised is omitted, as that obsolete common-law process is unknown in India; and the section authorizing masters and mates to arrest deserters from ships is omitted, as the matter is sufficiently provided for by the Merchant Shipping Act.

12. The present Code does not provide how attachment of debts and other moveable property is to be effected. Provision has, therefore, been made (section 89) for this purpose; and the powers, duties and liabilities of receivers have been declared by reference to the Code of Civil Procedure.

13. A person required merely to produce a document will (as under the Civil Procedure Code, section 164) be deemed to have complied with the requisition, if he causes the document to be produced instead of attending personally to produce it (section 95).

14. Section 99 of the Bill has been retained pending the opinion of Local Governments as to the expediency of its retention. It seems to be rendered superfluous by section 97.

Provision is made (section 104) for making a list (signed by witnesses) of things found in execution of a search-warrant beyond the jurisdiction of the Court issuing it. It is believed that the necessity of obtaining the signature of the witnesses will be of use as a check upon the irregularities which, it is said, sometimes occur in the course of searches. Criticism of this proposed change in the law is solicited.

15. A clause (section 101) has been inserted giving Presidency Magistrates, Magistrates of the first class, and Sub-divisional Magistrates, power to issue warrants to search for persons wrongfully confined. No such power, though needed, is supposed to exist in India, except, of course, in the Presidency-towns, where the High Courts issue, under Act X of 1875, directions of the nature of a *habeas corpus*.

IV.—Prevention of Offences.

16. Part IV, which relates to the prevention of offences, comes, it is considered, properly before Part VI, which relates to their prosecution. It comprises six chapters dealing respectively with security for keeping the peace and for good behaviour; the dispersion of unlawful assemblies; suppression of nuisances; disputes as to immoveable property; and, lastly, the preventive action of the Police.

17. In the chapter relating to security for keeping the peace, and for good behaviour, the section (107) dealing with security for keeping the peace on conviction has been extended to cases in which the accused is convicted of criminal intimidation by threatening injury to person or property. This is an offence of the same nature as taking unlawful measures with the intention of committing a breach of the peace, and should, therefore, as regards the taking of security, be placed on the same footing. When the conviction is set aside on appeal or otherwise, the bond will become void. On this the present law is silent.

In section 111 (= sections 505, 506 of the present Code) the words which give the Magistrate power to demand security from persons of notoriously bad livelihood or of a "dangerous character" have been omitted. It has been objected that these words are vague, and that the powers which they place in the hands of the police are liable to great abuse.

The Magistrate is empowered (section 113) to make an order as to the character and class of the sureties required. This, it is hoped, will prevent certain persons making a trade of becoming sureties. The object of the law (as will be seen from section 399 of the present Code) is not merely to provide a money-security, but also to obtain respectable persons as guarantees for the good behaviour of the criminal concerned.

For the purposes of the section (113) as to enquiring into the truth of the information upon which a Magistrate has acted under this chapter, the fact that a person is an habitual offender may be proved by evidence of general repute.

The Bill contains no provision corresponding to sections 499 of the present Code and 211 of the Presidency Magistrates' Act. If, before the expiration of the term of the original bond, it appears to the Magistrate unsafe to release the obligor at the end of that term, in justice to the obligor fresh proceedings should be instituted.

Some change has been made (section 118) in the manner of conducting inquiries regarding security for good behaviour. They will under the Bill be made as in warrant-cases, instead of as in summons-cases, which is now the practice. Where the person who would otherwise be

ordered to give security is a minor, the bond (section 119) will be executed only by his sureties. It has been made clear in section 127 that a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and Magistrate of the first class can cancel a bond on the application of a surety. Sub-divisional Magistrates are empowered (section 110) to require security for good behaviour.

18. In the chapter (IX) on dispersion of unlawful assemblies, volunteers enrolled under the Indian Volunteers Act, 1869, are placed on the same footing as soldiers of Her Majesty's Army.

19. In Chapter X, section 134 has been extended to cases of keeping goods or merchandise injurious to the public health, and of carrying on occupations offensive to the religious feelings of any considerable section of the community. Criticism is invited on the latter alteration, which is intended to meet such cases as that of a butcher exercising his trade in a Hindú town, so as to cause risk of breach of the peace.

The power conferred by section 518 of the present Code is intended to be exercised only in urgent cases where a speedy remedy is desirable. The Bill (section 145) provides that no orders under Chapter XI shall remain in force for more than two months, unless in case of danger to human life, health or safety, or a riot or affray, the Local Government directs otherwise. Where time allows the procedure must be under Chapter X.

20. Chapter XII, on disputes as to immoveable property, has been expressly restricted to cases in which the dispute is as to the right to *physical* possession.

Doubts have been raised as to whether the report of the person deputed (under section 149) to make a local inquiry may be read as evidence in the case. The Bill now settles this in the affirmative.

V.—Information to the Police, and their power to investigate.

21. Part V consists of a single chapter relating to information to the Police and their power to investigate. It corresponds with Chapter X of Act X of 1872, and sections 379 and 880 of the same Act.

22. The words "or that immediate arrest is not necessary," which are to be found in section 117 of Act X of 1872, have been omitted from section 158 of the Bill, as it is not apparent why a Police-officer should be debarred from investigating a case of a cognizable offence because he does not at starting feel himself justified in arresting any person.

23. Section 165 makes it clear that confessions to Magistrates shall not only be "taken," but signed and certified, like examinations of accused persons. In the form of memorandum relating to confessions words have been introduced to show that the confession was taken in the Magistrate's presence and hearing, and that it contains a full and true account of the statement.

24. The sections (166 and 167) dealing with searches by the police have been amended so as to meet difficulties which have arisen in practice. Section 168 has also been amended. On the one hand, there is strong objection to allowing an accused person to be detained at a Police-station longer than is necessary, and, on the other, to insist on his being forwarded to the Magistrate, when the premises on the spot may be sufficient for lodging and keeping safe property, might be a serious impediment to [illegible] proper proceedings. The question of time allowed for enquiry will always, it is believed, be a matter of discretion; but a period of twenty-four hours is fixed as the limit.

25. Power corresponding to that conferred on Coroners by Act IV of 1871, section 11, has been given (section 177) to Magistrates authorized to hold inquests, to disinter and examine corpses in order to discover the cause of death.

VI.—Proceedings in Prosecutions.

26. Part VI treats of proceedings in prosecutions up to appeal, and is divided into sixteen chapters, arranged as follows:—

XV. Jurisdiction of Criminal Courts in Inquiries and Trials.
XVI. Complaints to Magistrates.
XVII. Commencement of Proceedings before Magistrates.
XVIII. Inquiry into cases triable by the Court of Session or High Court.
XIX. The Charge.
XX. Trial of Summons-Cases by Magistrates.
XXI. Trial of Warrant-Cases by Magistrates.
XXII. Summary Trials.
XXIII. Trials before High Courts and Courts of Session.
XXIV. General Provisions as to Inquiries and Trials.
XXV. Evidence.
XXVI. The Judgment.
XXVII. Submission of Sentences for Confirmation.
XXVIII. Execution.
XXIX. Suspensions, Remissions and Commutations of Sentences.
XXX. Previous Acquittals or Convictions.

It will be seen that the above-mentioned chapters are arranged, as nearly as may be, according to the chronological order of the events in a prosecution.

27. Chapter XV (as to the jurisdiction of the Courts in inquiries and trials) deals, first, with the place of inquiry or trial: and, secondly, with the conditions requisite for the initiation of proceedings.

Sections 9 and 10 of the Foreign Jurisdiction Act (XXI of 1879), which deal respectively with the liability of British subjects for offences committed out of British India, and with the reception in evidence of depositions made before Political Agents, have been transferred to this part of the Code (sections 189 and 190), which is obviously their proper place.

28. To the provisions contained in the existing law regarding the transfer of cases, there has been added a clause, providing that, when any Magistrate of the first class, specially empowered in this behalf by the Magistrate of a district, has taken cognizance of any case, he may transfer it for inquiry or trial to any other competent Magistrate in such district. This will enable such Magistrates to distribute the work in their Courts, when it is necessary to do so, with less delay than at present.

29. Section 196 requires that the sanction to entertain complaints of certain offences shall, so far as practicable, specify the place in which, and the occasion on which, the offence complained of was committed. Provision has been made for the revocation of the sanction by any authority to which the authority giving it is subordinate. And in order to remove doubts which have been felt on the point, it is declared that, for the purposes of this section, every Court shall be deemed to be subordinate to the Court to which appeals from the former Court ordinarily lie.

30. Chapter XVI, of complaints to Magistrates, corresponds to sections 144 to 147 of Act X of 1872, but adds (section 202) a provision that a complaint in writing made to a Magistrate not competent to entertain it shall be returned for presentation to the proper tribunal.

The Bill makes it clear that the power (section 203) to postpone the issue of process cannot be exercised by a Magistrate of the third class.

31. In Chapter XVIII, of inquiry into cases triable by the Court of Session or High Court, power is given (section 210) to the Magistrate to discharge the accused at any stage of the case if, for reasons to be recorded, the Magistrate considers the charge to be groundless.

32. Chapter XIX, of the charge, extends to the whole of British India the amendments in Act X of 1872, sections 439 to 459, made by Act X of 1875; and with reference to Mr. Justice West's observations in *Reg.* v. *Chand Hur*, 11 Bomb. 241, on the corresponding section (457) of Act X of 1872, section 239 of the Bill has been confined to offences consisting of several particulars, a combination of some only of which constitutes a complete minor offence.

From the section (236) relating to joinder of charges, corresponding with section 454 of the present Code, have been omitted all provisions as to the amount of punishment. They obviously belong to substantive law, not to procedure, and will find their proper place in the Penal Code. The illustrations have also been amended.

Provision has been made in section 239 for the case where a person charged with an offence proves circumstances which reduce it to a minor offence. He may then be convicted of the minor offence, though he is not charged with it.

33. Chapter XX, Trial of Summons-cases.—To the section (251) relating to frivolous and vexatious complaints, a clause has been added, providing that, when awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

34. In Chapter XXI, of trials of warrant-cases, as in Chapter XVIII, has been inserted a clause (section 254) authorizing the Magistrate to discharge the accused at any stage of the case if, for reasons to be recorded, the Magistrate considers the charge to be groundless. The provision (Act X of 1872, section 218) that the accused shall, while making his defence, be allowed to recall and cross-examine the witnesses for the prosecution, has been expressly confined (section 257) to cases where the witnesses are present in the Court or its precincts. The power to recall witnesses for the prosecution after they had left the Court is said to be often abused for the purpose of harassment and delay.

35. In Chapter XXII, summary trials, the Local Government has been authorized to confer on Benches invested with second or third class powers jurisdiction to try abetments of, and attempts to commit, the offences which they may now try summarily. The offences of retaining stolen property not exceeding Rs. 50 in value, and assisting in the concealment or disposal of stolen property not exceeding Rs. 50 in value, have been added to the list of those triable in a summary way; and the offence of receiving stolen property will not be so triable where its value exceeds that amount.

36. Chapter XXIII provides a common procedure for the High Court and the Court of Session, preserving, however, the special rules as to juries and their verdicts.

The power to stay proceedings on an unsustainable charge has been extended (section 274) to the Court of Session.

The power of directing how jurors shall be chosen by lot has been transferred to the High Court from the Local Government (section 277).

Where there are several accused persons and one of them has stated that he means to adduce evidence, the prosecutor (section 293) will be entitled to reply.

Where jurors or assessors have been taken to view the place in which the offence charged is alleged to have been committed, the Court has been empowered (section 294) to exempt them from being immediately brought back.

Where the Sessions Judge disagrees with a verdict of acquittal and submits the case to the High Court, he is required (section 308) to state the offence which he considers to have been committed, and the High Court is empowered to acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it. This, it is believed, is the intention of the corresponding clause of section 263 of Act X of 1872.

37. Chapter XXIV, General Provisions as to Inquiries and Trials.—At the instance of many authorities consulted, the power of tendering conditional pardons to accomplices, which is now exerciseable only in cases triable by the Sessions Court, has been extended (section 337) to all warrant-cases. This change, which has been advocated by many authorities, is an important one, and further opinions on its propriety are desirable.

38. Much doubt exists as to the offences which may lawfully be compounded. The Exception to section 214 of the Penal Code (in which the law on the subject is contained) is excessively obscure, and this obscurity is increased rather than diminished by the illustrations annexed to that section. The Bill repeals these illustrations; and section 345 declares in unmistakeable language that certain specified offences, and no others, may be compounded. These are—

Causing hurt (Penal Code, sections 323, 334, 337, 338).
Wrongfully restraining or confining (Penal Code, sections 341, 342).
Assault or use of criminal force (Penal Code, sections 352, 358).
Unlawful compulsory labour (Penal Code, section 374).
Mischief, when the loss or damage is caused to a private person (Penal Code, sections 426, 427).
Criminal trespass and house-trespass (Penal Code, sections 447, 448).
Criminal breach of contract of service (Penal Code, sections 490, 491, 492).
Adultery, and enticing, &c., a married woman (Penal Code, sections 497, 498).
Defamation (Penal Code, section 500).
Printing or engraving defamatory matter (Penal Code, section 501).
Sale of printed or engraved substance containing defamatory matter (Penal Code, section 502).
Insult intended to provoke a breach of the peace (Penal Code, section 504).
Criminal intimidation, except when the offence is punishable with imprisonment for seven years (Penal Code, section 506).

The offences of voluntarily causing hurt, voluntarily causing grievous hurt, and cheating, punishable under the Indian Penal Code, sections 324, 335 and 417, will be compoundable with the permission of the Court, and by the person to whom the hurt has been caused, or by the person cheated, as the case may be.

It will be necessary to pass simultaneously with the Bill a short Act declaring that, for the Exception to section 280 of the Penal Code, the following shall be substituted:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

39. In Chapter XXVI, as to judgment, section 367 allows the judgments of Mufassal Courts to be written in the mother-tongue of the presiding officer.

40. Chapter XXVIII, Execution.—In section 395 (= section 313 of the present Code) the imprisonment which may be inflicted in lieu of whipping has been limited to three months; but on the other hand, the proviso that the whole period of imprisonment to which the offender is sentenced shall not exceed that to which he was liable by law, or that which the Court is competent to award, has been cancelled, and the power to imprison is thus extended. Criticism is sought on this alteration.

41. There are no sections in this chapter corresponding with sections 319, 320 of Act X of 1872. The reason for this omission is that the matter with which they deal does not belong to criminal procedure, but falls within the scope of the Prisoners' Act, 1871; and it is proposed that, simultaneously with the passing of the present Bill, a short Act be passed, substituting for section 33 of the Prisoners' Act a section equivalent to Act X of 1872, sections 319, 320.

42. Chapter XXIX, Suspensions, Remissions and Commutations of Sentences.—Where application is made for the suspension or remission of a sentence, the Government is empowered (section 401) to require the presiding Judge of the Court before which the conviction was had to furnish a statement of the facts proved on the trial, and of any facts bearing on the propriety of granting or refusing the application.

The power of the Government to commute punishment (section 402) has been so worded as to authorize a sentence of rigorous, to be commuted to one of simple, imprisonment.

VII.—Appeal, Reference and Revision.

43. Part VII deals with appeals, references and the revisional jurisdiction of the High Court.

44. Chapter XXXI.—An appeal has been given (section 405) from orders rejecting applications for delivery of attached property.

45. Section 408 provides that the appeal from a District Magistrate exercising the enhanced powers conferred under section 34 shall lie to the Court of Session in cases in which the sentence has not been submitted to that Court for confirmation, and, when it has been so submitted, to the High Court. This puts the appeals in question on the same footing as appeals from an Assistant Sessions Judge. There seems to be no reason for making any distinction between the two.

46. Section 423, in accordance with a decision of the Madras High Court (I. L. R. 1 Mad. 54), declares that, when an Appellate Court enhances any punishment inflicted by the sentence appealed against, it may inflict punishment of a different kind.

47. In the case of an appeal from an acquittal, section 427 expressly authorizes the High Court to order the accused to be arrested and brought before it, and to commit him to prison pending the disposal of the appeal, or admit him to bail. In the absence of this power cases have occurred in which criminals, afraid of the result of the appeal, escaped, and made the appeal on behalf of the Government of no avail.

48. A section (431) suggested by a decision of the Bombay High Court (I. L. R. 2 Bomb. 564) provides that appeals by persons required to give security for good behaviour or by convicted persons abate on their death, and that appeals against acquittals abate on the death of the accused. The power of revision conferred by section 439 will enable the High Court, where justice to the family of the convicted person may so require, to alter his sentence even after the appeal has abated.

49. Chapter XXXII.—Sub-divisional Magistrates empowered by the Local Government in this behalf are authorized (section 435) to call for records of inferior Courts. This is in accordance with the powers of control in other respects which they exercise.

50. Where, in the opinion of the Court of Session or District Magistrate, an accused person has been improperly discharged by an inferior Court, the accused should not be committed without having had an opportunity of shewing cause why the committal should not be made (1 O'K. 98). Provision to this effect has been made by section 436.

51. When the Court of Session or District Magistrate reports for the orders of the High Court the results of examining any proceeding, and recommends that a sentence be reversed, the Court of Session or District Magistrate may order (section 438) its execution to be suspended, and the accused, if in confinement, to be released on bail or on his own bond.

52. Section 439 (corresponding with Act X of 1872, section 297) has been framed so as to allow the High Court, when exercising its revisional jurisdiction, to interfere with improper acquittals. There is reason to believe that this change is in accordance with the intention of the framers of Act X of 1872.

53. Where the High Court exercises its powers of revision, no order (section 440) will be made to the prejudice of the accused, unless he has had an opportunity of being heard.

VIII.—Special Proceedings.

54. Part VIII, as to special proceedings, deals with the procedure relating to the following matters:—criminal proceedings against Europeans and Americans: lunatics: contempts of Court and other offences affecting the administration of justice: maintenance of wives and children: State-prisoners: proceedings in the nature of *habeas corpus*.

55. Chapter XXXIII.—Section 451 removes some unnecessary differences which exist in the present law between the procedure of the High Courts and Courts of Session in cases in which European British subjects are concerned. In particular, it is provided that, in the Court of Session as well as in the High Court, the requisite moiety of the jury or assessors may be made up by Americans as well as Europeans. Under the present Code (section 78), the trial of a European British subject before the Court of Session need not be by jury. But under section 284 an European or American, not being a British subject, has an absolute right to be so tried. The Bill omits the latter provision.

56. Chapter XXXIV.—The power given by sections 433 and 434 of Act X of 1872, to discharge from custody or make over to his relative a person acquitted on the ground of insanity, has been extended, in sections 474 and 475, to the case of persons who, being found to be insane at the time of trial, are committed to custody.

57. Chapter XXXV.—This chapter (sections 476, 478, 479, 480, 482) has been expressly made applicable to Revenue Courts.

Section 477 has been framed so as to allow a Court of Session to charge a person for giving false evidence before itself,—a power of which such Courts were unintentionally deprived by section 472 of the present Code.

Where the Local Government so directs, Sub-Registrars will (section 483) be 'Civil Courts' within the meaning of section 480. The position and qualifications of Sub-Registrars vary in different provinces; but, in some parts of the country, they are believed to be fitted for the exercise of these powers.

Section 486 gives an appeal to the High Court from a conviction in a contempt case by a Court of Small Causes in a Presidency-town.

Section 487 has been redrawn so as to avoid the difficulty which is felt in determining the meaning of the words "offence committed in contempt of its own authority," which occur in the corresponding section (473) of Act X of 1872.

IX.—Supplementary Provisions.

58. Part IX contains certain provisions supplementary to the general rules of procedure contained in the Code. It deals, first, with the public prosecutor, bail, commissions for the examination of witnesses and special rules of evidence. It then contains certain provisions relating to bonds to keep the peace, for good behaviour, for appearance, &c.: the disposal of property regarding which an offence has been committed: the transfer of criminal cases: irregular proceedings; and, lastly, certain miscellaneous matters.

59. Chapter XXXIX, Public Prosecutor.—Power has been given to appoint as public prosecutor, in any case committed to the Session Court, a Police-officer not below the rank of Assistant District Superintendent. The entire exclusion of the police from such a function is, in the opinion of many authorities, inexpedient. With the limitation above described, there will be no fear of intimidation of witnesses or undue influence.

60. Section 505 exempts the Advocate General, Standing Counsel, Government Solicitor or other officer empowered by the Local Government from the necessity of obtaining permission to conduct prosecutions.

61. Chapter XL, Bail.—The powers here given to Police-officers have been expressly confined to officers in charge of Police-stations.

62. Chapter XLI, Commissions for Examination of Witnesses.—The provisions of the present law as to commissions for the examination of witnesses have been amended in four respects. Where the witness resides in a Native State, power has been given (section 513) to issue the commission to the Political Agent or other local officer representing the British Government. Section 515 requires that the interrogatories shall be thought relevant by the Magistrate or Court directing the commission. Where a Subordinate Magistrate wishes for a commission, he will (section 516) apply to the District Magistrate, and not (as at present) to the Sessions Judge: this will relieve the Court of Session of a duty which can be more conveniently performed by the District Magistrate. And power is expressly given (section 518) to stay the inquiry or trial for a specified time reasonably sufficient for the execution and return of the commission.

63. Chapter XLII, Special Rules as to Evidence.—In proving the existence of circumstances as a defence under the 2nd, 3rd, 5th, 6th, 7th, 8th, 9th or 10th Exception to section 499 of the Penal Code, section 521 of the Bill provides that good faith shall be presumed until the contrary appears. This is now the law in the Presidency-towns (Act XVIII of 1862, section 27) and may usefully be extended to the Mufassal.

64. Chapter XLIV, Disposal of property produced under the Code.—In accordance with a recent rule of the High Court at Bombay, section 528 declares that, when a High Court or Court of Session makes an order for the disposal of property, and cannot through its own officers conveniently deliver the property to the person entitled thereto, the Court may direct its order to be carried into effect by the committing Magistrate.

65. Orders under section 528 made in appealable cases will not be carried out until the time allowed for appealing has expired, or, if an appeal is presented in due time, until the appeal is dismissed.

66. Where an innocent purchaser buys stolen property and restores it to the lawful possessor, provision has been made (section 530) for payment of the price out of money found on the convicted thief. This is in accordance with 30 & 31 Vic., cap. 35, section 10.

67. Section 532 provides, in case of a conviction under the Penal Code, sections 292, 293, 501 or 502, for the destruction of the obscene books and defamatory matter in respect of which the conviction was had. It also provides for the destruction of adulterated or noxious food, drink or drugs in respect of which a conviction was had under sections 272—275 of the same Code.

68. Chapter XLV, Transfer of Criminal Cases.—Section 537 provides, in accordance with a Minute of Sir B. Peacock, cited I. L. R. 1 Calc. 223, that applications to the High Court for the transfer of cases shall be made by motion supported by affidavit or affirmation. The High Court has been empowered to transfer cases where the transfer will promote the ends of justice.

69. Chapter XLVI, Irregular Proceedings.—Tender of pardon under Chapter XXIV, and sale of property under section 535 or section 536, have been added to the list of proceedings which will not be set aside merely on the ground of the Magistrate not being duly empowered.

70. Chapter XLVII, Miscellaneous.—Power has been given (section 552) to the Local Government to fix places of imprisonment or custody. Moneys (other than fines) payable by virtue of any order made under the Code will be recoverable as if they were fines (section 558). The power to compel restoration of abducted females, which now exists only in the Presidency-towns, has been extended (section 562) to District Magistrates. Power has been given to the High Courts (section 564) to make rules for the inspection of the records of subordinate Courts. And as to miscellaneous criminal proceedings, if any doubt arise as to the procedure to be followed, the Court will be guided by such rules (consistent with the Code) as the High Court may make in this behalf (section 568). The Bill contains no clause equivalent to Act I of 1868, section 5, although similar provisions are contained in each of the Codes now consolidated (X of 1872, section 309, X of 1875, section 107, IV of 1877, section 12). The matter will be provided for by the Bill above-mentioned, to amend the Penal Code.

Schedules.

71. Schedules II and V, which correspond respectively with Schedules IV and II of Act X of 1872, have been altered so as to adapt them, not only to the Mufassal Courts, but to those of the Presidency Magistrates. The latter schedule now contains no less than 56 forms, which have stood the test of practice in the Presidency of Madras and the Panjáb.

The offence of voluntarily causing hurt has been made one for which the police may not arrest without a warrant. A like change has been made as to voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave it. The numerous investigations by the police into charges of "hurt," which the present law renders necessary, are said to distract the attention of the police-force from more important duties, and to result in little good to the public.

The offence of adultery has been made triable by a Presidency Magistrate and a Magistrate of the first class.

The paragraph relating to mischief by fire with intent to cause damage has been altered in accordance with a proposed amendment of section 435 of the Penal Code. This alteration has been made in order to check the offence, which is very common in some parts of the country, of setting fire to garnered crops. A cultivator may have the whole of his crop destroyed in this way, and yet if its value be less than Rs. 100 (as is often the case) he cannot obtain the aid of the police to arrest the offender without a warrant from a Magistrate.

The lists of powers contained in section 21 *et seq.* of Act X of 1872 have been thrown into Schedules III and IV of the Bill.

72. The Bill was published in the *Gazette of India* for the 5th, 12th and 19th April 1879, and circulated to the various Local Governments, with a request that it might be examined by selected local officers. This was done, and the result of the examination is contained in a thick folio volume. The Bill was then revised with reference to this mass of criticism, and to the cases reported since it was framed; and it may truly be said, in its present form, to be the work of the whole body of Indian Judges and Magistrates rather than of any individual or Department. The additions and changes (other than omissions) which have been made in this second revision are printed in italics. The chief omission is that of the sections relating to limitation, which, in deference to many high authorities, have been struck out as unsuited to India.

73. It is proposed that the measure shall not come into force till 1st January 1883,—ten years from the date on which the present Code came into force. This is five years after the date on which, according to Sir FitzJames Stephen, the Code should have been re-enacted. "I should say," he writes in his well-known Minute on the Administration of Justice in British India, "that this process ought to be repeated at least once in every five years for every important Act."

74. Excluding the special provisions of the Acts relating respectively to Coroners, European British vagrants and criminal tribes, the Bill is now, so far as Mr. Cockerell, Mr. Colvin, Mr. Fitzpatrick and myself have been able to make it, a complete body of criminal procedure. No pains have been spared to render its provisions plain and practical; and in return all competent persons are earnestly asked to point out the mistakes and omissions which, notwithstanding the careful and repeated revision it has undergone, they will doubtless discover in so large and complicated a work.

CALCUTTA;
The 25th February, 1881.

WHITLEY STOKES.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1881, and was referred to a Select Committee:—

No. 9 OF 1881.

A Bill to amend the Dekkhan Agriculturists' Relief Act, 1879, and for other purposes.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the Dekkhan Agriculturists' Relief Act, 1879, and to give effect to the registration of certain instruments executed before the said Act came into force and required to be registered under section 71 of the same Act; It is hereby enacted as follows:—

Preamble.

Short title. Commencement.

1. This Act may be called "The Dekkhan Agriculturists' Relief Act, 1881:" and shall come into force at once.

"Section."

2. In this Act "section" means a section of the Dekkhan Agriculturists' Relief Act, 1879.

Repeal of last 14 words of section 2.

3. In section two the last fourteen words shall be repealed.

Amendment of section 19.

4. In section nineteen, first clause, for the words "there is no other claim against him," the words "the other debts (if any) due by him do not, taken together with such sum, amount to fifty rupees" shall be substituted; and to the same clause the words "of such sum" shall be added.

Addition to section 38.

5. To section thirty-eight, the following shall be added:—

"The expression 'officer of Police' in this section shall not be deemed to include a Police Patel appointed under Bombay Act No. VIII of 1867, *(for the Regulation of the Village Police in the Presidency of Bombay)*."

Amendment of section 48.

6. In section forty-eight after the word "suit" the words "or application" shall be inserted.

Addition to section 56.

7. To section fifty-six the following shall be added, namely,—

"or apply to any instrument which is not executed by an agriculturist otherwise than as a surety."

New section substituted for section 57.

8. For section fifty-seven the following section shall be substituted:—

Such instruments to be written by, or under the superintendence of, a Village Registrar and executed in his presence.

"57. When any persons desire to execute any instrument to which section fifty-six applies, all the intending parties to such instrument shall appear before the Village Registrar appointed for the area in which the agriculturist, or when there are several agriculturists executing the instrument, any one of such agriculturists, resides, and such Registrar, after satisfying himself in such manner as he deems fit as to the identity of the intending executants and receiving from the intending parties the fee (if any) prescribed by the Local Government in this behalf, and the stamp (if any) which may be required by law, shall write the instrument, or cause the same to be written under his superintendence, and after reading the same aloud, or causing it to be so read in the hearing of the intending parties, shall require the intending executants to execute it in his presence.

Attestation of such instruments.

"Every instrument so written and executed shall at the time of execution be attested by the Village Registrar, and also, if any of the executants thereof is unable to read such instrument, by two respectable witnesses.

"For the purposes of this section every executant of any such instrument shall appear in person before the Village Registrar, but every other party thereto may appear either in person or by any agent, being his relative, servant or dependent, whom he has duly furnished with a power of attorney authorizing him to appear and act on his behalf."

Amendment of section 58.

8. In section fifty-eight for the words "parties to any instrument have executed it," the words "intending executants have executed any instrument" shall be substituted.

New section substituted for section 71.

9. For section seventy-one the following section shall be substituted:—

All mortgages executed before the 1st November, 1879, to be produced before, and marked by, Village Registrar.

"71. No instrument executed before the first day of November, 1879, and purporting to create any mortgage, lien or charge of, or upon, any immoveable property belonging to an agri-

ulturist, shall be received in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon by any such person or by any public officer unless such instrument has, before the first day of November, 1881, been produced before the Village Registrar appointed for the area in which the agriculturist, or where there are several such agriculturists, any one of the agriculturists, to whom such property belongs, resides, and been marked by such Registrar in such manner as the Local Government may by rule prescribe:

"Provided that nothing in this section shall—

"(*a*) apply to an instrument purporting to create a mortgage, lien or charge in favour of the Government or of any officer of the Government in his official capacity; or

"(*b*) prevent the admission of any instrument in evidence in any criminal proceeding."

Amendment of section 72.

10. In section seventy-two the words "against an agriculturist" shall be omitted, and in the same section after the word "money," the words "from a person who at the time when the cause of action arose was an agriculturist" shall be inserted.

New section substituted for section 75.

11. For section seventy-five the following section shall be substituted:—

Additional power to make rules.

"75. The Local Government may, from time to time, make rules:—

"(*a*) for defining more precisely what classes of persons shall be deemed to be agriculturists for the purposes of this Act;

"(*b*) generally for carrying out the provisions of this Act."

Certain instruments to be deemed produced before Village Registrar and marked under section 71.

12. Every instrument described in section seventy-one, as amended by this Act, which, before the passing of this Act, has been registered by a Village Registrar in accordance with rules prescribed in this behalf by the Inspector General of Registration, with the previous sanction of the Local Government, shall be deemed to have been duly produced before the Village Registrar and marked by him under the provisions of that section.

STATEMENT OF OBJECTS AND REASONS.

THE Bombay Government have brought to notice difficulties in the working of the Dekkhan Agriculturists' Relief Act, for the removal of which it appears necessary to make certain amendments in that Act, and to carry out those amendments this Bill has been prepared.

The first amendment provided for is in section 2 of the Act. That section enacts in effect that every agriculturist shall be deemed for the purposes of the Act to reside where he works as such. This rule is found to give rise to difficulty in the case of agriculturists holding land in more than one place, and it is accordingly proposed to repeal it altogether.

2. The first portion of section 19 of the Act confers on the Courts power to discharge an insolvent who owes a sum of less than fifty rupees under a decree, and against whom there is no other claim; but it makes no provision for the case of an insolvent judgment-debtor, against whom there are other claims, but of amounts so trifling that, taken with the amount of the decree, they do not amount to fifty rupees. There appears to be no reason why this latter case should not be treated on the same footing as the former, the insolvency chapter of the Bill being equally inapplicable to both, and the Bill accordingly amends the Act so as to give power to discharge the judgment-debtor from the balance due under the decree in either case.

3. Section 38 of the Act prohibits the appointment of "an officer of police" as a conciliator. A doubt has arisen as to whether a police patel is to be deemed an officer of police within the meaning of this provision, and at the instance of the local Government an explanation has been added to the section to show that he is not.

4. The amendment proposed in section 48 of the Act merely corrects an oversight in drafting.

5. The addition which it is proposed to make to section 56 of the Act, is intended to dispense with the necessity of having an instrument executed before the Village Registrar, merely because a party executing it *as a surety* is an agriculturist.

The changes made in sections 57 and 58 are intended merely to make the meaning clearer.

6. The new section, which it is proposed to substitute for section 71 of the Bill, differs materially from the original one, though the object of both is the same, *viz.*, to prevent the fabrication of mortgage deeds purporting to have been executed before the Act came into force.

The section as it now stands in the Act aims at effecting this object by requiring all existing mortgage deeds to be registered before a certain date under the Indian Registration Act; but it has been found that the practical difficulties in the way of such registration are so great that it is necessary to abandon this procedure and substitute for it the simpler expedient proposed by the Bill, of requiring such deeds to be merely produced before and marked by the Village Registrar before a certain date.

7. Section 72 of the Act, which prescribes periods of limitation longer than the ordinary periods for certain suits against agriculturists, applies in every case in which the defendant is an agriculturist at the time the suit is instituted. This would, in some cases, where the defendant had become an agriculturist shortly before the institution of the suit, lead to anomalous results.

To prevent this the Bill amends the section, so that it will apply only when the defendant was an agriculturist at the time the cause of action arose.

8. Difficulties having arisen as to the construction of the definition of "agriculturist," section 75 of the Act, which gives the Local Government a power to make rules, has been recast so as to admit of rules being made, among other matters, to define more precisely what classes of persons shall be deemed to be agriculturists for the purposes of the Act.

9. Section 12 of the Bill is intended to put mortgage deeds, executed before the Act came into force, and registered under a system of questionable legality established by the Local Government, on the same footing as if they had been marked by the Registrar under the new section 71.

The 6th March, 1881.

J. GIBBS.
D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881 :—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Acting Under Secretary to Government, Bombay, No. 7519, dated 9th November, 1880, and enclosures [Papers No. 1].
„ Chief Secretary to Government, Madras, No. 2624, dated 2nd November, 1880, and enclosures [Papers No. 2].
„ Chief Secretary to Government, Madras, No. 2662, dated 17th November, 1880, and enclosure [Papers No. 3].
„ D. Sealy, Esq., Vakil, High Court, Bombay, dated 26th November, 1880 [Paper No. 4].
Note by Hon'ble J. Sewell White, Judge, High Court, Calcutta, dated 13th December, 1880 [Paper No. 5].
From Secretary to Government, Bengal, No. 67J., dated 7th January, 1881, and enclosures [Papers No. 6].
„ J. Crawford, Esq., Registrar, High Court, Calcutta, No. 970, dated 30th May, 1879 [Papers No. 7].
„ Ditto ditto, No. 279, dated 5th February, 1881 [Papers No. 7].
„ H. J. Stephen, Esq., Barrister-at-law, High Court, Calcutta, dated 10th February, 1881, and enclosure [Papers No. 8].

2. We have added a clause to section 6 of the Bill giving the High Courts the same powers over the Small Cause Courts as they have under the 15th section of the High Courts Act over Courts subject to their appellate jurisdiction.

3. We have altered the section (7) relating to the appointment of the Judges so as to provide that one-third at least of the Judges shall be advocates of a High Court. We think the professional members of the Court should be chosen from the advocates of the High Courts, who may be expected to have acquired some experience of the country.

4. The Bill as introduced made the rank and precedence of the Judges depend on the seniority of their appointment. This would not have answered, as it appears that each seat in the Court has a special rank and salary of its own, and the candidates for appointment are posted to particular seats in the Court with reference to their respective qualifications. The second Judge ought, therefore, always to rank above the third, the third above the fourth, and so on, without any reference to the dates of their appointment, and we have accordingly, in section 8, after providing that the Chief Judge shall be the first in rank, introduced words leaving it to the Local Government to fix the rank of the rest.

5. Another change we have made in the constitution of the Court established by the Bill as introduced, consists in the transfer to the Chief Judge of certain administrative powers, (see section 13 and also sections 61 and 62), which, we think, would be more efficiently exercised by a single individual.

6. The only other amendment we need notice in this portion of the Bill is the insertion of a clause in section 13, providing for the appointment of a Registrar and a section (14) empowering the Local Government to invest him with jurisdiction to try suits up to the limit of Rs. 20 in value. This amendment has been made at the instance of the Government of Bengal, and there is a precedent for it in the Mufassal Small Cause Courts Act No. XI of 1865.

7. Turning now to the chapter relating to jurisdiction in respect of suits, the first change we have made will be found in section 18 of the amended Bill (= section 16 of the Bill as introduced). The reasons given for framing that section as it originally stood are thus given in the 7th paragraph of the Statement of Objects and Reasons :—

" Act IX of 1850, in conferring jurisdiction on the Courts up to a value of Rs. 500, confines its exercise to cases of defendants dwelling or carrying on business within the local limits. Act XXVI of 1864, on the other hand, in conferring jurisdiction between the values of Rs. 500 and Rs. 1,000, gives an alternative ground for its exercise, namely, the circumstance of the cause of action having arisen within the local limits. It has been urged by most of the

authorities consulted that the basis of the jurisdiction should be the same in cases of all values. On the other hand, fears have been expressed by some that a power to institute a suit of the lower value against a defendant residing at a distance might be liable to abuse unless some limitation were imposed. The correct view of the matter seems to be that taken by the Judges of the Madras High Court and Mr. Busteed, namely, that in this particular no distinction should be made between the High Court and the Small Cause Court, and accordingly the Bill has been drawn so as to place the jurisdiction of the Small Cause Court in this respect on precisely the same footing as that on which the jurisdiction of the High Court is placed by the Letters Patent."

The objection to the power to institute a suit in the Small Cause Court against a defendant residing at a distance has been again urged, and it is one to which we feel compelled to yield. We have accordingly inserted words requiring the leave of the Court to be obtained when it is proposed to institute a suit against a defendant residing beyond the local limits of the jurisdiction, and we have made this provision applicable to all suits without regard to value. The original scheme of putting the Small Cause Court jurisdiction on the same footing in this particular as the jurisdiction of the High Court being thus broken in upon, we have thought it best to bring the remainder of the section into conformity with the corresponding provisions of the Code of Civil Procedure.

8. In the following section, which excludes certain classes of suits from the jurisdiction of the Small Cause Court, we have omitted the second clause, "suits against the Secretary of State in Council," as it appears to be generally objected to, and we have added the following:—

(1) suits for the specific performance or rescission of contracts generally (such suits are, as regards contracts relating to immoveable property, excluded by the Bill as introduced);
(2) suits for compensation for malicious prosecution;
(3) suits for the cancellation or rectification of instruments;
(4) suits relating to general average and to insurances on sea-going vessels;
(5) suits for compensation in respect of collisions at sea;
(6) suits for compensation for the infringement of a patent, copy-right or trade-mark;
(7) suits for a dissolution of partnership or for an account of partnership transations;
(8) suits for declaratory decrees;
(9) suits in which the plaintiff's claim depends on the decision of a question as to religious rites or ceremonies;
(10) suits for possession of a hereditary office;
(11) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States.

The reasons for excluding these suits are so obvious that it is unnecessary to state them.

9. We have struck out the second clause of section 21 (new numbering), which deprived a plaintiff of costs in certain cases if he elected to institute in the High Court a suit against an officer of the Small Cause Court for a wrong done by him under colour of its process. We think that in all such cases a plaintiff should be allowed a free choice.

10. We have also struck out the latter portion of section 22 (new numbering), which specified the grounds on which a Judge in other cases, in which suits cognizable in the Small Cause Court are instituted in the High Court, may certify for costs, as we think that in such a matter the Judge should be allowed a full discretion.

11. Proceeding next to chapter V relating to procedure in suits, we desire to state that we have most carefully considered the objections urged against the first section of that chapter which applies to the Small Cause Courts a large portion of the Code of Civil Procedure.

Those objections, in so far as they come from the public, proceed chiefly from those classes of persons who most frequently appear as plaintiffs in suits of a very simple description, and we can well understand the apprehension they feel that the application of so large portion of the ordinary procedure may, in suits of that class, give rise to complication and delay. But it must be remembered that the great bulk of the provisions so extended are of such a nature as to be applicable only in exceptional cases, and we think that any one who follows the thread of the provisions applicable to ordinary suits will find the procedure to be extremely simple. Moreover, we find that a considerable portion of the Code has been actually in force for some time past in the Madras Small Cause Court, where the statistics show the amount of work performed by each Judge to be as large as in the Small Cause Courts at Calcutta and Bombay, and we further find that the Judges of the Calcutta Small Cause Court themselves propose to apply with little variation the great bulk of the sections contained in the second schedule to this Bill.

12. We have, however, in deference to the apprehensions which have been expressed, gone through the schedule item by item, and have struck out some portions; among others those requiring copies of the plaint or concise statements to be filed with the plaint, those relating to discovery, those requiring judgments to be in writing, and the whole chapter relating to pauper suits.

We have, moreover, in order to relieve the Judges, inserted in the body of the Bill a section (35) based on section 637 of the Code, empowering the Court to direct that any non-judicial or quasi-judicial act which the Code requires to be done by a Judge shall be done by a ministerial officer, and we think that the procedure as now settled is as simple as it can safely be made, and as the majority of the litigants would desire it to be.

13. We have added a section providing that no decision passed under the Act shall be conclusive, except as to the right to the relief granted or the absence of a right to the relief withheld by it. This provision, which cuts away to a great extent the doctrine of *res judicata*, will no doubt leave it open to persistent parties to litigate a second time questions which may have been already carefully considered and well decided; but we think it better to take the risk of this than to take the risk of having difficult questions of title to property of large value and complicated issues governing extensive transactions finally decided under an Act like this in the first petty case in which they may chance to present themselves.

14. We have extended section 27 (new numbering) to cases in which the plaintiff does not altogether fail in his suit, but fails to recover the full amount of his claim and to cases in which unfounded objections are made to the attachment of property in execution of decree.

15. Section 30 is new. The law, as it at present stands in this country, would appear to be peculiarly indulgent to tenants in the matter of the right to remove what they may have attached to the soil, and yet the holder of a decree of the Small Cause Court is probably precluded (unless he chooses to resort to the High Court) from taking in execution of such decree even some such things as might be taken under a *fieri facias* in England. It has, at all events, been held that though tenants in Calcutta have a right to remove "tiled huts," such huts cannot be taken in execution of decrees of the Small Cause Court. The landlords complain of this as a hardship, and we think not without reason; but the remedy should not, in our opinion, be limited to this particular case, and we have accordingly provided that anything which the tenant would be entitled to remove during his tenancy may be taken in the execution of a decree against him as if it were a moveable.

16 We have at the instance of the Judges of the Calcutta Small Cause Court substituted for the latter portion of section 230 of the Code a section (28) providing that no decree of a Small Cause Court shall be executed after the lapse of three years from the date on which it is passed, unless the judgment-debtor by force or fraud has prevented its execution within the three years.

17. We have, in section 34 of the Bill, restored section 31 of Act IX of 1850, which allows minors to sue for a sum not exceeding Rs. 500 due for wages, or piece-work or for work as a servant, as if they were of full age, but we have, to prevent mistake, expressly limited it to cases where such money is due under section 70 of the Contract Act, the only law, as we believe, under which a minor can now acquire a right to such money.

18. The only other amendment we have to notice in the chapter relating to procedure is the insertion of certain sections (36 to 38) providing for the exercise of the jurisdiction which may be conferred on the Registrar under section 14.

19. We have introduced a new chapter (VI) to include the section providing for a new trial and certain additional sections establishing a mode of having a suit of a value above Rs. 500, re-heard in the High Court, as if it had been instituted in that court. These sections, which have been proposed by Mr. Kennedy, are based on the provisions enacted by the 14th & 15th Vic. c. 57, for the Irish Civil Bill Courts, and they have in our opinion this advantage, that they provide, in cases where there has been a failure of justice, a substitute for an appeal without entailing the necessity of any elaborate record of evidence being kept by the Court below.

20. We have omitted the chapters which would have conferred on the Small Cause Courts jurisdiction in certain classes of insolvency and probate business, as we believe that unless the Court were to hear cases which, owing to their intricacy and difficulty, ought to be removed into the High Court, the saving of time to the High Court would be altogether unimportant. There is no doubt that the High Courts at present dispose of much petty business of these classes, but it is done for the most part in the offices of the Court, and costs the Judges little time or labour.

We may add that, so far as the grant of probates and letters of administration is concerned, we believe that the object in view will be better secured by the extension of the certificate system effected by Act No. IX of 1881.

21. We have confined section 59, which prevents the fees of a legal practitioner being recovered as costs unless his employment is held to be reasonable, to cases where the amount or value in dispute is less than Rs. 20. We do not see why in cases where a larger amount is at stake the ordinary rules as to allowing costs should not apply.

22. Lastly, we have inserted a section (72) to determine the functions of legal practitioners in the Small Cause Court. Its first clause provides that no persons other than advocates, attorneys and vakíls of the High Court and *persons who are now pleaders of the Small Cause Court* shall appear, plead or act in the Small Cause Court. We do not think it desirable to admit an inferior class of legal practitioners, whose business would be confined to the Small Cause Courts, and, accordingly, while we would save the rights of pleaders already admitted, we would bar the admission of any others.

The second clause of the section confines the right to conduct as counsel a suit at the hearing, in the extended jurisdiction now for the first time conferred on the Court, to advocates and vakíls of the High Court, and requires that a barrister so conducting a suit shall be instructed by an attorney or vakíl, or by a pleader of the Small Cause Court. The reasons for this latter requirement are obvious.

The section, it need hardly be mentioned, saves the right of parties to conduct their own cases, and appear for one another, and also the rights of recognized agents.

23. The publication of the Bill, with its Statement of Objects and Reasons, in English, has been reported by the Governments of Madras, Bombay and Bengal. We consider that the changes now made are such as to render its re-publication desirable; and we have accordingly altered the date on which it should come into force to the 1st January, 1882, and recommend that it now be re-published.

The 4th March, 1881.

WHITLEY STOKES.
J. GIBBS.
G. C. PAUL.
JOTÍNDRA MOHAN TAGORE.

I THINK that the limit in section 22 ought to be reduced from Rs. 2,000 to 1,000. In other respects I agree in the report.

J. PITT KENNEDY.

No. II.

THE PRESIDENCY SMALL CAUSE COURTS BILL, 1880.

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No. II.

A Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1881"; and it shall come into force on the first day of January, 1882.

But nothing herein contained shall affect the provisions of the Army Discipline and Regulation Act, 1879, section 144.

Repeal of enactments.

2. On and from the day on which this Act comes into force, the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted and appointments made under any of the said enactments shall, as far as may be, be deemed to have been respectively constituted and made under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the day on which this Act comes into force shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

For references see Act V of 1871, s. 14: Act XVIII of 1879, s. 3.

Amendment of Acts.

3. In Act No. XXIII of 1850 (*for securing the Land-Revenue of Calcutta*), section 3, the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for recovery of small debts referred to in the said Act" and "the said Commissioners," the words "the Judges of the Court of Small Causes at Calcutta" shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "chapter XXXIX," the words and figures "and by the Presidency Small Cause Courts Act, 1881," shall be inserted.

"Small Cause Court" defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court, to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

New. See 8 Bom. H. C. Rep. (O. C. J.) 59 and sec. 652 of Act X of 1877.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure; and the High Court shall have, in respect of the Small Cause Court, the same powers as it has under the 24th & 25th of Vic., chapter 104, section 15, in respect of Courts subject to its appellate jurisdiction.

Court to be deemed under superintendence, &c., of High Court.

See Act XXVI of 1864, s. 12: Act IX of 1850, s. 6.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint a person to be Chief Judge, and so many other persons as it thinks fit to be Judges of the Small Cause Court: Provided that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts.

Appointment, suspension and removal of Judges.

Act IX of 1850, s. 10.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed.

See Act XXVI of 1864, s. 14.

8. The Chief Judge shall be the first of the Judges in rank and precedence.

Rank and precedence of Judges.

Act XVII of 1877, s. 6.

The other Judges shall have rank and precedence as the Local Government may, from time to time, direct.

Act XVII of 1877, s. 119. (Cf. Act IX of 1850, s. 23.)

9. Except as otherwise provided by this or any other law for the time being in force, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force.

Delegation of powers of Court to its members.

Act XXVI of 1864, s. 14.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

Chief Judge to distribute business of Court.

Act XI of 1869, s. 33.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question, the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the Judge first in rank and precedence of the Judges so differing, shall have the casting voice.

Procedure in case of difference of opinion.

Act XVII of 1875, s. 10(b). (Cf. Act IX of 1850, s. 24.)

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

Seal to be used.

Act IX of 1850, ss. 13-15.

13. The Local Government may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the chief ministerial officer of the Court;

and the Chief Judge may, from time to time, subject to the control of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

Appointment of Registrar and ministerial officers.

The Registrar and other officers so appointed shall exercise such powers, and discharge such duties, of a ministerial nature as the Chief Judge (subject to the control of the High Court) may, from time to time, by rule, direct.

Cf. Act IX of 1850, ss. 14-16: Act XVII of 1877, s. 23.

Powers and duties of such officers.

The Chief Judge may suspend or remove any Registrar or other officer so appointed; but the removal of any Registrar or officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Act XVII of 1875, s. 70.

New.

14. The Local Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject-matter does not exceed twenty rupees. And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

Registrar may be invested with powers of a Judge in suits not exceeding twenty rupees.

Act IX of 1850, ss. 9 and 17.

15. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an Advocate, Attorney, Vakíl or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Judge or other officer not to practise or trade.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian Legislature.

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

Cf. Act XV of 1875. See s. 37 of Act IX of 1850.

16. All questions other than questions relating to procedure or practice which arise in suits or other proceedings under this Act in the Small Cause Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

Act IX of 1850, s. 6.

17. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Local limits of jurisdiction of Court.

Act IX of 1850, ss. 25 and 32: Cf. Act X of 1877, s. 11.

19 & 20 Vic., c. 106, s. 24.

Letters Patent of 1865, s. 12.

18. Subject to the exceptions in section nineteen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature—

Suits in which Court has jurisdiction.

when the amount or value of the subject-matter does not exceed two thousand rupees: and

(*a*) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons to be recorded by it in writing, been given before the institution of the suit; or

(*b*) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business, or personally work for gain within such local limits; or

(*c*) any of the defendants, at the time of the institution of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, within such local limits: and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Act IX of 1850, s. 25.

19. The Small Cause Court shall have no jurisdiction in—

Suits in which Court has no jurisdiction.

See 5 Bom. H. C. Rep. (O. C. J.) 1.

(*a*) suits concerning the assessment or collection of the revenue;

(*b*) suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or the Local Government;

(*c*) suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or judicial officer;

Act X of 1877, s. 16, cls. (*a*) to (*d*).

(*d*) suits for the recovery of immoveable property;

(*e*) suits for the partition of immoveable property;

(*f*) suits for the foreclosure or redemption of a mortgage of immoveable property;

(*g*) suits for the determination of any other right to or interest in immoveable property;

(*h*) suits for the specific performance or rescission of contracts;

(*i*) suits to obtain an injunction;

(*j*) suits for the cancellation or rectification of instruments;

(*k*) suits to enforce a trust;

(*l*) suits relating to general average and to insurances on sea-going vessels;

(*m*) suits for compensation in respect of collisions at sea;

(*n*) suits for compensation for the infringement of a patent, copy-right or trade-mark;

(*o*) suits for a dissolution of partnership or for an account of partnership-transactions;

(*p*) suits for an account of property and its due administration under the decree of the Court;

(*q*) suits for compensation for libel, slander, malicious prosecution, adultery or breach of promise of marriage;

(*r*) suits for the restitution of conjugal rights, for the recovery of a wife, or for a divorce;

(*s*) suits for declaratory decrees;

(*t*) suits in which the plaintiff's claim depends on the decision of a question as to religious rites or ceremonies;

(*u*) suits for possession of a hereditary office;

(*v*) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;

(*w*) suits on any judgment of a High Court; 19 & 20 Vic., c. 108, s. 27.

(*x*) suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Act XXVI of 1864, s. 3.

20. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Act IX of 1850, s. 100.

21. All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff as if this Act had not been passed.

Suits by and against officers of Court.

Act IX of 1850, s. 101. Act XXVI of 1864, s. 9.

22. If any suit cognizable by the Small Cause Court, other than a suit to which in section twenty-one applies, is instituted in the High Court, and if in such suit the plaintiff obtains, in the case of a suit founded on contract, a decree for any matter of an amount or value less than two thousand rupees, and in the case of any other suit a decree for any matter of an amount or value of less than three hundred rupees, no costs shall be allowed to the plaintiff;

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

The foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

CHAPTER V.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

23. The chapters and sections of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend, and shall, so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act.

Res judicata.

24. Notwithstanding anything contained in section 13 of the Code of Civil Procedure, no decision passed under the provisions of this Act shall be conclusive as to anything except the right at the time of such decision to the relief granted thereby, or the absence of a right at such time to any relief claimed by the plaintiff and withheld by such decision.

Illustrations.

(*a*). A sues B in the Small Cause Court for compensation for damage done by B to a house which A alleges to be his own. B denies that the house is A's. The Court decides that the house is A's, and that he is entitled to Rs. 100 compensation. The decision is conclusive as to A's right to the compensation, but not as to his title to the house, and, if A subsequently sues B for further damage done to the same house, B is not precluded from again questioning A's title.

(*b*). A sues B in the Small Cause Court for an instalment alleged to be due on a bond purporting to be executed by B. B denies the execution of the bond. The Court finds the execution proved, and gives A a decree for the amount of the instalment. A subsequently sues B for a later instalment on the same bond; B is not precluded from again denying the execution.

(*c*). A sues B as in illustration (*b*). B denies the execution of the bond, and the Court, finding that B's signature was forged, dismisses the suit. This does not preclude A from suing again on the bond.

(*d*). A sues B in the Small Cause Court for possession of a horse which A alleges to be his property, and to have been lent to B to use during A's pleasure. B denies that the horse is A's. The Court finds that the horse is A's, and gives him a decree for possession, and A recovers possession of the horse. B, subsequently alleging that the horse is his, sues A for possession of it. The decision in the former suit is no bar to B.

No written statement except in cases of set-off.

25. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Return of documents admitted in evidence.

26. When a period of eight days from the decision of a suit has expired without any application for a new trial or re-hearing of such suit having been made, or, when any such application has been made within such period and such application has been refused, or the new trial or re-hearing (as the case may be) has ended, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 148 of the Code of Civil Procedure, be entitled to receive back the same:

Provided that a document may be returned at any time before any of such events if the person applying for such return delivers to the proper officer a certified copy of such document to be substituted for the original. Provided also that no document shall be returned which by force of the decree has become void or useless.

On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving it, in a receipt-book to be kept for the purpose.

Compensation payable by plaintiff to defendant in certain cases.

27. In any suit in which the defendant appears and does not admit the claim, and the plaintiff does not obtain a decree for the full amount of his claim, the Small Cause Court may in its discretion order the plaintiff to pay to the defendant, by way of satisfaction for his trouble and attendance, such sum as it thinks fit. Act IX of 1850, s. 42.

When any claim preferred, or objection made, under section 278 of the Code of Civil Procedure, is disallowed, the Small Cause Court may in its discretion order the person preferring or making such claim or objection to pay to the decree-holder, or to the judgment-debtor, or to both, by way of satisfaction as aforesaid, such sum or sums as it thinks fit.

Any order under this section may, in default of payment of the amount payable there-under, be enforced by the person in whose favour it is made against the person against whom it is made as if it were a decree of the Court.

Bar to applications for execution of decrees.

28. No application to execute a decree passed under this Act shall be received after the expiration of three years from the date of such decree, unless the judgment-debtor has, within the three years following such date, by force or fraud prevented the execution of such decree.

Decree-holder to accompany officer executing warrant.

29. Whenever the Small Cause Court issues a warrant for the arrest of a judgment-debtor or the attachment of his property, the decree-holder, or some other person on his behalf, shall accompany the officer of the Court entrusted with the execution of such warrant, and shall point out to such officer the judgment-debtor or the property to be attached, as the case may be.

Things attached to immoveable property and removeable by tenant to be deemed moveable in execution.

30. When the judgment-debtor under any decree of the Small Cause Court, is a tenant of immoveable property, anything attached to such property, and which he might before the termination of his tenancy lawfully remove without the permission of his landlord, shall, for the purpose of the execution of such decree, be deemed to be moveable property, and may, if sold in such execution, be severed by the purchaser, but shall not be removed by him from the property until he has done to the property whatever the judgment-debtor would have been bound to do to it if he had removed such thing.

Discharge of judgment-debtor on sufficient security.

31. Whenever any judgment-debtor, who has been arrested in execution of a decree of the Small Cause Court, offers security to the satisfaction of such Court for payment of Act IX of 1850, s. 46.

the amount which he has been ordered to pay and the costs, the Court may order him to be discharged.

Act IX of 1850, s. 71. (See I.L.R. 5 Calc., p. 294.)

Court may in certain cases suspend execution of decree.

32. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time, for such time and upon such terms as it thinks fit, suspend the execution of such decree.

Act XI of 1865, s. 20.

Execution of decree of Small Cause Court by other Courts.

33. If the judgment-debtor under any decree of the Small Cause Court has not, within the local limits of its jurisdiction, moveable property sufficient to satisfy the decree, the Court may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within the local limits of whose jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Act IX of 1850 s. 31.

Minors may sue in certain cases as if of full age.

34. Notwithstanding anything contained in the Code of Civil Procedure as applied by this Act, any minor may institute a suit for any sum of money, not exceeding five hundred rupees, which may be due to him under section seventy of the Indian Contract Act, 1872, for wages or piece-work or for work as a servant, in the same manner as if he were of full age.

Act X of 1877, s. 637.

Power to delegate non-judicial duties.

35. Any non-judicial or quasi-judicial act which the Code of Civil Procedure as applied by this Act requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code as so applied, may be done by the Registrar of the Small Cause Court or by such other officer of that Court as that Court may, from time to time, appoint in this behalf.

The High Court may, from time to time, by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Registrar to hear and determine suits like a Judge.

36. The suits cognizable by the Registrar under section fourteen shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Proviso.

Provided that, subject to the orders of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

Registrar may execute all decrees with the same powers as a Judge.

37. The Registrar may receive applications for the execution of decrees of any value passed by the Court, and may commit and discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

New.

Decrees and orders of Registrar to be subject to new trial as if made by a Judge.

38. Every decree and order made by the Registrar in any suit or proceeding shall be subject to the same provisions in regard to new trial as if made by a Judge of the Court.

CHAPTER VI.

NEW TRIALS AND REHEARING.

(Cf. Act XI of 1865, s. 21.) Cls., rule 23.

Judgments and orders of Court final.

39. Save as is herein specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive;

Power to order new trial in Small Cause Court.

but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit (not being a decree passed under section 522 of the Code of Civil Procedure) order a new trial to be held upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

Application for re-hearing in High Court.

40. Any party may, within eight days after the judgment in any suit in which the amount or value of the subject-matter exceeds five hundred rupees, apply to the High Court for an order that such suit may be re-heard.

Such application shall be supported by affidavits, and, in case the applicant has appeared by advocate, vakil or attorney, by a certificate from the leading Counsel at the hearing that in his opinion there are good grounds for re-hearing the suit, and, if on hearing such application, the High Court is of opinion that there has been a miscarriage or failure of justice, or that there are other good grounds for such re-hearing, the Court shall make an order *ex parte*, or such order as it thinks fit, for such re-hearing and fix a day for the same, whereof notice shall be given to the opposite party.

The rules contained in sections 545, 546 and 547 of the Code of Civil Procedure relating to staying and executing decrees under appeal, shall apply in the case of applications under this section as if such applications were appeals from the decisions of the Small Cause Court.

Mr. Kennedy's draft, s. 96.

Procedure at re-hearing.

41. On the day fixed under section forty or on any other day to which the hearing may be adjourned, the High Court, or some Judge thereof, shall proceed to hear and determine the case as if the same were a suit brought in such High Court in its ordinary original civil jurisdiction, in which the plaintiff in the Small Cause Court was plaintiff, and the defendant in such Court was defendant, and in which written statements had not been ordered to be filed; and, except as herein otherwise provided, all the practice and procedure of such High Court in respect of suits brought in its ordinary original civil jurisdiction, shall be followed in suits re-heard under this section: Provided that there shall not be any appeal from any judgment, decree, or order under this section.

Mr. Kennedy's draft, s. 97.

Execution of decree of High Court.

42. Every decree or order made by any High Court upon any such rehearing may either be executed by such High Court in the same manner as other

decrees or orders of such Court or may, in the discretion of the High Court, be remitted to the Small Cause Court for execution.

CHAPTER VII.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

Act IX of 1850, s. 91. 19 & 20 Vic., c. 108, s. 50.

43. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission of, another person, or of some person through whom such other person claims,

Summons against person occupying property without leave.

and such tenancy or permission has been determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him, (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Act IX of 1850, s. 94.

44. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Service of summons.

Act IX of 1850, ss. 92, 93. 19 & 20 Vic., c. 108, s. 50.

45. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section forty-three, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Order for possession.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Act IX of 1850, s. 93.

46. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant : and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Such order to justify bailiff entering on property and giving possession.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

Act IX of 1850, s. 96.

47. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser ; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity :

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings.

Occupant may sue for compensation.

when no such damage is proved, the suit shall be dismissed ; and when such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the case certifies that in his opinion full costs should be awarded to the plaintiff.

Act IX of 1850 s. 98.

48. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Liability of applicant obtaining order when not entitled.

Act IX of 1850, s. 97.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Application for order in such case an act of trespass.

Act IX of 1850, s. 97.

49. Whenever on an application being made under section forty-three the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court against the applicant for compensation for trespass, and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section forty-five.

Nothing contained in section twenty-two shall apply to suits under this section.

New.

50. In all proceedings under this chapter, the Small Cause Court shall, as far as may be and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Proceedings to be regulated by the Code of Civil Procedure.

Act IX of 1850, s. 99.

51. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

Recovery of possession no bar to suit to try title.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

Act XI of 1865, s. 32.

52. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under chapter VII of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits,

Reference when compulsory.

Act XXVI of 1864, s. 7.

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires,

Ordinary references provided for by Act XLVI, C. Code.)

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion.

Act XXVI of 1864, s. 8.

53. When judgment is given under section fifty-two contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment :

Security to be furnished on such reference by party against whom contingent judgment given.

Act XXVI of 1864, s. 8. 6 14 B. L. p. 182.

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into Court, and the same has been paid accordingly.

Act IX of 1850, ss. 19 20.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

If no such security given, party to be deemed to have submitted to judgment.

Act XXVI of 1864, s. 11.

CHAPTER IX.

FEES AND COSTS.

t IX of 50, s. 20 Kennedy's 1, s. 92.

54. A fee not exceeding—

Institution-fee.

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees—the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees—the sum of sixty-two rupees eight annas, and one anna in the rupee on the excess of such amount or value, over five hundred rupees,

shall be paid on the plaint in every suit, and every application under section forty or section forty-three ; and no such plaint or application shall be received until such fee has been paid.

A fee of ten rupees shall be paid on the filing of every agreement under chapter XXXVIII of the Code of Civil Procedure.

IX of 50, ss. 19 20 ; XXVI of 64, s. 11.

55. The fees specified in the third and fourth columns of the third Schedule hereto annexed shall be paid previous to the issue in any suit or in any proceeding under chapter VII of this Act of the processes, to which the said columns respectively relate, by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule.

Fees for processes.

Act IX of 1850, s. 21.

56. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Repayment of half fees on settlement before hearing.

Act IX of 1850, s. 20.

57. The Small Cause Court may, whenever it thinks fit, receive and register suits instituted, and applications under section forty-three made, by poor persons, and may issue processes on behalf of such persons, without payment of the fees mentioned in sections fifty-four and fifty-five, or on a part-payment of such fees.

Fees and costs of poor persons.

Act IX of 1850 s. 21.

58. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under sections fifty-four and fifty-five :

Power to vary fees.

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

Act XXVI of 1864, s. 14.

59. The expense of employing an advocate, vakíl, attorney or other legal practitioner incurred by any party shall not be allowed as costs in any suit or in any proceeding under chapter VII of this Act, in the Small Cause Court, in which the amount or value of the subject-matter does not exceed twenty rupees, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

Expense of employing legal practitioners.

60. Nothing contained in this chapter shall affect the provisions of sections 3, 5 and 25 of the Court Fees Act, 1870.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

CHAPTER X.

MISCONDUCT OF INFERIOR MINISTERIAL OFFICERS.

Act XVII of 1875, s. 7 ; Act XVII of 1877, s. 8 ; Act IX of 1850, s. 86.

61. The Chief Judge may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other inferior ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Power to fine officers.

Act IX of 1850, s. 86.

62. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, represents the amount of the damage sustained by such person thereby.

Default of bailiff or other officer in execution of order or warrant.

Act IX of 1850, s. 86.

63. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him

Extortion or default of officers.

under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

64. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Act IX of 1850, s. 85.

Enforcement of order.

65. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XI.

CONTEMPT OF COURT.

Act X of 1872, s. 485. Act IV of 1877, s. 205. Also draft Code of Criminal Procedure, s. 480.

Procedure of Court in certain cases of contempt.

66. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and sentence the offender to fine not exceeding two hundred rupees, and in default of payment to imprisonment in the civil Jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

67. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X of 1872, s. 486. Act IV of 1877, s. 206. Draft Code of Criminal Procedure, s. [illegible].

Procedure where Court considers that the case should not be dealt with under section 66.

68. If the Court considers that a person accused of any offence referred to in section sixty-six and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section sixty-six, the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment as provided in the section of the Indian Penal Code under which he is charged.

Act X of 1872, s. 437. Act IV of 1877, s. 207. Cf. draft Code of Criminal Procedure, s. 484.

Discharge of offender on submission or apology.

69. When the Court has, under section sixty-six or section sixty-eight, sentenced an offender to punishment, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender, or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Act X of 1872, ss. 356-38[illegible] Act X of 1[illegible], s. 89. Act IV of 1877, s. 141. Cf. draft Code of Criminal Procedure, s. 485. (Also see Act IX of 1850, s. 49.)

Imprisonment or committal of person refusing to answer or produce document.

70. If any witness before the Small Cause Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section sixty-six or sixty-eight.

Draft Code of Criminal Procedure, s. 287.

Appeal from orders under sections 66 and 70.

71. Any person deeming himself aggrieved by an order under section sixty-six or section seventy may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals shall, so far as may be, apply to appeals under this section.

CHAPTER XII.

MISCELLANEOUS.

Who may appear, &c.

72. No person other than an advocate, vakíl or attorney of the High Court, or a person who is at the time this Act comes into force a pleader of the Small Cause Court, shall appear, plead or act in any suit or proceeding in the Small Cause Court under this Act, and

no person other than—

(*a*) an advocate of the High Court instructed by a vakíl or attorney of such Court or by a pleader of the Small Cause Court, or

(*b*) a vakíl of the High Court,

shall address the Court or examine witnesses at the hearing of any such suit in which the amount or value of the subject-matter exceeds one thousand rupees.

Nothing in this section shall affect the right of any party to conduct his own case or that of any other party to the suit, or the right of any recognized agent of a party under the Code of Civil Procedure as applied by this Act.

Act X of 1877, s. 636.

Persons by whom process may be served.

73. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by such persons as the Court, from time to time, appoints in this behalf.

Act XVII of 1875, s. [illegible]

Registers and returns.

74. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Act XI of 1865, s. 53. Letters Patent, s. 43.

Court to furnish records, &c., called for by Local Government or High Court.

75. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Act XVII of 1875, s. 71. (Cf. Act IX of 1850, s. 23.)

Holidays and vacations.

76. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Act IX of 1850, s. 35.

Certain persons exempt from arrest by Court.

77. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the 24th & 25th of Victoria, chapter 104, shall not be liable to arrest by order of the Small Cause Court.

I. L. R. 5, Calc., p. 224.

No suit to lie upon decree of Court.

78. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

79. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Act IX of 1850, s. 111.

Tender in suit for anything done under Act.

80. If any person against whom any suit is brought for anything purporting to be done by him under this Act, has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Act IX of 1850, s. 111.

Limitation of prosecutions.

81. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence is committed.

THE FIRST SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

THE FIRST SCHEDULE—*contd.*

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24 and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearances Applications and Acts, except section 37, clause (*b*) and the last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*e*), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65, 66 and 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

THE SECOND SCHEDULE—*contd.*

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents, sections 128 to 133 (both inclusive), section 135, section 136 (except so far as it relates to interrogatories), section 137 (except the second clause), section 138, section 139 (except the last sentence), section 140 (except the proviso and the last six words), sections 141, 142, 143 and 145.

CHAPTER XI.—Settlement of issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207, and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

THE SECOND SCHEDULE—*concld.*

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government, or public officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXV.—Interlocutory orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 651 (both inclusive).

THE THIRD SCHEDULE.

(*See Section 55.*)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	6	0	10	8	0
1,100	1,200	3	8	0	11	0	0
1,200	1,300	3	10	0	11	8	0
1,300	1,400	3	12	0	12	0	0
1,400	1,500	3	14	0	12	8	0
1,500	1,600	4	0	0	13	0	0
1,600	1,700	4	2	0	13	8	0
1,700	1,800	4	4	0	14	0	0
1,800	1,900	4	6	0	14	8	0
1,900	2,000	4	8	0	15	0	0

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following third Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to the Transfer of Property was referred, have the honour to state that the Report of the Indian Law Commissioners, 1879, was duly communicated to us. We have carefully considered so much of it as relates to that Bill, as well as the papers specified in the annexed list; and, in compliance with the wish of the Secretary of State for India, as expressed in his despatch (Legislative) No. 37, dated 7th October, 1880, we have now the honour to present this our third Report.

We agree generally in the enlargement of the Bill effected by the Law Commissioners, and we shall in this Report refer to the Bill as settled by them, and published in the *Gazette of India* for the 17th and 24th January, 1880.

CHAPTER I.—PRELIMINARY.

We have rendered the definition of "attached to the earth" inapplicable to objects which merely rest upon the earth. And we have amended the definition of "notice" by making it apply expressly to a case where a person wilfully abstains from a search in a register which he ought to have made.

CHAPTER II.—TRANSFERS OF PROPERTY BY ACT OF PARTIES.

This chapter, after declaring what rights are inalienable and by what persons transfers may be made, proceeds to declare restrictions of the transfer of property called for in the interests of society. These restrictions are in substance identical with those contained in the Indian Succession Act, and rights and liabilities arising out of customs or personal laws are sufficiently saved by section 2, clause (*a*).

We have amended section 6 (as to what may be transferred) in these respects:—*First*, we have in the first clause substituted "Act" for "section." The effect will be to place Hindús on the same footing as Europeans as regards the power to make settlements, on marriage or otherwise, on persons not in existence at the date of the transfer. Although, no doubt, it has been laid down that the general principle of the Hindú law is that a donee must be in existence at the time of the gift, such settlements are in accordance with Native usage.

Secondly, we have re-drawn clause (*a*) thus:—

"(*a*) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of the same nature, cannot be transferred: the chance of a Hindú heir succeeding to property in the possession of a Hindú female cannot be transferred to any one except the present or future owner or co-owner of the property affected thereby."

Thirdly, we have made clause (*c*) run thus:—

"(*c*) An easement cannot be transferred apart from the dominant heritage."

Fourthly, we have extended clause (*e*) to rights to sue for harm illegally caused to property.

We think that the power to transfer property to or for the benefit of women, so that they shall not be able, during their marriage, to transfer or charge the same should be confined, as it is now, to women not being Hindús, Muhammadans or Buddhists; and we have altered section 10 accordingly.

It cannot be denied that one school of Muhammadan law does, as stated in the books, permit a settlement on a person, his children and their offspring in perpetuity. But in practice this form of settlement is obsolete, and, if made, the Courts would now refuse to recognise it as valid. We think, therefore, that section 14, which prohibits this kind of perpetuity, may stand unaltered. Baillie, p. 571.

We have shortened and simplified the sections (33, 34) which deal respectively with conditions that a transferee shall perform an act at or before a specified time, and like conditions wherein no such time is specified.

We do not think that the proposition laid down in section 40, as to a Hindú's right to receive maintenance from the profits of immoveable property, can be said to be authoritatively settled, and there are good grounds for questioning it.

We have therefore re-drawn the first clause of section 40 thus :—

"40. Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such property is transferred with the intention of defeating the right, such right may be enforced against a transferee with notice of such intention, or a gratuitous transferee of the property affected by the right, but not against a transferee for consideration and without notice of the right, nor against such property in his hands."

The remainder of section 40, though suggested by English cases, is, in our opinion, founded on general principles of equity applicable to India, and may, therefore, fitly be left unaltered in the Bill.

Section 41 has been amended so as to bring a benámídár clearly within its operation.

We have confined section 42 to cases of transfers for consideration by persons having authority to revoke the transfer.

To the section (44) dealing with transfer by one co-owner we have added a clause declaring that, when the transferee of a share of a dwelling-house belonging to an undivided family is a stranger, nothing in this section shall be deemed to entitle him to joint possession or other common or part enjoyment of the house.

We have confined section 53 to cases of fraudulent transfer. To provide, as it now does, for fraudulent forfeitures would involve a change in the law the consequences of which cannot easily be foreseen.

CHAPTER III.—SALES OF IMMOVEABLE PROPERTY.

We agree with Sir Henry Maine as to the desirability of rendering the system of transfer of immoveable property a system of public transfer; and we are inclined to go a little further in this direction than seemed good to the Law Commissioners. Thus, we think that in the case of a reversion or other intangible thing, though its value may be less than Rs. 100, the transfer should be made only by registered assurance; and we have altered section 54 accordingly.

As to the duties of the seller, we think that, except where the property is sold subject to incumbrances, he should be bound to discharge all incumbrances on the property existing at the date of the sale; that he should not be bound to deliver the title-deeds till the whole of the purchase-money has been paid. We also think that the Bill may reasonably declare, as it does, that, in the absence of a stipulation to the contrary, the seller shall be deemed to contract that the interest which he assumes to transfer subsists and that he has power to make the transfer; but where he sells in a fiduciary character, we would follow the present practice, and declare simply that he shall be deemed to contract that he has done no act whereby the property is incumbered, or he is hindered from transferring it. We have altered section 55, clauses (*a*) (7), (8), (9), accordingly.

The proposition laid down in clause (*c*) (1), that a purchaser is bound to disclose any fact unknown to the vendor which increases his *interest* in the property, *e. g.*, the actual or imminent death of a prior life-tenant, has been questioned by a high authority. It appears to us in exact accordance with the rule laid down in *Turner* v. *Harvey*, Jac. 169; *Ellard* v *Lord Llandaff*, 1 Ball & B. 241; and (on the sale of a life-policy) *Jones* v. *Keene*, 2 Moo. & R. 348. We have, however, made a verbal amendment in this clause.

As to the duties of the buyer, we have struck out the clause requiring him to retransfer the property sold, where the ownership has passed before payment of the purchase-money and he fails to pay or tender it. In such case the seller's lien is, we think, sufficient.

As to the buyer's rights, we think that his lien as against the seller for purchase-money paid in anticipation should be available against all persons claiming under the seller with notice of the payment. We have altered the section accordingly.

Where two properties are subject to a common charge and one is sold, the buyer's right as against the seller to have the charge satisfied out of the other property does not depend on whether or not the buyer had notice of the charge. We have, therefore, struck out of section 56 the words relating to notice.

CHAPTER IV.—MORTGAGES.

We think that in the definition of simple mortgage the expression "makes it a collateral security" is likely to give rise to difficulties. We also think that a transaction may be a "mortgage by conditional sale" although accompanied by possession, and in the definition of usufructuary mortgage the words "or agrees to deliver" and "actual" seem unnecessary. We have therefore amended these definitions as follows :—

Simple Mortgage.

"Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money and agrees expressly or impliedly that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of what may be due to him on the mortgage, the transaction is called a simple mortgage and the mortgagee a simple mortgagee."

Mortgage by Conditional Sale.

"Where the mortgagor ostensibly sells the mortgaged property on condition that in default of payment of the mortgage-money on a certain date the sale shall become absolute, or

"on condition that on such payment being made, the sale shall become void, or

"on condition that on such payment being made, the buyer shall re-transfer the property to the seller,

"the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale."

Usufructuary Mortgage.

"Where the mortgagor delivers possession of the property to the mortgagee and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest or in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee."

We agree with the Law Commissioners that the requirement of registration will not only discourage fraud and facilitate investigations of title, but that it will also preclude some difficult question of priority. A majority of us, however, think that where the principal money secured is less than Rs. 100, the assurance need not be registered. And we have altered the Bill accordingly. Our colleague Mr. Stokes dissents from this alteration, as, in his opinion, all incumbrances should appear on the register: those who mortgage their property for small amounts, as a rule, require protection from fraud more than those who mortgage for large amounts, and the changes impending in the working of the law will deprive the requirement of registration of all hardship even in the pettiest cases.

A majority of us are of opinion that equitable mortgages by deposit of title-deeds should be valid when they are made in Calcutta, Madras, Bombay, Rangoon and Karáchí. The practice of raising money on such securities has long been established in those towns, and any attempt to disturb it would cause much inconvenience. Here, again, Mr. Stokes dissents on the grounds (*a*) that such mortgages are opposed to the policy of the registration-law; (*b*) that they lead to evasions of the stamp-duty; (*c*) that they are at variance with the principle of making the system of transfer of immoveable property, as far as possible, a system of public transfer; and (*d*) that, when the amount secured is Rs. 100 or upwards, they would be inconsistent with the general rule in section 58 requiring a written instrument.

We think, with Mr. Justice West, that nothing in the section (59) declaring the mortgagor's right to redeem should invalidate any provision to the effect that, if the time fixed for payment of the principal money has been allowed to pass, or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment or tender of such money. In like manner, we think that nothing in section 82 or 83 should deprive the mortgagee of his right to interest where there exists a contract that he shall be entitled to such notice.

We concur with the Law Commissioners in the solution which they have proposed (section 68) of the moot question as to whether a power of sale conferred on the mortgagee is invalid, and as there is no prospect of the High Courts or the Privy Council making an authoritative declaration on the subject, we think it desirable to settle the matter by legislation as soon as possible.

For the section (98) as to the abandonment of his security where a mortgagee attaches and sells the mortgaged property, we have substituted the following :—

"98. Where a mortgagee, in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches the mortgaged property, he shall not be entitled to bring such property to sale otherwise than by instituting a suit under section 66."

We think that the High Court should have power to make rules for carrying out the provisions of this chapter.

CHAPTER V.—LEASES.

This chapter will, in our opinion, be of practical use in the case of leases of buildings, gardens and mines. We agree with the Law Commissioners that it should not of itself apply to the relations between zamíndár and raiyat, and we think that the power given to the Local Government by section 115 (now 116) to extend any of the provisions of the chapter to agricultural leases should only be exercised with the sanction of the Governor General in Council, and that the requisite notification should not take effect until the expiry of six months from the date of its publication.

The rule laid down in section 106, clause (*i*), as to the removeability of tenants' fixtures, has been objected to as not in accordance with the laws in force in this country. But it will operate only in the absence of a contract or local usage to the contrary, and will not in practice apply to tenants in husbandry. Moreover, it is impossible to say with certainty what the law of India on the subject really is. The Courts would, therefore, turn for guidance to the Civil law and the law of England. The Civil law permits a tenant to remove all fixtures where this can be effected without material injury to the property, and the strictness of the law of England has been relaxed where the fixtures have been annexed for the purposes of trade or manufacture, ornament, furniture and domestic use or convenience. The clause in question seems to us to represent with reasonable accuracy the rules of the Civil and the English law.

CHAPTER VI.—GIFTS.

We agree with the Law Commissioners that registration should be required in the case of gifts of immoveable property of whatever value. Such gifts are, as a rule, made by a written instrument, and as, under the Registration Act (III of 1877, section 17, clause (*a*)), the registration of such instruments is compulsory, the change of the existing law here proposed is almost nominal.

We have struck out the clause in section 121 (now 122) which is founded on the rule in the Succession Act as to bequests to attesting witnesses. It is, we think, inapplicable to a transaction *inter vivos*, where the donor can give evidence of his intention.

We have also struck out the section (120) which declares that the donor is not bound to warranty. It seems to the majority of us useless as denying what no one in this country would ever assert. Our colleague Mr. Stokes would retain it as precluding a doubt which may reasonably be felt by the Courts (see Burge II, 145).

We have made verbal and other unimportant amendments in sections 11, 25, 36, 37, 51, 59, 61, 64, 80, 81, 90, 91, 99, 101, 106, 126, 133.

The Bill as now settled seems to us a systematic and useful arrangement of the existing law. But we agree with the Law Commissioners that, when the body of substantive civil law enacted for India is recast in a more compact and convenient form than that of a series of fragmentary portions from time to time passed by the legislature, the chapters on Sale, Mortgage, Lease and Exchange contained in the present Bill will probably be placed in close connection with the rules contained in the Contract Act. Till then they may fitly be left in a law containing what the Contract Act does not contain, namely, general rules regulating the transmission of property between living persons.

We do not think that these rules, as now amended, will substantially alter or add to the existing law, or that they will invade or displace the functions of the Judges of the existing Courts. We, therefore, recommend that the Bill be passed. Drawn originally in England by the former Indian Law Commissioners, it was revised by Sir A. Hobhouse and introduced into the Council of the Governor General in June, 1877. It has since been twice circulated to the Local Governments for opinion and publication, and twice reported on by Select Committees, in February, 1878, and February, 1879. It was then carefully revised by the late Indian Law Commission. It has now been again revised by us. We think, therefore, of this Bill, as of the Bill dealing with negotiable instruments, that it is not now likely to be improved without the experience to be gained from its actual working. We recommend, however, that it should be republished in the *Gazette of India* with this Report; and, in obedience to the orders of the Secretary of State, it must also be sent home to him, published in the local Gazettes, and translated into the vernacular languages.

Our hon'ble colleagues Messrs. Grant and Paul have not been able to attend our meetings, and do not, therefore, sign this report.

WHITLEY STOKES.
J. PITT KENNEDY.
B. W. COLVIN.
JOTÍNDRA MOHAN TAGORE.

The 11th March, 1881.

LIST OF PAPERS.

From Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Department of Revenue, Agriculture and Commerce, No. 722A, dated 8th October, 1878, and enclosure [Papers No. 34].
„ Acting Chief Secretary to Government, Madras, No. 467, dated 7th March, 1879, and enclosures [Papers No. 35].
„ Hon'ble H. S. Cunningham, dated 31st March, 1879 [Paper No. 36].
„ Registrar, High Court, Calcutta, No. 494, dated 24th March, 1879 [Paper No. 37].
„ Secretary for Birár to Resident, Haidarábád, No. 1, dated 8th April, 1879 [Paper No. 38].
„ Hon'ble G. H. P. Evans, dated 11th April, 1879 [Paper No. 39].
„ Officiating Secretary to Government, Bengal, No. 1947, dated 21st April, 1879, and enclosures [Papers No. 40].
„ Acting Under Secretary to Government, Bombay, No. 2348, dated 18th April, 1879, and enclosures [Papers No. 41].
„ Secretary to Government, Panjáb, No. 1705, dated 1st May, 1879, and enclosures [Papers No. 42].
„ Secretary for Birár to Resident, Haidarábád, No. 4, dated 30th April, 1879, and enclosure (Papers No. 43].
„ Officiating Secretary to Chief Commissioner, Mysore, No. 1086—3J, dated 5th May, 1879, and enclosures [Papers No. 44].
„ Officiating Secretary to Chief Commissioner, Central Provinces, No. 2044—98, dated 9th May, 1879, and enclosures [Papers No. 45].
„ Officiating First Assistant Resident, Haidarábád, No. 2P, dated 10th May, 1879 [Paper No. 46].
„ Secretary to Government, North-Western Provinces and Oudh, No. 367, dated 10th May, 1879, and enclosures [Papers No. 47].
„ Secretary to Government, North-Western Provinces and Oudh, No. 416, dated 21st May, 1879, and enclosures [Papers No. 48].
Memorandum by Pandit Lákhsmí Náráyana, Pleader, High Court, North-Western Provinces, dated 29th May, 1879 [Paper No. 49].

From Chief Commissioner, Ajmer-Merwára, No. 403, dated 29th May, 1879, and enclosures [Papers No. 50].
„ Secretary to Chief Commissioner, Assam, No. 643, dated 19th April, 1879, and enclosures [Papers No. 51].
„ Secretary to Government, Panjáb, No. 255C, dated 20th June, 1879, and enclosures [Papers No. 52].
„ Acting Chief Secretary to Government, Madras, No. 1320, dated 6th June, 1879, and enclosures [Papers No. 53].
„ Acting Under Secretary to Government, Bombay, No. 3720, dated 25th June, 1879, and enclosures [Papers No. 54].
„ R. Kristnaswamy Ráo, Acting Subordinate Judge, Madura, dated 28th June, 1879 [Paper No. 55].
„ J. Crawfurd, Esq., Registrar, High Court, Calcutta, No. 1123, dated 27th June, 1879 [Paper No. 56].
„ Acting Chief Secretary to Government, Madras, No. 1558, dated 2nd July, 1879, and enclosures [Papers No. 57].
„ Secretary to Government, North-Western Provinces and Oudh, No. 857, dated 23rd October, 1879, and enclosures [Papers No. 58].
„ Officiating Secretary to Chief Commissioner, British Burma, No. 4389—111, dated 20th December, 1879, and enclosures [Papers No. 59].

Note by Hon'ble Whitley Stokes, dated 8th December, 1880.

No. V.

TRANSFER OF PROPERTY BILL, 1881.

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THE SCHEDULE.

No. V.

A Bill to amend the law relating to the Transfer of Property by act of Parties.

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Transfer of Property Act, 1881": Short title. It extends to the whole of British India; Extent. and it shall come into force on the first day of *March*, 1882. Commencement. Bill, s. 1: Bill II, s. 1: Bill III, s. 1.

2. On and from that day the enactments specified in the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof. But nothing herein contained shall be deemed to affect— Repeal of Acts. Bill, s. 2: Bill II, s. 1: Bill III, s. 2.

(*a*) the provisions of any enactment not hereby expressly repealed: Saving of certain enactments, incidents, rights, liabilities, &c. Act IX of 1872, s. 1.

(*b*) any terms or incidents of any contract or constitution of property which are consistent with the provisions of this Act, and are allowed by the law for the time being in force:

(*c*) any right or liability arising out of a custom or personal law consistent with this Act, or out of a legal relation constituted before this Act comes into force, or any relief in respect of any such right or liability: 4 Beng. A. C. 219.

(*d*) any transfer by operation of law or by decree or order of a Court of competent jurisdiction. I. L. R., Bom. 5

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause. Bill, s. 3: Bill II, s. 1: Bill III, s. 3: Report, s. 2.

the "ownership" of a thing is the right of one or more persons to possess and use it to the exclusion of others. Such ownership is either absolute or qualified. The thing of which there may be ownership is called "property": "ownership": "property": N. Y. Code, para. 159.

"assurance" means any non-testamentary instrument which purports or operates to create, transfer or otherwise dispose of, whether in present or in future, any right, title or interest to or in immoveable property: "assurance": Act III of cl. (*b*).

"registered" means registered in British India under the law for the time being in force regulating the registration of documents:

"registered":

"attached to the earth": "attached to the earth" means—

(*a*) rooted in the earth, as in the case of trees and shrubs;

See ss. 8, 107. (*b*) imbedded in the earth, as in the case of walls or buildings; or

(*c*) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached:

See Contract Act, s. 229, as to agent: 4 Cal. 212: *v.* 11 Beng. 54 P. C. and a person is said to have "notice" of a fact when he actually knows that fact, or when but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, section 229.

"notice":

Bill III, s. 4. **4.** The chapters and sections of this Act which relate to contracts shall be taken as part of the Indian Contract Act, 1872.

Enactments relating to contracts to be taken as part of Act IX of 1872.

CHAPTER II.

OF TRANSFERS OF PROPERTY BY ACT OF PARTIES.

(*A*).—*Transfer of Property, whether moveable or immoveable.*

5. In the following sections "transfer" means an act by which one living person conveys to another, or to himself and another, in present or in future, the ownership of property or an interest therein, and "to transfer" is to perform such act.

"Transfer" defined.

6. The ownership of property of any kind may be transferred, except as otherwise provided by this Act or by any other law for the time being in force:—

What may be transferred.

Carlton v. *Leighton*, 3 Mer.: Cf. Act X of 1877, s. 266, clause (*k*). (*a*) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of a like nature, cannot be transferred. The chance of a Hindú heir succeeding to property in the possession of a Hindú female cannot be transferred to any one except the present or future owner or co-owner of the property affected thereby.

Smith v. *Packhurst*, 3 Atk. 139. (*b*) A mere right of re-entry for breach of a condition subsequent cannot be transferred to any one except the owner of the property affected thereby.

(*c*) An easement cannot be transferred apart from the dominant heritage.

(*d*) An interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.

(*e*) A mere right to sue for compensation for a fraud or for harm illegally caused cannot be transferred.

(*f*) A public office cannot be transferred, nor can the salary of a public officer whether before or after it has become payable. Cf. 11 & 12 Vic., c. 21, 27.

(*g*) Stipends allowed to military and civil pensioners of Government and political pensions cannot be transferred.

(*h*) No transfer can be made (1) in so far as it is opposed to the nature of the interest affected thereby, or (2) for an illegal purpose, or (3) to a person legally disqualified to be transferree.

7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property not his own, is competent to transfer such property either wholly or in part and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law for the time being in force. Bill, s. 4: Bill III, s. 5: Report, s. 4.

Persons competent to transfer.

8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in such property, and in the legal incidents thereof. Bill, s. 10: Bill III, s. 6: Report, s. 10: *v.* last clause, Report, s. 6: 2 W. R. 125 (buildings): 14 W. R. 379. N.-W. P., 1870, p. 251: 24 W. R. 380 (trees), "everything grown on it," Morley N. S. 259.

Operation of transfer.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the moveable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor, but not arrears of interest accrued before the transfer;

and, where the property is money or other property yielding income, the interest or income thereof accruing after the ownership passes.

9. A transfer may be made without writing in every case in which a writing is not expressly required by law. 7 Exch., s. 581.

Oral transfer.

10. Where a transfer is subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property transferred, the condition or limitation is void except in the case of a lease where the condition is for the benefit of the lessor or those claiming under him: provided that property may be transferred to or for the benefit of a woman (not being a Hindú, Muhammadan or Buddhist), so that she shall not have power during her marriage to transfer or charge the same or her beneficial interest therein. Report, s. L. R. 3 Chan. D. 148, 285.

Condition restraining alienation.

Act X of 1865, s. 125. **11.** Where on a transfer of property an interest is created absolutely in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed in a particular manner, he shall be entitled to receive and dispose of such interest as if there were no such direction.

Restriction repugnant to interest created.

Nothing in this section shall be deemed to affect the right to restrain for the beneficial enjoyment of one piece of immoveable property, the enjoyment of another piece of such property, or to compel the enjoyment thereof in a particular manner.

Report, s. 48: See Act X of 1865, s. 107. **12.** Where property is transferred subject to a condition or limitation making any interest therein reserved or given to or for the benefit of any person to cease on his becoming insolvent or endeavouring to transfer or dispose of the same, such condition or limitation is void.

Condition making interest determinable on insolvency or attempted alienation.

Nothing in this section applies to a condition in a lease for the benefit of the lessor or those claiming under him.

Act X of 1865, s. 100. Report, s. 49. **13.** Where on a transfer of property an interest is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect, unless it extends to the whole of the remaining interest of the transferor in the property.

Transfer for benefit of person not in existence at date of transfer, subject to prior transfer.

Illustration.

A transfers property of which he is the owner to B in trust for A and his intended wife successively for their lives, and after the death of the survivor for the eldest son of the intended marriage for life, and after his death for his second son. The interest so created for the benefit of the eldest son does not take effect, because it does not extend to the whole of A's remaining interest in the property.

Report, s. 50, Succession Act, s. 101. **14.** No transfer can operate to create an interest which is to take effect after the life-time of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong.

Rule against perpetuity.

Report, s. 51: *Beutinck* v. *Duke of Portland*, 7 Chan. D. 693. **15.** If on a transfer of property an interest is created for the benefit of a class of persons with regard to some of whom such interest fails by reason of any of the rules contained in sections thirteen and fourteen, such interest fails as regards the whole class.

Transfer to class some of whom come under sections 13 and 14.

Report, s. 52. **16.** Where an interest fails by reason of any of the rules contained in sections thirteen, fourteen and fifteen, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

Transfer to take effect on failure of prior transfer.

17. The restrictions in sections fourteen, fifteen and sixteen shall not apply to property transferred for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety or any other object beneficial to mankind.

Transfer in perpetuity for benefit of public.

Act X of 1865, s. 104: Report, s. 53. **18.** Where the terms of a transfer of property direct that the income arising therefrom shall be accumulated, such direction shall be void, and the property shall be disposed of as if no accumulation had been directed. *Donaldson* v. *Donaldson*, L. R. 3 Chan. Div. 743.

Direction for accumulation.

Exception.—Where the property is immoveable or where accumulation is directed to be made from the date of the transfer, the direction shall be valid in respect only of the income arising from the property within one year next following such date; and at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

Report, ss. 56, 57, altered. **19.** Where, on a transfer of property, an interest is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect, forthwith or on the happening of an event which must happen, such interest is vested, unless a contrary intention appears from the terms of the transfer.

Vested interest.

A vested interest is not defeated by the death of the transferee before he obtains possession.

Explanation.—An intention that an interest shall not be vested is not to be inferred merely from a provision whereby the enjoyment thereof is postponed, or whereby a prior interest in the same property is given or reserved to some other person, or whereby income arising from the property is directed to be accumulated until the time of enjoyment arrives, or from a provision that if a particular event shall happen the interest shall pass to another person.

Report, s. 58, altered. **20.** Where, on a transfer of property, an interest is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention appear from the terms of the transfer, a vested interest, although he may not be entitled to the enjoyment thereof immediately on his birth.

Transfer for benefit of person not then living.

Act X of 1865, s. 107: Report, s. 59: IX, 72-33. **21.** Where, on a transfer of property, an interest is created in favour of a person to take effect only on the happening of a specified uncertain event, or if a specified uncertain event shall not happen, such person thereby acquires a contingent interest in the property. Such interest becomes a vested interest, in the former case, on the happening of the event, in the latter, when the happening of the event becomes impossible.

Contingent interest.

Exception.—Where under a transfer a person becomes entitled to an interest in property upon attaining a particular age, and the transferor also gives to him absolutely the income to arise from

such interest before he reaches that age, or directs the income or so much thereof as may be necessary to be applied for his benefit, such interest is not contingent.

Act X of 1865, s. 108: Report, s. 60.

Transfer to members of a class who attain a particular age.

22. Where, on a transfer of property, an interest is created in favour of such members only of a class as shall attain a particular age, such interest does not vest in any member of the class who has not attained that age.

Act X of 1865, s. 111: Report, s. 61.

Transfer contingent on happening of specified uncertain event.

23. Where, on a transfer of property, an interest therein is to accrue to a specified person if a specified uncertain event shall happen, and no time is mentioned for the occurrence of that event, the interest fails unless such event happens before, or at the same time as, the intermediate or precedent interest ceases to exist.

Act X of 1865, s. 112.

Transfer to such of certain persons as survive at some period not specified.

24. Where, on a transfer of property, an interest therein is to accrue to such of certain persons as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent interest ceases to exist, unless a contrary intention appears from the terms of the transfer.

Illustration.

A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. At B's death the property passes to D.

Act X of 1865, s. 113: Act X of 1865, s. 114, expanded with reference to Act IX of 1872, s. 23.

Conditional transfer.

25. An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that if permitted, it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as immoral or opposed to pubic policy.

Illustrations.

(*a*). A lets a farm to B on condition that he shall walk a hundred miles in an hour. The lease is void.

(*b*). A gives Rs. 500 to B on condition that he shall marry A's daughter, C. At the date of the transfer C was dead. The transfer is void.

(*c*). A transfers Rs. 500 to B on condition that she shall murder C. The transfer is void.

(*d*). A transfers Rs. 500 to his niece C if she will desert her husband. The transfer is void.

Act X of 1865, s. 115.

Fulfilment of condition precedent.

26. Where the terms of a transfer of property impose a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled if it has been substantially complied with.

Illustrations.

(*a*). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. E dies. B marries with the consent of C and D. B has fulfilled the condition.

(*b*). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. B has not fulfilled the condition.

Act X of 1865, s. 116.

Conditional transfer to one person coupled with transfer to another on failure of prior transfer.

27. Where, on a transfer of propery, an interest is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another if the prior interest under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

Act X of 1865, s. 117.

But where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner.

Illustrations.

(*a*). A transfers Rs. 500 to B on condition that he shall execute a certain lease within three months after A's death, and if he should neglect to do so, to C. B dies in A's life-time. The transfer to C takes effect.

(*b*). A transfers property to his wife; but in case she should die in his life-time, transfers to B that which he had transferred to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The transfer to B does not take effect.

Act X of 1865, s. 118.

Ulterior transfer conditional on happening or not happening of specified event.

28. On a transfer of property an interest may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen, such interest shall pass to another person; or that in case a specified uncertain event shall not happen, such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections ten, twelve, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-seven.

Act X of 1865, s. 119.

Fulfilment of condition subsequent.

29. An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Illustration.

A transfers Rs. 500 to B, to be paid to him on his attaining his majority or marrying, with a proviso that, if B dies a minor or marries without C's consent, the Rs. 500 shall go to D. B marries when only 17 years of age, without C's consent. The transfer to D takes effect.

Act X of 1865, s. 120.

Prior disposition not affected by invalidity of ulterior disposition.

30. If the ulterior disposition is not valid, the prior disposition is not affected by it.

Illustration.

A transfers a farm to B for her life, and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

Act X of 1865, s. 121.

Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen.

31. Subject to the provisions of section twelve, on a transfer of property an interest may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Illustrations.

(*a*). A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood, the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(*b*). A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. A does not go to England within the term prescribed. His interest in the farm ceases.

Act X of 1865, s. 122.

Such condition must not be invalid.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Act X of 1865, s. 124.

Condition that transferee shall perform act at or before specified time.

33. Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act at or before a specified time, and the transferor has at the time of creating the interest made an ulterior disposition thereof in favour of himself or of another, if the act be not performed within such time, the prior disposition ceases to have effect if the act is not performed within such time, or if the person benefited by the prior disposition renders the performance of the act impossible within the time specified. But where the transferor has not made any such ulterior disposition thereof, the transfer is, at the option of the transferor, voidable so far as regards such interest, if time is of the essence of the condition; but if it is not of the essence of the contract, the transfer shall not be so voidable.

When such intention is apparent, the circumstance that the interest has actually been enjoyed under the prior disposition does not affect the operation of the condition.

Transfer conditional on performance of act, no time being specified for performance.

34. Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, the condition is broken when he renders impossible, permanently or for an indefinite period, the performance of the condition.

Transfer conditional on performance of act, time being specified.

35. Where an act is to be performed by a person either as a condition to be fulfilled before an interest created on a transfer is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay caused by such fraud. But if no time is specified for the performance of the act, then if its performance is, by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election.

Draft, s. 62, added to.

Election when necessary.

36. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it; and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representative as if it had not been disposed of,

Act X of 1865, s. 168.

subject nevertheless,

where the transfer is gratuitous and the transferor has before the election died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustration.

The farm of Sultánpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

Act X of 1865, s. 169.

The rule in the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

Act X of 1865, s. 171.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

Act X of 1865, s. 172.

A person who in his one capacity takes a benefit under the transaction may in another dissent therefrom.

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer expressed to be in lieu of that property, if such owner claim that he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Act X of 1865, s. 173.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he is aware of his duty to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances.

Act X of 1865, s. 174.

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed it for two years without doing any act to express dissent.

Act X of 1865, s. 175.

Such knowledge or waiver may be inferred from any act of his which renders it impossible to

place the persons interested in the property professed to be transferred in the same condition as if such act had not been done.

Illustration.

A transfers to B an estate to which to C is entitled, and to C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the transfer of the estate to B.

Act X of 1865, s. 176. If he does not within one year after the date of the transfer signify to the transferor or his representatives his intention to confirm or to dissent from the transfer, the transferor or his representatives may, upon the expiration of that period, require him to make his election; and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the transfer.

Act X of 1865, s. 167. In case of disability, the election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Apportionment.

Draft, s. 64: Bill III, s. 86. **37.** In the absence of a contract to the contrary, all rents, annuities, pensions, dividends and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive such payments, be deemed, as between the transferor and the transferee, to accrue due from day to day, and to be apportionable accordingly, but to be payable on the days appointed for the payment thereof.

Apportionment of periodical payments on determination of interest of person entitled.

Severance of Obligation relating to property.

38. When in consequence of a transfer property is divided and held in several shares, and thereupon the benefit of any obligation relating to the property as a whole passes from one to several owners of the property, the corresponding duty shall, in the absence of a contract to the contrary amongst the owners, be performed in favour of each of such owners in proportion to the value of his share in the property, provided that the duty can be severed and that the severance does not substantially increase the burden of the obligation; but if the duty cannot be severed, or if the severance would substantially increase the burden of the obligation, the duty shall be performed for the benefit of such one of the several owners as they shall jointly designate for that purpose:

Satisfaction of right arising in favour of several persons in consequence of a transfer.

Provided that no person on whom the burden of the obligation lies shall be answerable for failure to discharge it in manner provided by this section, unless and until he has had reasonable notice of the severance.

Illustrations.

(*a*). A sells to B, C and D land situate in a village and leased to E at an annual rent of Rs. 30 and delivery of one fat sheep, B having provided half the purchase-money and C and D one quarter each. E having notice of this must pay Rs. 15 to B, Rs. 7½ to C and Rs 7½ to D, and must deliver the sheep according to the joint direction of B, C and D.

(*b*). Each house in the village being bound to provide ten days' labour each year on a dyke to prevent inundation, E had agreed as a term of his lease to perform this work for A. B, C and D severally require E to perform the ten days' work due on account of the house of each. E is not bound to do more than ten days' work in all, according to such directions as B, C and D may join in giving.

B.—Transfer of Immoveable Property.

Bill III, s. 7. **39.** Where any person authorized only under circumstances in their nature variable to dispose of immoveable property transfers such property for consideration, alleging the existence of such circumstances, they shall, as between the transferee on the one part and the transferor and other persons (if any) affected by the transfer on the other part, be deemed to have existed, if the transferee, after using reasonable care to ascertain the existence of such circumstances, has acted in good faith.

Transfer by person authorized only under certain circumstances to transfer.

Illustration.

A, a Hindú widow, whose husband has left collateral heirs, agrees, for purposes neither religious nor charitable, to sell a field, part of the property held by her as such, to B. B satisfies himself by reasonable enquiry that the income of the property is in sufficient for A's maintenance, and that the sale of the field is necessary, and, acting in good faith, buys the field. As between B on the one part and A and the collateral heirs on the other part, a necessity for the sale shall be deemed to have existed.

Wilson *v.* Hope, L. R. 1 Ch. Richards *v.* Revell, 7 Ch. Div. 224. Maclean *v.* Mackay, L. R. 5 P. (32). S. A. 135 of 1877. **40.** Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such property is transferred with the intention of defeating such right, the right may be enforced against the transferee, if he has notice of such intention or if the transfer is gratuitous; but not against a transferee for consideration and without notice of the right, nor against such property in his hands.

Transfer of land where third person is entitled to maintenance,

Illustrations.

(*a*). A, a Hindú, transfers Sultánpur to his sister-in-law B, in lieu of her claim against him for maintenance in virtue of his having succeeded to her deceased husband's property, and agrees with her that if she is dispossessed of Sultánpur, A will transfer to her an equal area out of such of several other specified villages in his possession as she may elect. A sells the specified villages to C, who buys in good faith, without notice of the agreement. B is dispossessed of Sultánpur. She has no claim on the villages transferred to C.

(*b*). A, a Hindú widow, is entitled to maintenance out of the share of her deceased husband in Bassoli, which has passed to his brother B. B sells Bassoli to C, who has notice that there is no other property to satisfy A's claim. A may claim maintenance out of Bassoli in the hands of C.

Where for the more beneficial enjoyment of his own immoveable property a third person has, independently of any interest in the immoveable property of another, a right to restrain the enjoyment of the latter property or to compel its enjoyment in a particular manner, or

or has a right to restrain its enjoyment,

where a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immoveable property, but not amounting to an interest therein or easement thereon,

or is entitled to benefit of obligation not amounting to interest or easement.

such right or obligation may be enforced against a transferee with notice thereof or a gratuitous transferee of the property affected thereby, but not against a transferee for consideration and without notice of the right or obligation, nor against such property in his hands.

Illustration.

A contracts to sell Sultánpur to B. While the contract is still in force he sells Sultánpur to C, who has notice of the contract. B may enforce the contract against C to the same extent as against A.

Bill III, s. 7: Act IX of 1872, s. 108, exemp. 2. **41.** Where with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

Transfer by ostensible owner.

Illustrations.

(*a*). A, one of two co-proprietors of village land, leaves his village, and with his consent the land is registered by the Revenue-officer in the name of B, the other co-proprietor. After ten years B sells a portion of the land to C, who takes reasonable care to ascertain that B had power to make the transfer and acts in good faith. A is not entitled to have the sale set aside.

(*b*). A buys land and causes it to be transferred to his servant B to hold on his behalf, and also causes it to be entered in the revenue register in B's name. C, having ascertained that B is the registered owner of the land and pays the revenue due in respect thereof, buys the land in good faith from B. A cannot impeach the sale.

Bill III, s. 10A, para. 2. **42.** Where a person having authority to revoke a transfer of any immoveable property, transfers the property for consideration, such transfer operates in favour of the transferee (subject to any condition attached to the exercise of the authority) as a revocation of the former transfer to the extent of the authority.

Transfer by person having authority to revoke transfer.

Illustration.

A lets a house to B and reserves power to revoke the lease if in the opinion of a specified surveyor B should make a use of it detrimental to its value. Afterwards A, thinking that such a use has been made, lets the house to C. This operates as a revocation of B's lease subject to the opinion of the surveyor as to B's use of the house having been detrimental to its value.

43. Where a person erroneously represents that he is authorized to transfer certain immoveable property, and assumes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may acquire in such property, at any time during which the contract of transfer subsists.

Transfer by unauthorized person who subsequently acquires interest in property transferred.

Nothing in this section shall impair the right of transferees in good faith for consideration without notice of the existence of the said option.

Illustration.

A, a Hindú who has separated from his father B, sells to C three fields, X, Y and Z. Of these Z does not belong to A, it having been retained by B on the partition; but on B's dying A obtains Z as heir. C, not having rescinded the contract of sale, may require A to deliver Z to him.

Bill III, s. **44.** Where one of two or more co-owners of immoveable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee acquires as to such share or interest, and so far as is necessary to give effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting, at the date of the transfer, the share or interest so transferred.

Transfer by one co-owner.

Where the transferee of a share of a dwelling-house belonging to an undivided family is a stranger nothing in this section shall be deemed to entitle him to joint-possession or other common or part enjoyment of the house.

Bill III, **45.** Where property is transferred for consideration to two or more persons, and such consideration is paid out of a fund belonging to them in common, they are in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled to the fund; and where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced.

Joint transfer for consideration.

In the absence of evidence as to the interests in the fund to which they were respectively entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

Illustration.

A and B are the sons and C the grandson of a Hindú who has died leaving property. C's father D has also died. A partition has been made after which A and B have remained C remains severed in interest, his share being one-third. The separate property of D is of the same value. The whole fund belonging to A, B and C is expended in buying an estate, X. A and B take one moiety of X as joint estate and C takes the other moiety as separate property.

46. Where a transfer of immoveable property is made for consideration by persons having distinct interests therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property transferred were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

Transfer for consideration by persons having distinct interests.

Illustrations.

(*a*). A, owing a moiety, and B and C, each a quarter share of mauza Sultánpur, exchange an eighth share of that mauza for a quarter share of mauza Lálpura. There being no agreement to the contrary, A is entitled to an eighth share in Lálpura, and B and C each to a sixteenth share in that mauza.

(*b*). A being entitled to a life interest in mauza Atrali and B and C to the reversion, sell the mauza for Rs. 1,000. A's life interest is ascertained to be worth Rs. 600, the reversion Rs. 400. A is entitled to receive Rs. 600 out of the purchase money, B and C to receive Rs. 400.

47. Where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and where they were unequal, proportionately to the extent of such shares.

Transfer by co-owners of share in common property.

Illustration.

A, the owner of an eight annas share, and B and C, each the owner of a four annas share, in mauza Sultánpur, transfer a two-anna share in the mauza to D, without specifying from which of their several shares the transfer is made. To give effect to the transfer one anna share is taken from the share of A, and half an anna share from each of the shares of B and C.

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be subject to the rights previously created.

Priority of rights created by transfer.

49. Where immoveable property is transferred for consideration, and such property or any part thereof is at the date of the transfer insured against loss or damage by fire, the transferee, in case of such loss or damage, may, in the absence of a contract to the contrary, require any money which the transferor actually receives under the policy, or so much thereof as may be necessary, to be applied in reinstating the property.

Transferee's right under policy.

50. No person shall be chargeable with any rents or profits of any immoveable property, which he has in good faith paid or delivered to any person of whom he in good faith held such property, notwithstanding it may afterwards appear that the person to whom such payment or delivery was made had no right to receive such rents or profits.

Rent *bonâ fide* paid to holder under defective title.

Illustration.

A lets a field to B at a rent of Rs. 50, and then transfers the field to C. B, having no notice of the transfer, in good faith pays the rent to A. B is not chargeable with the rent so paid.

51. When the transferee of immoveable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto, and he is subsequently evicted therefrom by any person having a better title, the transferee or his representative in interest has a right to require the person causing the eviction either to have the value of the improvement estimated and paid or secured to the transferee, or to sell his interest in the property to the transferee at the then market value thereof irrespective of the value of such improvement.

Improvements made by *bonâ fide* holders under defective titles.

The amount to be paid or secured in respect of such improvement shall be the estimated value thereof at the time of the eviction.

When under the circumstances aforesaid the transferee has planted or sown on the property crops which are growing when he is evicted therefrom, he is entitled to such crops and to free ingress and egress to gather and carry them.

52. During the active prosecution in any Court having authority in British India, or established beyond the limits of British India by the Governor General in Council, of a contentious suit or proceeding in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.

Transfer of property pending suit relating thereto.

Bill III, s. 10: 8 Beng. 478: 7 Mad. 111: 11 Bom. 24, 64, 189: N. W. P., 1867, p. 301: 10 W. R. 469: 7 W. R. 225: 15 W. R. 372: 23 W. R. 351: 2 Tayl. & Be 113: 1 O'Kin. 301 309: 5 W. R. P. C 63: 8 Bom. A. C. J. 61:

53. Every transfer of immoveable property made with intent to defraud prior or subsequent transferees thereof for consideration, or co-owners or other persons having an interest in such property, or to defeat or delay the creditors of the transferor, is voidable at the option of any person so defrauded, defeated or delayed.

Fraudulent transfer.

Bill III, s. 10A: Cf. Act I of 1877, s. 53.

Where the effect of any transfer of immoveable property is to defraud, defeat or delay any such person, and such transfer is made gratuitously or for a grossly inadequate consideration, the transfer may be presumed to have been made with such intent as aforesaid.

Nothing contained in this section shall impair the rights of any transferee in good faith and for consideration.

CHAPTER III.

OF SALES OF IMMOVEABLE PROPERTY.

54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.

"Sale" defined.

Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered assurance.

Sale how made.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered assurance or by delivery of the property.

Bill III, s. 11: 14 Beng. 307, 312: N. W. P., 1866, p. 87. Consider 12 Suth. W. R. P., C. 6: as to delivery of assurance, W. R. 1864, p. 222: 5 W. R. 248: Morley N. S. 358.

Delivery of tangible immoveable property takes place when the seller places the buyer, or such person as he directs, in possession of the property.

Right to redeem, N. W. P., 1868, p. 376.

A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties.

Contract for sale.

Bill III, s. 14.

It does not, of itself, create any interest in or charge on such property.

Bill, s. 11: Bill II, s. 11: Bill III, s. 12: Report, s. 14.

55. In the absence of a contract to the contrary, the buyer and the seller of immoveable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following, or such of them as are applicable to the property sold:

Rights and liabilities of buyer and seller.

(*a*). The seller is bound—

Bill III, s. 12 (*a*).

(1) to disclose to the buyer any defect in the property of which the seller is, and the buyer is not aware, and which the buyer could not with ordinary care discover;

Bill III, s. 12 (*a*).

(2) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power;

Bill III, s. 12 (*a*).

(3) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto;

(4) on payment or tender of the amount due in respect of the price, to execute a proper assurance of the property when the buyer tenders it to him for execution at a proper time and place, and, where the property is, or forms part of, a revenue-paying estate, to present an application to the proper officer for the requisite alteration of the revenue-register;

(5) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in his possession, as an owner of ordinary prudence would take of such property and documents;

(6) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits;

(7) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date; and, except where the property is sold subject to incumbrances, to discharge all incumbrances on the property then existing; and

(8) and the seller shall be deemed to contract that the interest which he assumes to transfer to the buyer subsists and that he has power to transfer the same:

Bill III, s. 12 (*f*).

provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract that he has done no act whereby the property is incumbered or whereby he is hindered from transferring it.

(9) Where the whole of the purchase-money has been paid to the seller, he is also bound to deliver to the buyer all documents of title relating thereto which are in the seller's possession or power:

Bill III, s. (*i*).

provided that (1), where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and (2), where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (1) the seller, and in case (2) the buyer of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, or by any person claiming under him, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof as he may require; and in the meantime, the seller or the buyer, as the case may be, of the lot of greatest value must keep the said documents safe, uncancelled and undefaced, unless prevented from so doing by fire or other inevitable accident;

(*b*) The seller is entitled—

Bill III, s. (*b*).

(1) to the rents and profits of the property till the ownership thereof passes to the buyer;

Bill III, s. (*c*).

(2) where the ownership of the property has passed to the buyer before payment of the whole of the purchase-money, to a charge upon the property in the hands of the buyer for the amount of the purchase-money, or any part thereof remaining unpaid, and for interest on such amount or part.

(*c*). The buyer is bound—

Bill III, s. (*d*).

(1) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is aware, but of which he has reason to believe that the seller is not aware, and which increases the value of such interest;

Bill III, s. (*g*).

(2) to pay or tender, at the time and place of completing the transfer, the purchase-money to the seller or such person as he directs: provided that, where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of the incumbrances on the property existing at the date of the transfer, and shall pay the amount so retained to the persons entitled thereto;

Bill III, s. (*e*).

(3) where the ownership of the property has passed to the buyer, to bear any loss arising from

the destruction, injury or decrease in value of the property not caused by the seller;

III, s. 15. (4) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on the incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(*d*). The buyer is entitled—

III, s. 12 (1) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof;

III, s. 12 (2) unless he has improperly declined to accept delivery of the property, to a charge on the property as against the seller and all persons claiming under him with notice of the payment, to the extent of the seller's interest on the property, for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount; and when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

117, s. 13. An omission to make such disclosures as are mentioned in this section, paragraph (*a*), clause (1), and paragraph (*c*), clause (1), is fraudulent.

III, s. 19. **56.** Where two properties are subject to a common charge, and one of the properties is sold, the buyer is, as against the seller, in the absence of a contract to the contrary, entitled to have the charge satisfied out of the other property, so far as such property will extend.

Sale of one of two properties subject to a common charge.

CHAPTER IV.

OF MORTGAGES OF IMMOVEABLE PROPERTY AND CHARGES.

25, s. 21, 17, s. 19, VIII, s. 15. **57.** (*a*). A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

"Mortgage," "mortgagor" and "mortgagee" defined.

The transferor is called a mortgagor, the transferee a mortgagee; the principal-money and interest of which payment is secured for the time being are called the mortgage-money, the interest transferred is called the mortgaged property, and the assurance (if any) by which the transfer is effected is called a mortgage-deed.

(*b*). Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.

Simple mortgage.

Moo. I. A. 275, 306. Colebs. Dig. B. I, c. III, t. 96.

(*c*). Where the mortgagor ostensibly sells the mortgaged property—

Mortgage by conditional sale.

on condition that on default of payment of the mortgage-money on a certain date the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

(*d*). Where the mortgagor delivers possession of the mortgaged property to the mortgagee and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest or in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

Usufructuary mortgage.

(*e*). Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a condition that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called an English mortgage.

English mortgage.

Macph. 59; R. B. 218, 219

58. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by registered assurance signed by the mortgagor and attested by at least two witnesses.

Mortgage when to be by assurance.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by assurance signed and attested as aforesaid or by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karáchí and Rangoon, by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

Rights and Liabilities of Mortgagor.

59. At any time after the principal money has become payable, the mortgagor, or, where there are more mortgagors than one, any of the mortgagors, has a right, on payment or tender, at a proper time and place, of the mortgage-money, to require the mortgagee (*a*) to deliver the mortgage-deed, if any, (*b*) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (*c*) at the cost of the mortgagor either to re-transfer the mortgaged property to him or to such person as he may direct, or to execute and (where the mortgage has been effected by registered assurance) to have registered an acknowledgment in writing that any right in derogation of his ownership or other interest transferred to the mortgagee has been extinguished:

Right of mortgagor to redeem.

13 Beng. 205: N. W. P., 1868, p. 204: Bomb., 237: no redemption before expiration of period named: Redemption after fixed time has expired, 9 Bom. 69. See 7 Ben. 156 (P.C.)

6 Bom. A. C. J. 265: N. W. P., 1869, p. 132.

provided that the right conferred by this section has not been extinguished by act of the parties or by order of a Court.

The right conferred by this section is called a right to redeem, and a suit to enforce it is called a suit for redemption.

Nothing in this section shall be deemed to render invalid any provision to the effect that, if the time fixed for payment of the principal money has been allowed to pass or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment or tender of such money.

Nothing in this section shall entitle a person interested in a share only of the mortgaged property to redeem his own share only, on payment of a proportionate part of the amount remaining due on the mortgage, except where a mortgagee, or, if there are more mortgagees than one, all such mortgagees, has or have acquired, in whole or in part, the share of a mortgagee.

Redemption of portion of mortgaged property.

60. If the owner of two or more properties makes separate mortgages on them by separate assurances, each mortgage may, in the absence of a contract to the contrary, be dealt with irrespectively of the other, though the mortgages are made in favour of the same mortgagee.

Right to redeem one of two properties separately mortgaged.

Illustration.

A, the owner of farms Z and Y, mortgages Z to B for Rs. 1,000. A afterwards mortgages Y to B for Rs. 1,000 making no stipulation as to any additional charge on Z. A may institute a suit for the redemption of the mortgage on Z alone.

61. In the case of a usufructuary mortgage, the mortgagor has a right to recover possession of the property—

Right of usufructuary mortgagor to recover possession.

(*a*) where the mortgagee is authorized to pay himself the mortgage-money from the rents and profits of the property,—when such money is paid;

(*b*) where the mortgagee is authorized to pay himself from such rents and profits the interest of the principal money,—when the term (if any) prescribed for the payment of the mortgage-money has expired and the mortgagor pays or tenders to the mortgagee the principal money or deposits it in Court as hereinafter provided.

62. Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Bill III, s. 25: 10 Bom. 369; 11 Bomb. 32: I. L. R. 5 Calc. 198.

Accession to mortgaged property.

Where such accession has been acquired at the cost of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the cost of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable in the case of an acquisition necessary to preserve the property from destruction, forfeiture or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.

Accession acquired in virtue of transferred ownership.

In the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor.

Where the mortgage is usufructuary and the accession has been acquired at the cost of the mortgagee, the profits, if any, arising from the accession shall, in the absence of a contract to the contrary, be set off against interest, if any, payable on the money so expended.

Illustration.

A mortgages to B a field, the trees on which are the property of Government. B enters into possession of the field, and as occupant thereof buys the trees. A redeems the field. He is entitled to the trees on payment of their cost.

10 Bom. 369, 371, s. N. W. 1866, p.

63. Where the mortgaged property is a lease for a term of years, and the mortgagee obtains a renewal of the lease, the mortgagor, upon redemption, shall, in the absence of a contract by him to the contrary, have the benefit of the new lease.

Renewal of mortgaged lease.

64. In the absence of a contract to the contrary, the mortgagor shall be deemed to contract with the mortgagee,

Implied contracts by mortgagor.

(*a*) that the interest which the mortgagor assumes to transfer to the mortgagee subsists, and that the mortgagor has power to transfer the same;

(*b*) that the mortgagor will defend, or, if the mortgagee be in possession of the mortgaged property, enable him to defend, the mortgagor's title thereto;

S. D. A., p. 1196; p. 575.

(*c*) that the mortgagor will, so long as the mortgagee is not in possession of the mortgaged property, pay all public charges accruing due in respect of the property;

(*d*) and, where the mortgaged property is a lease for a term of years, that the rent reserved under the lease, the conditions contained therein, and the contracts binding on the lessee have been

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paid, performed and observed down to the commencement of the mortgage; and that the mortgagor will, so long as the security exists and the mortgagee is not in possession of the mortgaged property, pay the rent reserved by the lease, or, if the lease be renewed, the renewed lease, perform the conditions contained therein and observe the contracts binding on the lessee, and indemnify the mortgagee against all claims sustained by reason of the non-payment of the said rent or the non-performance or non-observance of the said conditions and contracts;

(*e*) and, where the mortgage is a second or subsequent incumbrance on the property, that the mortgagor will pay the interest from time to time accruing due on each prior incumbrance as and when it becomes due, and will at the proper time discharge the principal money due on such prior incumbrance.

Nothing in clause (*c*), or in clause (*d*), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage.

65. A mortgagor in possession of the mortgaged property is not liable to the mortgagee for allowing the property to deteriorate; but he must not commit any act which is destructive or permanently injurious thereto, if the security is insufficient or will be rendered insufficient by such act.

Waste by mortgagor in possession.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

Rights and Liabilities of Mortgagee.

66. In the absence of a contract to the contrary, the mortgagee has, at any time after the mortgage-money has become payable to him, and before a decree has been made for the redemption of the mortgaged property, or the mortgage-money has been paid or deposited as hereinafter provided, a right to obtain from the Court an order that the mortgagor shall be absolutely debarred of his right to redeem the property, or an order that the property be sold.

Right to foreclosure or sale.

A suit to obtain an order that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called a suit for foreclosure.

Nothing in this section shall be deemed—

(*a*) to authorize a simple mortgagee as such to institute a suit for foreclosure, or an usufructuary mortgagee as such to institute a suit for foreclosure or sale, or a mortgagee by conditional sale as such to institute a suit for sale; or

(*b*) to authorize a mortgagor who holds the mortgagee's rights as his trustee or legal representative and who may sue for a sale of the property to institute a suit for foreclosure; or

(*c*) to authorize the mortgagee of a railway, canal or other work in the maintenance of which the public are interested to institute a suit for foreclosure or sale; or

(*d*) to authorize a person interested in part only of the mortgage-money to institute a suit relating only to a corresponding part of the mortgaged property: unless the mortgagees have, with the consent of the mortgagor, severed their interests under the mortgage.

67. The mortgagee has a right to sue the mortgagor for the mortgage-money in the following cases only:—

Right to sue for mortgage-money.

(*a*) where the mortgagor binds himself to repay the same:

(*b*) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor:

(*c*) where the mortgagee being entitled to possession of the property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any other person.

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed, or the security is rendered insufficient as defined in section sixty-five, the mortgagee may require the mortgagor to give him within a reasonable time another sufficient security for his debt, and, if the mortgagor fails so to do, may sue him for the mortgage-money.

68. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling the mortgaged property, or any part thereof, is invalid except where—

Power of sale when invalid.

(*a*) the principal money originally secured is five hundred rupees or upwards; or

(*b*) the mortgagee is the Secretary of State for India in Council; or

(*c*) the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karáchí or Rangoon.

Act No. XXVIII of 1866, section 6, is repealed so far as it is inconsistent with this section.

69. If, after the date of the mortgage, any accession is made to the mortgaged property, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to such accession.

Accession to mortgaged property.

Illustrations.

(*a*). A mortgages to B a certain field bordering on a river. The field is increased by alluvion. For the purposes of his security, B is entitled to the increase.

(*b*). A mortgages a certain plot of building land to B and afterwards erects a house on the plot. For the purposes of his security, B is entitled to the house as well as the plot.

70. When the mortgaged property is a lease for a term of years, and the mortgagor obtains a renewal of the lease, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to the new lease.

Renewal of mortgaged lease.

71. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

Rights of mortagagee in possession.

(*a*) for the due management of the property and the collection of the rents and profits thereof;

(*b*) for its preservation from destruction, forfeiture or sale;

(*c*) for supporting the mortgagor's title to the property;

(*d*) for making his own title thereto good against the mortgagor; and

(*e*) when the mortgaged property is a renewable leasehold, for the renewal of the lease;

and may, in the absence of a contract to the contrary, and such money to the principal-money, at the rate of interest payable on the principal, and where no such rate is fixed at the rate of nine per cent. per annum.

Where the property is by its nature insurable at ordinary rates, the mortgagee may also, in the absence of a contract to the contrary, insure and keep insured against loss or damage by fire the whole or any part of such property, and add the premiums paid for any such insurance to the principal-money at the same rate of interest.

72. Where mortgaged property is sold through failure to pay arrears of revenue or rent due in respect thereof, the mortgagee has a charge on the surplus, if any, of the proceeds, after payment thereout of the said arrears, for the amount remaining due on the mortgage, unless the sale has been occasioned by some default on his part.

Charge on proceeds of revenue-sale.

73. Any second or other subsequent mortgagee may, at any time after the amount due on the next prior mortgage has become payable, tender such amount to the next prior mortgagee, and such mortgagee is bound to accept such tender and to give a receipt for such amount; and (subject to the provisions of the law for the time being in force regulating the registration of documents) the subsequent mortgagee shall, on obtaining such receipt, acquire, in respect of the property, all the rights and powers of the mortgagee, as such, to whom he has made such tender.

Right of subsequent mortgagee to pay off prior mortgagee.

74. Every second or other subsequent mortgagee has, so far as regards redemption, foreclosure and sale of the mortgaged property, the same rights against the prior mortgagee or mortgagees as his mortgagor has against such prior mortgagee or mortgagees, and the same rights against the subsequent mortgagees (if any) as he has against his mortgagor.

Rights of mesne mortgagee against prior and subsequent mortgagees.

75. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property,—

Liabilities of mortgagee in possession.

(*a*) he must manage the property as a person of ordinary prudence would manage it if it were his own;

(*b*) he must use his best endeavours to collect the rents and profits thereof;

(*c*) he must, in the absence of a contract to the contrary, out of the income of the property, pay the Government-revenue, all other charges of a public nature accruing due in respect thereof during such possession and any arrears of rent in default of payment of which the property may be summarily sold;

(*d*) he must, in the absence of a contract to the contrary, make such necessary repairs of the property as he can pay for out of the rents and profits thereof after deducting from such rents and profits the payments mentioned in clause (*c*) and the interest on the principal-money.

(*e*) he must not commit any act which is destructive or permanently injurious to the property;

(*f*) where he has insured the whole or any part of the property against loss or damage by fire, he must, in case of such loss or damage, apply any money which he actually receives under the policy, or so much thereof as may be necessary, in reinstating the property;

(*g*) he must keep clear, full and accurate accounts of all sums received and spent by him as mortgagee, and, at any time during the continuance of the mortgage, give the mortgagor, at his request and cost, true copies of such accounts and of the vouchers by which they are supported;

(*h*) his receipts from the mortgaged property, or, where such property is personally occupied by him, a fair occupation-rent in respect thereof, shall, after deducting the expenses mentioned in clauses (*c*), (*d*) and (*e*), and interest thereon, be debited against him in reduction of the amount (if any) from time to time due to him on account of interest on the mortgage-money and so far as such receipts exceed any interest due, in reduction or discharge of the mortgage-money; the surplus, if any, shall be paid to the mortgagor;

(*i*) when the mortgagor tenders, or deposits in manner hereinafter provided, the amount for the

time being due on the mortgage, the mortgagee must, notwithstanding the provisions in the other clauses of this section, account for his gross receipts from the mortgaged property from the date of the tender or from the earliest time when he could take such amount out of Court, as the case may be.

Bill II, s. 62.

Loss occasioned by his default.

If the mortgagee fail to perform any of the duties imposed upon him by this section, he may, when accounts are taken in pursuance of a decree made under this chapter, be debited with the loss, if any, occasioned by such failure.

Bill II, s. 43: Bill, s. 17: Sev. 333: See 10 Moo. I. A. 340.

Receipts in lieu of interest.

76. Nothing in section seventy-five, clauses (*b*), (*d*), (*g*) and (*h*), applies to cases where there is a contract between the mortgagee and the mortgagor that the receipts from the mortgaged property shall, so long as the mortgagee is in possession of the property, be taken in lieu of interest on the principal-money, or of such interest and defined portions of the principal.

Priority.

Bill II, s. 46; III, s. 44: Evidence Act, s. 115: N. W. P., 1868, p. 402: 4 Mad. 373: 2. Moo. I. A. 487: 11 W. R. 286: 8 Bom. A. C. J. 50, 55: Seews in Guzrat, 11 Bom.

Postponement of prior mortgagee.

77. Where, through the fraud, misrepresentation or gross neglect of a prior mortgagee, another person has been induced to advance money on the security of the mortgaged property, the prior mortgagee shall be postponed to the subsequent mortgagee.

Bill II, s. 47; III, s. 25: Bill, s. 34: Report, s. 29.

Mortgage to secure uncertain amount when maximum is expressed.

78. If a mortgage made to secure future advances, the performance of an engagement or the balance of a running account expresses the maximum to be secured thereby, a subsequent mortgage of the same property shall, if made with notice of the prior mortgage, or if the instrument effecting the prior mortgage is registered, be postponed to the prior mortgage in respect of all advances or debits not exceeding the maximum, though made or allowed with notice of the subsequent mortgage.

Illustration.

A mortgages Sultánpur to his bankers, B & Co., to secure the balance of his account with them to the extent of Rs. 10,000. A then mortgages Sultánpur to C, to secure Rs. 10,000; and C gives notice thereof to B & Co. At the date of the second mortgage, the balance due to B & Co. does not exceed Rs. 5,000. B & Co. subsequently advance to A sums making the balance of the account against him exceed the sum of Rs. 10,000. B & Co. are entitled, to the extent of Rs. 10,000, to priority over C.

Bill II, s. 48: III, s. 46: Bill, s. 38: Report, s. 34: 2 Beng. App. 45: 5 Beng. 463: 11 W. R. 310.

Tacking abolished.

79. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security. And, except in the case provided for by section seventy-eight, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his security for such subsequent advance.

Marshalling and Contribution.

Fisher 704: Bill II, s. 50 III, s. 47: W. R. 1864, p. 374: 1 W. P. 353 7 W. R. 483 12 W. R. 11 Macph. 205. Macph. 136.

Marshalling securities.

80. If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has not notice of the former mortgage, the second mortgagee is, in the absence of a contract to the contrary, entitled to have the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee so far as such property will extend; but not so as to prejudice the rights of the first mortgagee or of any other person having acquired for valuable consideration an interest in either property.

Bill III, s. 48 Fisher 700.

Contribution to mortgage-debt.

81. Where several properties, whether of one or several owners, are mortgaged to secure one debt, each property is, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, after deducting from the value of each property the amount of any other incumbrance to which it is subject at the date of the mortgage.

Where, of two properties belonging to the same owner, one is mortgaged to secure one debt and then both are mortgaged to secure another debt, and the former debt is paid out of the former property, each property is, in the absence of a contract to the contrary, liable to contribute rateably to the latter debt after deducting the amount of the former debt from the value of the property out of which it has been paid.

Nothing in this section applies to a property liable under section eighty to the claim of the second mortgagee. Fisher 704.

Deposit in Court.

Bill III, s. 33 Beng. Reg. I of 1798, s. 2: Macph. 171.

Power to deposit in Court money due on mortgage.

82. At any time after the principal-money has become payable and before a suit for redemption of the mortgaged property is barred, the mortgagor, or any other person entitled to institute such suit, may deposit, in any Court in which he might have instituted such suit, to the account of the mortgagee, the amount remaining due on the mortgage.

Bill II, s. 35; III, s. 23: Bill, s. 15, clause (*e*): Beng. Reg. I of 1798, s. 2: Macph. 171.

Right to money deposited by mortgagor.

The Court shall thereupon cause written notice of the deposit to be served on the mortgagee, and the mortgagee may, on presenting a petition (verified in manner prescribed by law for the verification of plaints) stating the amount then due on the mortgage, and his willingness to accept the money so deposited in full discharge of such amount, and on depositing in the same Court the mortgage-deed if then in his possession or power, apply for and receive the money, and the mortgage-deed so deposited shall be delivered to the mortgagor or such other person as aforesaid.

N. W. P. 1: Macph. 159, 0: II III, s. 32.

Cessation of interest.

83. When the mortgagor or such other person as aforesaid has tendered or deposited in Court under section eighty-two the amount remaining due on the mortgage, interest on the principal-money shall cease from the date of the tender or as soon as the mortgagor or such other person as aforesaid has done all that has to be done by him to enable the mortgagee to take such amount out of court, as the case may be.

Nothing in this section or in section eighty-two shall be deemed to deprive the mortgagee of his right to interest when there exists a contract that he shall be entitled to reasonable notice before payment or tender of the mortgage-money.

Suits for Foreclosure, Sale or Redemption.

II, s. 52: s. 49: Moo. I. A. : 1 W. 176: 21 [illegible] 33: [illegible] by [illegible] 146: on 1, 442, Act X of V, s. 32: omb. O. C. 6 (legal esentative deceased gagor): ng. 104 ebaser mortga- Marshall claimants ght of mption, W. P. , p. 144.

Parties to suits for foreclosure, sale and redemption.

84. Subject to the provisions of the Code of Civil Procedure, section 437, all persons having an interest in the property comprised in a mortgage must be joined as parties to any suit under this chapter relating to such mortgage: provided that the plaintiff has notice of such interest.

Foreclosure and Sale.

II, s. 53: s. 50: s. 19.

Decree in foreclosure-suit.

85. In a suit for foreclosure, if the plaintiff succeed, the Court shall make a decree, ordering that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree,

and ordering that, upon the defendant paying to the plaintiff or into Court the amount so due, on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall transfer the property to the defendant free from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims; and shall, if necessary, put the defendant into possession of the property; and

that, if the payment is not made on or before the day to be fixed by the Court, the defendant shall be absolutely debarred of all right to redeem the property.

Bill II, s. 54.

Procedure in case of payment of amount due.

86. If payment is made of such amount and of such subsequent costs as are mentioned in section ninety-three, the defendant shall (if necessary) be put into possession of the mortgaged property.

If such payment is not so made, the plaintiff may apply to the Court for an order that the defendant and all persons claiming through or under him be debarred absolutely of all right to redeem the mortgaged property, and the Court shall then pass such order, and may, if necessary, deliver possession of the property to the plaintiff.

Order absolute for foreclosure.

W. R. 91.

Power to enlarge time.

Provided that the Court may, upon good cause shewn, and upon such terms, if any, as it thinks fit, from time to time postpone the day appointed for such payment.

On the passing of an order under the second paragraph of this section the debt secured by the mortgage shall be deemed to be discharged.

In the Code of Civil Procedure, schedule IV, No. 129, for the words "Final decree," the words "Decree absolute" shall be substituted.

Bill II, sec. 55.

Decree for sale.

87. In a suit for sale, if the plaintiff succeed, the Court shall pass a decree to the effect mentioned in the first and second paragraphs of section eighty-five, and also ordering that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is so found due to the plaintiff, and that the balance, if any, be paid to the defendant or other persons entitled to receive the same.

Power to decree sale at instance of mortgagee.

In a suit for foreclosure, if the plaintiff succeed, the Court may at his instance pass a like decree in lieu of a decree for foreclosure.

Bill, s. 21: 15 & 16 Vic. c. 86, s. 48.

Power to decree sale in foreclosure-suit at instance of mortgagor.

When the mortgagee sues only for foreclosure, and not for foreclosure or sale, if the Court consider that he will not be damnified by a sale and if the defendant furnishes such security as the Court thinks sufficient for the full and prompt payment of the balance due for the time being by him on the mortgage, the Court may, at the instance of the defendant, pass a like decree.

Bill II, s. 56.

Procedure when defendant pays amount due.

88. If in any case under section eighty-seven the defendant pays to the plaintiff or into court on the day fixed as aforesaid the amount due under the mortgage, the costs, if any, awarded to him and such subsequent costs as are mentioned in section ninety-three, the defendant shall (if necessary) be put in possession of the mortgaged property; but if such payment is not so made, the plaintiff or the defendant, as the case may be, may

apply to the Court for an order absolute for sale of the mortgaged property, and the Court shall then pass an order that such property, or a sufficient part thereof, be sold, and that the proceeds of the sale be dealt with as is mentioned in section eighty-seven; and thereupon the defendant's right to redeem and the security shall both be extinguished.

Order absolute for sale.

Bill III, s. 54: Bill, s. 23: Kent IV, 207.

89. When the nett proceeds of any such sale are insufficient to pay the amount due for the time being on the mortgage, the balance, if legally recoverable from the defendant otherwise than out of the property sold, may be recovered either (if the Court thinks fit) in the same suit in the same manner as under a decree for money, or by any other legal process open to the mortgagee.

Recovery of balance due on mortgage.

Redemption.

Bill II, s. 58: Bill III, s. 55.

90. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption of, the mortgaged property:—

Who may sue for redemption.

(*a*) any person (other than the mortgagee of the interest sought to be redeemed) having any interest in or charge upon the property;

3 W. R. 230: 6 W. R. 280, &c.: But see 17 W. R. 272.

(*b*) any person having any interest in, or charge upon, the right to redeem the property;

(*c*) any surety for the payment of the mortgage-debt or any part thereof;

(*d*) the guardian of the property of a minor mortgagor on behalf of such minor;

(*e*) the committee or other legal curator of a lunatic or idiot mortgagor on behalf of such lunatic or idiot;

(*f*) the judgment-creditor of the mortgagor, when he has obtained execution;

Fisher, 768.

(*g*) a creditor of the mortgagor who has, in a suit for the administration of his estate, obtained a decree for sale of the mortgaged property.

Bill II, s. 59: III, s. 56: Bill, s. 25: See Code, C. P., section 461. N. W. P., 1870, p. 207.

91. In a suit for redemption, if the plaintiff succeed, the Court shall pass a decree—

Decree in redemption-suit.

ordering that an account be taken of what will be due to the defendant for the mortgage-money and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree; and ordering that, upon the plaintiff paying to the defendant or into Court the amount so due on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the defendant shall deliver up to the plaintiff or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall re-transfer it to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him, or, when the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff into possession of the mortgaged property;

that if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage be simple or usufructuary) be absolutely debarred of all right to redeem the property, or (unless the mortgage be by conditional sale) that the property be sold.

Bill II, s. 60.

92. If payment is made of such amount and of such subsequent costs as are mentioned in section ninety-three, the plaintiff shall, if necessary, be put into possession of the mortgaged property.

In case of redemption, possession.

If such payment is not so made, the defendant may (unless the mortgage is simple or usufructuary) apply to the Court for an order that the plaintiff and all persons claiming through or under him be debarred absolutely of all right to redeem, or (unless the mortgage is by conditional sale) for an order that the mortgaged property be sold.

In default, foreclosure or sale.

If he apply for the former order, the Court shall pass an order that the plaintiff and all persons claiming through or under him be absolutely debarred of all right to redeem the mortgaged property, and may, if necessary, deliver possession of the property to the defendant.

If he apply for the latter order, the Court shall pass an order that such property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance be paid to the plaintiff or other persons entitled to receive the same.

On the passing of any order under this section the plaintiff's right to redeem and the security shall, as regards the property affected by the order, both be extinguished:

Provided that the Court may, upon good cause shown, and upon such terms, if any, as it thinks fit, from time to time postpone the day fixed under section ninety-one for payment of the amount due.

Power to enlarge time.

Bill II, s. 62. Bill, s. 30.

93. In finally adjusting the amount to be paid to a mortgagee in case of a redemption or a sale by the Court under this chapter, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure, redemption or sale up to the time of actual payment.

Costs of mortgagee subsequent to decree.

Macph. 145.

94. Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, he has a charge on the share of each of the other co-mortgagors in the property for his proportion of the costs properly incurred in so redeeming and obtaining possession.

Charge of one of several co-mortgagors who redeems.

Sale of Property subject to prior Mortgage.

Bill II, s. 65: III, s. 60: Bill, s. 32: Report, s. 25, altered: Act X of 1877, s. 295.

95. If any property the sale of which is directed under this chapter is subject to a prior mortgage, the Court may, with the consent of the prior mortgagee, order that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.

Sale of property subject to prior mortgage.

Bill II, s. 66: III, s. 61: Bill, s. 33: See Act X of 1877, s. 295.

96. Such proceeds shall be brought into Court and applied as follows:—

Application of proceeds.

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, if the property has been sold free from any prior mortgage, in payment of whatever is due on account of such mortgage;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

fifthly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or if there be more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

Anomalous Mortgages.

Bombay Reg. V of 1827, s. 15. 'No precise form is required for a mortgage,' 5 Beng. 372, per Couch, C. J.

97. In the case of a mortgage not being a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage, or an English mortgage, or a combination of the first and third, or the second and third, of such forms, the rights and liabilities of the parties shall be determined by their contract as evidenced in the mortgage-deed, and, so far as such contract does not extend, by local usage.

Mortgage not described in section 58, clauses (*b*), (*c*), (*d*) and (*e*).

Attachment of Mortgaged property.

98. Where a mortgagee in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches the mortgaged property, he shall not be entitled to bring such property to sale otherwise than by instituting a suit under section sixty-six.

Attachment of mortgaged property.

Charges.

Bill II, s. 68: III, s. 63: Bill, s. 41.

99. Where immoveable property of one person is by act of parties or operation of law made security for the payment of money to another, and the transaction does not amount to a mortgage, the latter person is said to have a charge on the property; and all the provisions hereinbefore applied to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections eighty and eighty-one and all the provisions hereinbefore applied to a mortgagee instituting a suit for the sale of the mortgaged property shall, so far as may be, apply to the person having such charge.

Charges.

Nothing in this section applies to the charge of a trustee on the trust-property for expenses properly incurred in the execution of his trust.

Bill II, s. 69: III, s. 64: *Swinfen* v. *Swinfen*, 29 Beav. 199: *Adams* v. *Angell*, 5 Chan. D. 634, 645: 7 Mad. 231: 14 W. R. 491: 3 O'Kin. 184: 5 Beng. 463: 11 Bom. 41.

100. Where the owner of a charge or other incumbrance on immoveable property is or becomes absolutely entitled to that property, the charge or incumbrance shall be extinguished, unless he declares, by express words or necessary implication, that it shall continue to subsist, or such continuance would be for his benefit.

Extinguishment of charges.

Notice and Tender.

101. Where the person on or to whom any notice or tender is to be served or made under this chapter does not reside in the district in which the mortgaged property or some part thereof is situate, service or tender on or to an agent holding a general power-of-attorney from such person or otherwise duly authorized to accept such service or tender shall be deemed sufficient.

Service or tender on or to agent.

Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown to the person required to serve the notice, the latter person may apply to any Court in which a suit might be brought for redemption of the mortgaged property, and such Court shall direct in what manner such notice shall be served, and any notice served in compliance with such direction shall be deemed sufficient.

Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown to the person desiring to make the tender, the latter person may deposit in such Court as last aforesaid the amount sought to be tendered, and such deposit shall have the effect of a tender of such amount.

102. Where under the provisions of this chapter a notice is to be served on or by, or tender or deposit made or accepted or taken out of Court by, any person, incompetent to contract, such notice may be served or tender or deposit made accepted or taken by the legal curator of the property of such person; but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or tender or deposit made under the provisions of this chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian *ad litem* for the purpose of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of Court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract; and the provisions of chapter XXXI of the Code of Civil Procedure shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

Notice, &c., to or by person incompetent to contract.

103. The High Court may, from time to time, make rules consistent with this Act for carrying out the provisions contained in this chapter.

Power to make rules.

CHAPTER V.

OF LEASES OF IMMOVEABLE PROPERTY.

104. A lease of immoveable property is a transfer of a right to enjoy such property made for a certain time express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

Lease defined.

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent.

Lessor, lessee, premium and rent defined.

Bill II, s. 74: III, 68: Bill, s. 46: Report, s. 40; 5 Bomb. A. C. J. 179; 6 *ibid.* 31; 7 *ibid.* 111. and see 1 Beng. F. B. 25. 18 W. R. 190: I. L. R. 2 Calc. 146: 4 Bengal Appendix 86; 13 Beng. 263: N. W. P., 1873, p. 9., Perry 480.

105. In the absence of a contract or local law or usage to the contrary, a lease of immoveable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy; and a lease of immoveable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy.

Duration of certain leases in absence of written contract or local usage.

Every notice under this section must be in writing signed by or on behalf of the party giving it and tendered or delivered to the party who is intended to be bound by it, or affixed to a conspicuous part of the property.

Notice to determine lease.

106. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered assurance.

Leases how made.

Bill II, s. 71: Bill III, s. 65. All other leases of immoveable property may be made either by assurance or by oral agreement.

107. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immoveable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased:—

Rights and liabilities of lessor and lessee.

A.—Rights and liabilities of the Lessor.

Bill III, s. 66 6 W. R. 314. (*a*) the lessor is bound to disclose to the lessee any defect in the property, with reference to its intended use, of which the former is and the latter is not aware, and which the latter could not with ordinary care discover:

(*b*) the lessor is bound on the lessee's request to put him in possession of the property leased: 6 Beng. Appendix 44: 39 (3); 15 W. R. 230; 23 W. R. 121.

(*c*) the lessor shall be deemed to contract with the lessee that, if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property leased during the time limited by the lease without interruption:

(*d*) where an arrear of rent is due from any lessee, the lessor may, instead of suing for the arrear, recover the same by distress and sale of the goods found in or upon the property in respect of which the arrear is due or of the produce of such property, but subject to the local law, if any, for the time being in force relating to distresses. 39 (2) altered: cf. IX of 1872, s. 93: 11 W. R. 278: 12 W. R. 149.

B.—Rights and liabilities of the Lessee.

(*e*) if during the continuance of the lease any accession is made to the property leased, such accession (subject to the law relating to alluvion for the time being in force) shall be deemed to be comprised in the lease: 8 Beng. [illegible]: 5 Calc. [illegible] R. 33.

(*f*) if by fire, tempest or flood, or violence of an army or of a mob, or other irresistible force, any material part of the property leased be wholly destroyed or rendered substantially and permanently unfit for the purposes for which it was let, the lease shall, at the option of the lessee, be void:

provided that, if the injury be occasioned by the wrongful act or default of the lessee, he shall not be entitled to avail himself of the benefit of this provision:

(*g*) if the lessor neglects to make, within a reasonable time after notice, repairs which he is bound to make to the property leased, the lessee may make the same himself, and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor:

(*h*) if the lessor neglects to make any payment which he is bound to make, and which, if not made by him, is recoverable from the lessee or against the property leased, the lessee may make such payment himself, and deduct it with interest from the rent, or otherwise recover it from the lessor:

(*i*) the lessee may remove, at any time during the continuance of the lease, all things which he has attached to the earth; provided he leaves the property leased in the state in which he received it: *Re Thakur Chunder Paramanick*, Beng. F. B. Rulings 598: 8 Beng. 267: 14 Beng. 201, 205:

(*j*) when a lease of uncertain duration determines by any means except the fault of the lessee, he or his legal representative is entitled to all the crops planted or sown by the lessee and growing upon the property leased for the season current when the lease determines, and to free ingress and egress to gather and carry them: cf. Act XIX of 1868, s. 46: Act XVIII of 1873, s. 42.

S. D. A. 205: 5 M ad. 120, 127. 7 Beng. 152: N. W. P., 1875, p. 181: 12 W. R. 451: 16 W. R. 112: 6 S. D. A. 67: 15 W. R. 449.

(*k*) the lessee may transfer absolutely or by way of mortgage or sub-lease the whole or any part of his interest in the property leased, and any transferee of such interest or part may again transfer it. The lessee shall not, by reason only of such transfer, cease to be subject to any of the liabilities attaching to the lease:

8 Beng. 239: 12 Beng. 82.

nothing in this clause shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards, to assign his interest as such tenant, farmer or lessee:

(*l*) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, of which the lessee is, and the lessor is not, aware, and which increases the value of such interest:

See 23 W. R. 84.

(*m*) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf:

(*n*) the lessee is bound to keep, and on the termination of the lease to restore, the property leased in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter into the property leased and inspect the condition thereof and give or leave notice of any defect in such condition, and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left:

(*o*) if the lessee becomes aware of any proceeding to recover the property leased or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor:

3 Beng. 401, 416: 3 Beng. Appendix 70: 10 Beng. App. 41. sed cf. 5 S. D. A. 205: 15 W. R. 360. 17 W. R. 416: 22 W. R. 298: W. R. Sp. (1864) 86: 3 Chan. Div. 526.

(*p*) the lessee may use the property leased and its products (if any) as a person of ordinary prudence would use them if they were his own; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or fell timber, pull down or damage buildings, work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto:

8 Beng. 242: 14 & 15 Vic., c. 25, s. 8.

(*q*) he must not, without the lessor's consent, erect on the property leased any permanent structure, except for agricultural purposes:

(*r*) on the determination of the lease, the lessee is bound to put the lessor into possession of the property leased.

14 W. R. 83: 24 W. R. 68.

108. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights and, if the lessee so elects, be subject to all the liabilities of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not by reason only of such transfer cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him:

Rights of lessor's transferee.

Act XI of 1855, s. 1: 4 Anne, c. 16, s. 10.

Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee pay rent to the lessor without having reason to believe that such transfer has been made, the lessee shall not be liable to pay such rent over again to the transferee.

Bill II, s. 72.

Where only a part of the property leased is transferred by the lessor, he may (subject to the provisions of section thirty-eight) determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred.

Bill II, s. 75: Bill, s. 43.

109. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no day of commencement is named, the time so limited begins from the making of the lease.

Exclusion of day on which term commences.

Where the time so limited is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day from which such time commences.

Duration of lease for a year.

Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable, the lessee, and not the lessor, shall have such option.

Option to determine lease.

Bill II, s. 76 7 W. R. 288.

110. A lease of immoveable property determines—

Determination of lease.

(*a*) by efflux of the time limited thereby:

3 Moo. I. A. 261: 16 W. R. 147

(*b*) where such time is limited conditionally on the happening of some event—by the happening of such event:

Lease by Hindú widow, Marshall 166

(*c*) where the interest of the lessor in the property leased terminates on, or his power to dispose of the same extends only to, the happening of any event—by the happening of such event:

3 O'Kin. 159 But see per Peacock, C.J. 10 W. R. 15

(*d*) in case the interests of the lessee and the lessor in the whole of the property leased become vested at the same time in one person in the same right:

Surrender of right to re-

deem mortgaged lease, N. W. P., 1869, p. 45. Surrender by one of several joint lessees, 9 W. R. 147.

the lessee yields up his interest under the lease to the lessor, by mutual agreement between them:

(*f*) by implied surrender:

Marshall 250: 16 W.B. 103: 25 W. R. 227.

(*g*) by forfeiture; that is to say, (1) in case the lessee breaks an express condition which provides that, on breach thereof, the lessor may re-enter, or the lease shall become void; or (2) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself; and in either case the lessor or his transferee does some act showing his intention to determine the lease:

18 W. R. 465. But see 22 W. R. 448. 25 W. R. 147.

23 W. R. 238, 271.

(*h*) on the expiration of a notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other.

Illustration to clause (f).

A, the lessee, accepts from the lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is an implied surrender of the former lease, and such lease determines thereupon.

Bill II, s. 77, cl. 1: W. R. F. B. 20: Marshall 25.

111. A forfeiture under section one hundred and ten, clause (*g*), is waived by acceptance of rent which has become due since the forfeiture, or by distress for such rent, or by any other act on the part of the lessor showing an intention to treat the lease as subsisting:

Waiver of forfeiture.

Provided that the lessor is aware that the forfeiture has been incurred:

2 Bom. 78.

Provided also that, where rent is accepted after the institution of a suit to eject the lessee on the ground of forfeiture, such acceptance is not a waiver.

112. A notice given under section one hundred and ten, clause (*h*), is waived, with the express or implied consent of the person to whom it is given, by any act on the part of the person giving it showing an intention to treat the lease as subsisting.

Waiver of notice to quit.

Illustrations.

(*a*). A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires. B tenders, and A accepts, rent which has become due in respect of the property since the expiration of the notice. The notice is waived.

(*b*). A, the lessor, gives B the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. The first notice is waived.

Bill II, s. 77, cl. 2: N. W. P., 1867, Ex. o. c. 1. Timmaré Ewasik v. Babiya Kuppayoda, 2 Bom. 70: 9 W. R. 225, per Peacock, C. J.

113. Where a lease of immoveable property has determined by forfeiture for non-payment of rent, and the lessor sues to eject the lessee, if, at the hearing of the suit, the lessee pays or tenders to the lessor the rent in arrear, together with interest thereon and his full costs of the suit, or gives such security as the Court thinks sufficient for making such payment within fifteen days, the Court may, in lieu of making a decree for ejectment, pass an order relieving the lessee against the forfeiture; and thereupon the lessee shall hold the property leased as if the forfeiture had not occurred.

Relief against forfeiture for non-payment of rent.

Act XVIII of 1873, s. 34, cl. (*c*), para. 1.

114. The surrender, express or implied, of a lease of immoveable property does not prejudice an under-lease of the property or any part thereof previously granted by the lessee, on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease; but, unless the surrender is made for the purpose of obtaining a new lease, the rent payable by and the contracts binding on the under-lessee shall be respectively payable to and enforceable by the lessor.

Effect of surrender and forfeiture on under-leases.

10 W. R. 384. 13 W. R. 281. N. W. P., 1871, p. 63.

The forfeiture of such a lease annuls all such under-leases, except where such forfeiture has been procured by the lessor in fraud of the under-lessees.

115. If a lessee or under-lessee of property remains in possession thereof after the determination of the lease, and the lessor or his legal representative accepts rent from the lessee or under-lessee, or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year, or from month to month, according to the purpose for which the property is leased, as specified in section one hundred and seven.

Effect of holding over.

Bill II, s. 78: Bill, s. 47: Report, s. 41: 3 Bom, A. C. J. 27: 2 Beng. 263: N. W. P., 1870, p. 204: 7 W. R. 153: 16 W. R. 185: 22 W. R. 394: 548: 23 W. R. 271: 25 W. R. 234.

Illustrations.

(*a*). A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. C's lease is renewed from month to month.

(*b*). A lets a farm to B for the life of C. C dies, but B continues in possession with A's assent. B's lease is renewed from year to year.

116. None of the provisions of this chapter apply to leases for agricultural purposes, except in so far as the local Government, with the previous sanction of the Governor General in Council, may by notification published in the official Gazette declare all or any of such provisions to be so applicable, together with, or subject to, those of the local law, if any, for the time being in force.

Exemption of leases for agricultural purposes.

Such notification shall not take effect until the expiry of six months from the date of its publication.

CHAPTER VI.

OF EXCHANGES.

117. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange."

"Exchange" defined.

Bill II, s. 21: Bill, s. 48: 1 Mad. 100.

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale.

Bill II, s. 22, cl. 2:

118. In the absence of a contract to the contrary, the party deprived of the thing or part thereof he has received in exchange by reason of any defect in the title of the other party is entitled at his option to compensation or to the return of the thing transferred by him.

Right of party evicted from thing received in exchange.

Bill II, s. 23: Bill, s. 48, para. 2.

119. Save as otherwise provided in this chapter, each party has the rights and is subject to the liabilities of a seller as to that which he gives, and has the rights and is subject to the liabilities of a buyer as to that which he takes.

Rights and liabilities of parties.

Bill II, s. 24: Bill, s. 48, para. 3: 1 Morl. 105.

120. On an exchange of money, each party thereby warrants the genuineness of the money given by him.

Exchange of money.

CHAPTER VII.

OF GIFTS.

121. "Gift" is the transfer of certain existing moveable or immoveable property made voluntarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.

"Gift" defined.

Such acceptance must be made during the lifetime of the donor and while he is still capable of giving.

Acceptance when to be made.

L. C. 1581.

If the donee dies before acceptance, the gift is void.

Act III of 1877, s. 17, cl. (*a*).

122. For the purpose of making a gift of immoveable property, the transfer must be effected by registered assurance signed by or on behalf of the donor, and attested by at least two witnesses.

Transfer how effected.

For the purpose of making a gift of moveable property, the transfer may be effected either by a non-testamentary instrument [registered and] signed as aforesaid or by delivery.

Act IX of 1872, s. 90.

Such delivery may be made in the same way as goods sold may be delivered.

123. A gift comprising both existing and future property is void as to the latter.

Gift of existing and future property.

Burge II, 144.

124. A gift of a divisible thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had he accepted.

Gift to several, of whom one does not accept.

125. The donor and donee may agree that on the happening of any specified event which does not depend on the will of the donor a gift shall be suspended or revoked; but a gift which the parties agree shall be revocable wholly or in part at the mere will of the donor is void wholly or in part, as the case may be.

When gift may be suspended or revoked.

A gift may also be revoked in any of the cases (save want or failure of consideration) in which, if it were a contract, it might be rescinded.

Save as aforesaid, a gift cannot be revoked.

1 L. R., 2 All, 432.

Nothing contained in this section shall be deemed to affect the rights of transferees for consideration without notice.

Illustrations.

(*a*). A gives a field to B, reserving to himself, with B's assent, the right to take back the field in case B and his descendants die before A. B dies without descendants in A's lifetime. A may take back the field.

(*b*). A gives a lákh of rupees to B, reserving to himself, with B's assent, the right to take back at pleasure Rs. 10,000 out of the lákh. The gift holds good as to Rs. 90,000, but is void as to Rs. 10,000, which continue to belong to A.

126. Where a gift is in the form of a single transfer to the same person of several things of which one is, and the others are not, burdened by an obligation, the donee can take nothing by the gift unless he accepts it fully.

Onerous gifts.

Act X of 1865, s. 109.

Where a gift is in the form of two or more separate and independent transfers to the same person of several things, the donee is at liberty to accept one of them and refuse the others, although the former may be beneficial and the latter onerous.

Act X of 1865, s. 110.

A donee not competent to contract and accepting property burdened by any obligation is not bound by his acceptance. But if, after becoming competent to contract and being aware of the obligation, he retains the property given, he becomes so bound.

Onerous gift to disqualified person.

Illustrations.

(*a*). A has shares in X, a prosperous joint stock company, and also shares in Y, a joint stock company in difficulties. Heavy calls are expected in respect of the shares in Y. A gives B all his shares in joint stock companies. B refuses to accept the shares in Y. He cannot take the shares in X.

(*b*). A, having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is more than the house can be let for, gives to B the lease, and also, as a separate and independent transaction, a sum of money. B refuses to accept the lease. He does not by this refusal forfeit the money.

127. Subject to the provisions of section one hundred and twenty-six, where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by the donor at the time of the gift to the extent of the property comprised therein.

Universal donee.

128. Nothing in this chapter relates to gifts of moveable property made in contemplation of death, or shall be deemed to affect any rule of Muhammadan law.

Saving of donations *mortis causâ* and Muhammadan law.

CHAPTER VIII.

OF TRANSFERS OF ACTIONABLE CLAIMS.

Actionable claim.

129. A claim is actionable when the civil Courts recognise it as a ground for relief, whether a suit for its enforcement is or is not actually pending or likely to become necessary.

Bill II, s. 136: Bill, s. 99: Report, s. 99: 36 & 37 Vic., s. 66, s. 25(*b*): 1 Mad. 150: See 5 W. R. 230: But see 10 N. W. P. 474, cited Macph. 122.

Transfer of debts.

130. No transfer of any debt or any beneficial interest in moveable property shall have any operation against the debtor or against the person in whom the property is vested, until express notice of the transfer is given to him, unless he is a party to such transfer; and every dealing by such debtor or person, not being a party to, and not having received express notice of, a transfer, with the debt or property shall be valid as against such transfer.

Illustrations.

(*a*). A owes money to B, who transfers the debt to C. B then demands the debt from A, who, having no notice of the transfer, pays B. The payment is valid, and C cannot sue A for the debt.

(*b*). A has jewels deposited with B, a jeweller. A mortgages them to C. A then executes an instrument transferring them to D, who takes it to B, and gets the jewels from him before he, B, has received any notice of C's mortgage. B is justified in handing the jewels to D, and C has no remedy against D.

Bill II, s. 137: Report, s. 100.

Notice to be in writing signed.

131. Every such notice must be in writing signed by the person making the transfer, or by his agent duly authorized in this behalf.

Bill II, s. 138: Fisher, 116: *Sichel* v. *Raphael* 10 Jur. N. S. 1165.

Debtor to give effect to transfer.

132. On receiving such notice, the debtor or person in whom the property is vested shall give effect to the transfer unless where the debtor resides, or the property is situate, in a foreign country and the title of the person in whose favour the transfer is made is not complete according to the law of such country.

Warranty of solvency of debtor.

133. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount or value of such consideration.

Discharge of person against whom claim is sold.

134. Where an actionable claim is sold, he against whom it is claimed is wholly discharged by paying to the buyer the price and incidental expenses of the sale, with interest on the price from the day that the buyer paid it.

Nothing in the former part of this section applies—

(*a*) where the sale is made to the co-heir or co-proprietor of the claim sold;

(*b*) where it is made to a creditor in payment of what is due to him;

(*c*) where it is made to the possessor of a property subject to the actionable claim;

(*d*) where the judgment of a competent Court has been delivered affirming the claim, or where the claim has been made clear by evidence and is ready for judgment.

Incapacity of officers connected with Courts of justice.

135. No judge, pleader, clerk, bailiff or other officer connected with Courts of justice can buy any actionable claim falling under the jurisdiction of the Court in which he exercises his functions.

Bill II, s. 139: *Mangles* v. *Dixon*, 3 H. L. Ca. 702: Fisher, s. 1058.

Liability of transferee of debt.

136. The person to whom a debt or charge is transferred shall take it subject to all the liabilities to which the transferor was subject in respect thereof at the date of the transfer.

Illustration.

A debenture is issued in fraud of a public company to A. A sells and transfers the debenture to B, who has no notice of the fraud. The debenture is invalid in the hands of B.

Bill II, s. 67, para. 2: Dav. Conv. II, 691, 693.

Mortgaged debt.

137. When a debt is transferred for the purpose of securing an existing or future debt, the original debt, if recovered by either the transferor or transferee, is applicable, first, in payment of the costs of such recovery; secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor.

Bill II, s. 140.

Saving of negotiable instruments.

138. Save as provided by section one hundred and thirty-seven, nothing in this chapter applies to negotiable instruments.

THE SCHEDULE.

(*a*). STATUTE.

Year and chapter.	Subject.	Extent of repeal.
27 Hen. VIII, c. 10.	Uses	The whole.
4 Wm. & Mary, c. 16.	Clandestine mortgages	The whole.

(*b*). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
XXIX of 1842	Lease and release ...	The whole.
XXXI of 1851	Modes of conveying land	Section 17.
XI of 1855	Mesne profits and improvements.	Section 1; and in the title and preamble, the words "to mesne profits and" and "to limit the liability for mesne profits and."
XXVII of 1866	Indian Trustee Act ...	Section 31.
IV of 1872	Panjáb Laws Act ...	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XX of 1875	Central Provinces Laws Act.	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.

(*b*). ACTS OF THE GOVERNOR GENERAL IN COUNCIL —*contd.*

Number and year.	Subject.	Extent of repeal.
XVIII of 1876	Oudh Laws Act ...	So far as it relates to Bengal Regulation XVII of 1806.
I of 1877	Specific Relief ...	In sections 35 and 36, the words "in writing."

(*c*). REGULATIONS.

Number and year.	Subject.	Extent of repeal.
Bengal Regulation I of 1798.	Conditional sales ...	The whole Regulation.
Bengal Regulation XVII of 1806.	Redemption ...	The whole Regulation.
Bombay Regulation V of 1827.	Mortgagees in possession	Section 15.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 19, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee:—

No. 5 OF 1881.

A Bill to amend the Indian Penal Code.

Preamble.

FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

Amendment of section 40, clause 2, of Indian Penal Code.

1. In the second clause of section 40 of the said Code, before the figure "109," the figures "65, 66, 71" shall be inserted.

Amendment of section 64 of same Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely:—

"In every case punishable under any law in force for the time being, with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

and in every case punishable under this Code with fine only, in which the offender is sentenced to a fine,"

Amendment of section 67 of same Code.

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Addition to section 71 of same Code.

4. To section 71 of the said Code, the following clause shall be added:—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

New Exception to section 214 of same Code.

5. In section 214 of the said Code, for the Exception, the following shall be substituted, namely:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Addition to section 435 of same Code.

6. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely:—

"or (where the property is agricultural produce) ten rupees or upwards."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make six amendments of the Indian Penal Code.

The first is to render the word "offence," as used in sections 65, 66 and 71 (as amended by this Bill), applicable to things punishable under the Code or any special or local law.

The second is to render section 64 (as to sentence of imprisonment on default of payment of fine) applicable to convictions under special and local laws in case of offences punishable both with imprisonment and fine. It corresponds with the first clause of section 309 of Act X of 1872, which will be repealed by the new Code of Criminal Procedure.

The third is to declare that, when an offence is punishable with fine only, the imprisonment in default of payment of the fine shall be simple: this is in accordance with a decision of the Bombay High Court (5 Bom. C. C. 55).

The fourth is to declare, by an addition to section 71, that, when anything is an offence falling within two or more separate definitions, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences. This corresponds with the latter part of the second clause of section 454 of the present Code of Criminal Procedure; but it is clearly matter of substantive law, and should therefore be placed in the Penal Code.

The fifth is to replace the obscure Exception which now stands in section 214 by the following:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

This will be read with section 345 of the new Code of Criminal Procedure, which declares that certain specified offences, and no others, may be compounded.

The sixth is to render the offence of committing mischief by fire, intending to cause damage to agricultural produce worth ten rupees or upwards, punishable with the severer penalty provided by section 435 of the Code. As the law stands, mischief by fire is cognizable only when committed with intent to cause damage to the amount of Rs. 100 or upwards. But agricultural holdings are generally so small that the total produce of a holding is often less than Rs. 100. The result is that a raiyat may have garnered his crop and lose the whole of it through the act of an incendiary, and yet the offence is only punishable with three months' imprisonment and fine, and may not be investigated by the police without the special order of a Magistrate. An alteration in the paragraph of the second schedule to the new Code of Criminal Procedure, which relates to section 435 of the Penal Code, will render the offence in question cognizable by the police.

The 20th February, 1881.

WHITLEY STOKES.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee:—

No. 6 OF 1881.

MERCHANT SHIPPING BILL, 1881.

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A Bill for the further amendment of the law relating to Merchant Shipping.

WHEREAS it is expedient to amend the law relating to investigations into casualties affecting ships and charges against masters, mates and engineers; Preamble.

and whereas it is also expedient to provide, in other respects hereinafter appearing, for the regulation and control of merchant shipping;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called "The Indian Merchant Shipping Act, 1881;"

Extent. It extends to the whole of British India;

Commencement. and it shall come into force at once.

Repeal of enactments. **2.** The Indian Merchant Shipping Act, 1875, and Act No. XIII of 1878 (*An Act to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices, and to amend the Indian Merchant Shipping Act, 1875, and the Indian Ports Act, 1875*), are hereby repealed.

But all proceedings commenced, officers appointed, powers conferred, investigations held, certificates cancelled or suspended, agreements made and persons authorized under the said Acts or either of them, shall be deemed to have been respectively commenced, appointed, conferred, held, cancelled or suspended, made and authorized under this Act.

Interpretation-clause. **3.** In this Act

Definition of ship: "ship" includes every description of vessel used in navigation not propelled by oars; and

"master." "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a ship.

IV of 1875, s. 28: Act XV of 1863, s. 10: Act XXVIII of 1861, s. 3.

Saving of powers of certain Admiralty Courts. **4.** Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of Act No. I of 1859 (*for the amendment of the law relating to Merchant Shipping*), on Courts having admiralty jurisdiction in India.

Exercise of such powers by principal criminal Courts. The powers conferred by the last-mentioned enactment may, at any port in British India where there is no Court having admiralty jurisdiction, be exercised by the principal Court of ordinary criminal jurisdiction.

CHAPTER II.

INVESTIGATIONS INTO CASUALTIES AFFECTING SHIPS, AND CHARGES AGAINST MASTERS, MATES OR ENGINEERS.

Chapter not to apply to certain ships. **5.** Nothing in this chapter shall be deemed to apply to any ship belonging to, or in the service of, Her Majesty or belonging to any foreign Prince or State.

Report of casualties to be made to Local Government. **6.** Whenever any Magistrate, or any officer appointed by the Local Government in this behalf, receives credible information that— See Act IV of 1875, s. 3, and section 81 of the Bill which afterwards became Act VII of 1880.

(*a*) any ship has been lost, abandoned, stranded or damaged on or near the coasts of British India; or

(*b*) by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life has ensued; or

(*c*) any ship has caused loss or damage to any other ship on or near such coasts; or

(*d*) any such loss, abandonment, stranding, damage or casualty has happened elsewhere, and any competent witnesses thereof have arrived or are to be found at any place in British India; or

(*e*) any ship is supposed to have been lost, and any evidence can be obtained in British India as to the circumstances under which she proceeded to sea or was last heard of;

he shall forthwith report in writing such information to the Local Government.

In the cases mentioned in clauses (*a*), (*b*) and (*c*), the master, pilot, harbour-master or other person in charge of the ship or (where two ships are concerned) in charge of each ship, at the time of such loss, abandonment, stranding, damage or casualty, and

in cases under clause (*d*), where the ship concerned proceeds direct from the place where such loss, abandonment, stranding, damage or casualty has occurred to any place in British India, the master of such ship at the time she arrives at such place,

shall, on arriving in British India, give immediate notice of such loss, abandonment, stranding, damage or casualty to the nearest Magistrate, or, when he arrives at a port, to the officer appointed at such port as aforesaid.

Any person bound to give notice under this section and wilfully failing to give the same shall be punished with fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

Power to appoint special Court of Enquiry. **7.** If in any such case a formal investigation into the facts mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, and direct such Court to make such investigation, and may fix the place for making the same. See Act IV of 1875, s. 4.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made; another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

Other Courts authorized to investigate casualties. **8.** Every Court having admiralty jurisdiction in British India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, when so directed by the Local Government, to make the investigations referred to in section seven. See Act IV of 1875, s. 5.

Power to inquire into charges against masters, mates and engineers. **9.** Any Court making an investigation under section seven or section eight may inquire into any charge of incompetency or misconduct arising, in the course of such investigation, against any master, mate or engineer holding a certificate granted, under any enactment for the time being in force, by the Board of Trade or a Local Government, as well as into any charge of a wrongful act or default on his part causing any such loss, abandonment, stranding, damage or casualty as aforesaid. Act XIII of 1878, s. 3.

In every case in which there is reason to believe that any such charge, whether of incompetency or misconduct, or of a wrongful act or default, as aforesaid, will arise against any such master, mate or engineer in the course of an investigation, the Court shall, if practicable, before the commencement of such investigation, cause to be furnished to him a copy of the report upon which such investigation has been directed.

Cf. s. 6 of Act IV of 1875. Also s. 241 of 17 & 18 Vic., c. 104.

Local Government may direct investigation in cases of incompetency or misconduct. **10.** If the Local Government has reason to believe that there are grounds for charging any such master, mate or engineer with incompetency or misconduct, otherwise than in the course of an investigation under section seven or section eight, it may transmit a statement of the case to any Court mentioned in section eight, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct such Court to make an investigation into such charge.

Cf. Act IV of 1875, s. 7.

Before commencing such investigation, the Court shall cause the master, mate or engineer so charged to be furnished with a copy of the statement so transmitted by the Local Government.

Act IV of 1875, s. 10.

Person accused to be heard. **11.** For the purpose of an investigation under this chapter into any charge against a master, mate or engineer, the Court may summon him to appear, and shall give him full opportunity of making a defence either in person or otherwise.

Cf. Act IV of 1875, s. 8.

Powers of Courts as to evidence and regulating proceedings. **12.** For the purpose of any investigation under this chapter, the Court making the investigation, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have—

(*a*) if such Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;

(*b*) if such Court is a Court having admiralty jurisdiction or a principal Court of ordinary criminal jurisdiction—the same powers as are exercisable by such Court in the exercise of such admiralty or criminal jurisdiction (as the case may be).

Assessors. And every Court making any such investigation, other than a special Court, may, if it think fit, constitute as its assessor, for the purpose of the investigation, any person conversant with maritime affairs and willing to act as such assessor.

Such person shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act or any other enactment for the time being in force shall rest with the Court.

Power to arrest witnesses and cause entry and detention of vessels. **13.** If any Court making an investigation under this chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel. Act IV of 1875, s. 16.

Any officer so authorized may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section 156.

No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial. **14.** Whenever, in the course of any such investigation, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may, for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate: Act IV of 1875, s. 16.

Fowpr to bind over persons to give evidence.

Depositions. And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this chapter shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

Report by Court to Local Government. **15.** The Court shall, in the case of all investigations under this chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence. Cf. Act IV of 1875, ss. 11 and 12

In cases in which, under the Merchant Shipping Acts, 1854 to 1880, the Court is required to send a report to the Board of Trade, such report shall be sent through the Local Government, and the

submission of such report to the Local Government shall be a sufficient compliance with this section.

CHAPTER III.

SUSPENSION AND CANCELLATION OF CERTIFICATES AND GRANT OF FRESH CERTIFICATES.

16. Nothing herein contained shall affect the powers conferred by the Merchant Shipping Acts, 1854 to 1880, on the Courts conducting investigations under sections seven, eight, nine and ten of this Act, to cancel or suspend certificates granted under any of the said Merchant Shipping Acts, or certificates to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

Saving of power to cancel and suspend certificates under English Acts.

When any such Court cancels or suspends any such certificate, it may, in its report to the Local Government, advise such Government to grant, without examination, to the holder of such certificate, when such certificate is a certificate as master, a certificate as master or mate; and, when such certificate is a certificate as mate or engineer, a certificate as mate or engineer, as the case may be; and such Local Government, if it thinks fit, and if it is empowered by any enactment of a British Indian legislature for the time being in force to grant such certificate, may grant it under such enactment, but without examination. A certificate so granted shall, except for the purposes of the said Merchant Shipping (Colonial) Act, 1869, have the same effect as if it had been granted after examination.

Power to issue local certificates in lieu of such certificates.

See Act IV of 1875, s. 18.

17. Any certificate (whether of competency or service) which has been granted by any Local Government, to any master, mate or engineer, and to which the provisions of the Merchant Shipping (Colonial) Act, 1869, do not apply, may be suspended or cancelled, by that or any other Local Government, in the following cases, that is to say:—

Local Government may suspend or cancel certain certificates—

(*a*) if, upon any investigation made under this Act, the Court reports that the loss, stranding or abandonment of, or damage to, any ship, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct;

after investigation under this Act:

(*b*) if, upon any investigation made under the provisions of the Merchant Shipping Acts, 1854 to 1880, or upon any investigation made by any Court or tribunal for the time being authorized by the legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or as to shipwrecks or other casualties affecting ships, the Court or tribunal reports that such master, mate or engineer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss, stranding or abandonment of, or damage to, any ship, or loss of life, has been caused by his wrongful act or default;

after investigation under other Acts:

(*c*) if he is proved to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony: and

Act IV of 1875, s. 18, l. (*c*).

after conviction of any offence

(*d*) if (in the case of a master) he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force:

after supersession.

Provided that, in any case in which an investigation has been made into a charge against any master, mate or engineer, no certificate shall be suspended or cancelled under clause (*a*) unless the Local Government is satisfied that the holder of the certificate has been furnished before the commencement of the investigation with the copy of the report or statement required by section nine or section ten, as the case may be.

See Act IV of 1875, s. 19

18. Every master, mate or engineer whose certificate is cancelled or suspended under section seventeen shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default of such delivery shall, for each offence, be punished with fine which may extend to five hundred rupees.

Master, &c., to deliver up certificate.

See Act IV of 1875, s. 20

19. If the Local Government which cancels or suspends, under section seventeen, a certificate of a master, mate or engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate.

Report to other Local Governments.

See Act IV of 1875, s. 21.

20. Every Local Government cancelling or suspending under section seventeen the certificate of a master, mate or engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Report to Board of Trade.

See Act IV of 1875, s. 22.

21. Any Local Government may at any time revoke any order of cancelment or suspension which it may have made under section seventeen, or grant, without examination, to any person, whose certificate it has so cancelled, a new certificate of the same or of any lower grade.

Power to revoke cancellation or suspension.

Power to grant new certificate.

A certificate so granted shall, except for the purposes of the said Merchant Shipping (Colonial) Act, 1869, have the same effect as if it had been granted after examination.

A certificate of competency for a Home-trade ship under the said Act No. I of 1859 shall be deemed, for the purposes of this section, to be of a lower grade than a certificate of competency for a foreign-going ship under the same Act.

Every revocation and every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

CHAPTER IV.

AGREEMENTS WITH SEAMEN.

Act IV of 1875, s. 28.

22. This chapter shall be read with, and taken as part of, the said Act No. I of 1859.

Chapter to be read with Act I of 1859.

See Act IV of 1875, s. 24.

23. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereinafter mentioned.

Masters to enter into agreements with seamen.

See Act IV of 1875, s. 25.

24. Every such agreeemnt shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say:—

Form and contents of agreement.

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions or other lawful punishments for misconduct, which have been sanctioned by the Governor General in Council as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of any enactment for the time being in force relating to Merchant Shipping), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

See sec. 32 of the Bill which became Act VII of 1880.

25. In the case of such agreements with lascars or other Native seamen, the scale of the provisions agreed to be furnished to each of such seamen shall not be less than a scale to be from time to time fixed and published by the Local Government with the previous sanction of the Governor General in Council.

Scale of provisions to be furnished to lascars.

Any master entering into an agreement with any lascar or other Native seaman for a scale of provisions less than the scale so fixed and published shall be punished with fine which may extend to two hundred rupees.

26. Whenever it is agreed that the service of any lascar or other Native seaman shall end at any port not in British India, the agreement shall, in addition to the particulars specified in section twenty-four, contain a stipulation that fit employment shall be provided for him on board some other ship bound to the port at which he was shipped, or such other port in British India as may be agreed on; or

Stipulation where lascars are shipped.

that a passage shall be provided for him to some port in British India free of charge, or on such other terms as may be agreed on;

and every such stipulation shall be signed by the owner of the ship, or by the master on his behalf.

EXPLANATION.—In this section the word "seaman" includes also a Native of British India carried to sea from any port in British India as one of the crew of a ship.

Act IV of 1875, s. 27.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman, not being a lascar or other Native seaman, in any port in British India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

Forms for British or Colonial ships.

CHAPTER V.

PORT-INSPECTORS.

See sec. 80 of the Bill which became Act VII of 1880.

28. In the Indian Ports Act, 1875, after section eighteen, the following sections shall be inserted, that is to say:—

Addition to Act XII of 1875.

"18A. The Local Government may, from time to time, appoint in any port subject to this Act an officer to be called the Port-inspector, and suspend or remove such officer.

Appointment and powers of Port-inspectors.

"Every officer so appointed shall, subject to the control of the Local Government, have the following powers within the limits of the port for which he is appointed, that is to say:—

"(*a*) he may at any time enter any vessel, and may inspect the same and every part thereof, and the provisions and water provided for the use of the persons on board such vessel, and the medicines and appliances and the accommodation for the seamen;

"(*b*) he may medically examine all or any of the persons on board such vessel;

"(*c*) he may require and enforce the production of the log and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board such vessel;

"(*d*) he may call before him and examine for such purpose all or any of such persons, and may require answers to any inquiries he thinks fit to make;

"(*e*) he may require any persons so examined by him to make and subscribe a declaration of the truth of the statements made by such person.

"18B. The Port-inspector shall, on first entering any vessel after its arrival, inquire whether any lascar or other Native seaman on board such vessel desires to make any complaint against the master or any of the crew thereof.

Port-inspector to inquire into complaints;

"In the event of any such seaman so desiring, the Port-inspector shall hear such complaint and record the particulars thereof in writing, and may, for the purpose of ascertaining the truth of the same, exercise any of the powers mentioned in section 18A.

and report the same to Shipping Master.

"The Port-inspector shall forthwith report in writing to the Shipping Master the particulars of any complaint made to him under this section, together with his opinion thereon."

CHAPTER VI.

MISCELLANEOUS.

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29. In cases where any wages or expenses recoverable under section 213 of the Merchant Shipping Act, 1854, or under section 16 of the Merchant Shipping Act Amendment Act, 1855, are, under the same sections, a charge upon any ship, or recoverable from any master, owner or other person, within the jurisdiction of any Court in British India, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, authorize, either generally or specially, such persons as he thinks fit to sue for and recover, in manner in the Merchant Shipping Act, 1854, section 213, provided, such wages or expenses.

Every person so authorized shall be entitled to sue and recover accordingly in any such Court, and shall be deemed to be a person filling a public office within the meaning of the Indian Evidence Act, 1872, section 57, clause 7.

Suits, &c., to be instituted in name of Secretary of State for India in Council.

All suits and proceedings under this section shall be instituted and carried on in the name of the Secretary of State for India in Council.

Provisions as to examinations, &c., of masters not to apply to certain ships.

30. Sections 9 to 16 (both inclusive) of the said Act No. I of 1858 shall not apply to ships registered under Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

31. In sections 2, 15, 17 and 23 of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocate General of the respective Presidencies," "on information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted, namely:—"on conviction before a Presidency Magistrate or a Magistrate of the first class."

STATEMENT OF OBJECTS AND REASONS.

PARAGRAPH 8 of the Report, dated the 20th February, 1880, of the Select Committee on the Bill relating to Merchant Shipping, which afterwards became the Indian Merchant Shipping Act, 1880, ran as follows:—

"8. We have omitted chapters VII and VIII of the Bill as introduced, as we consider that the matters to which they relate would be more fitly dealt with in a Bill to consolidate Act No. IV of 1875 and the sections of Act No. XIII of 1878 by which it is amended."

2. The nature of the contents of these omitted chapters will be learnt from the following paragraphs of the Statement of Objects and Reasons, dated the 29th August, 1879, appended to that Bill:—

"21. Chapter VII, by an addition to the Ports Act, 1875, provides for the appointment of an officer called a 'Port-inspector.' This officer, in addition to performing the duties at present performed by the Health-officer (for the performance of which duties he is by the Bill invested with certain legal powers), is intrusted with the duty of inquiring into any complaints which may be made on the arrival of a ship in port by any of the crew against the master or any others of the crew. This latter provision has been inserted, in compliance with the desire of the Secretary of State, for the protection of lascars or other Oriental seamen when serving on board a European ship.

"22. Chapter VIII makes two amendments of the Indian Merchant Shipping Act, 1875. The one extends the provisions of section 3 of that Act so as to give power to hold Marine Courts of Enquiry in certain cases which are at present unprovided for. This change has been introduced at the request of the local Marine authorities, and is in accordance with the provisions of the English law as recently amended. The other amendment gives the Local Government power to fix a scale of provisions, for less than which it will be penal for a master to contract with any lascar or Native seaman—a provision which has been found to be essential for the protection of such seamen."

3. It is with a view to carry out the suggestion of the Select Committee above quoted that the present Bill has been prepared.

The Bill, however, does more than merely consolidate the provisions of the Acts of 1875 and 1878 and re-enact them with the addition of the points omitted from the Merchant Shipping Bill of 1879.

These Acts of 1875 and 1878 relate in part to the suspension and cancellation of Board of Trade certificates to which the provisions of the Imperial Merchant Shipping Acts apply. An examination of the provisions of our Acts in connection with those of the Imperial Acts shows that our Acts deal with several matters already provided for by Parliament. This is not desirable. Apart from the question which might be raised as to the validity of our law, where that law is not transcribed *verbatim*, it is inconvenient from a practical point of view that double provisions relating to the same subject-matter should exist side by side. In re-enacting, therefore, the provisions of the Acts repealed by the Bill, an endeavour has been made to restrict the provisions of the Bill to matters for which the Imperial Acts do not provide, and on which it is clear we can legislate. This has necessitated the omission of some and the amendment of other provisions of the present law.

4. The opportunity of this Bill has been taken to amend section 26 of Act IV of 1875, so as to provide that, when the service of any lascar is to end at any port not in British India, the agreement between him and the master shall invariably stipulate for his return to British *India*, and not merely for his employment on board some vessel bound to such other port as may be agreed on, possibly not in British India. It is clear that, with the extended employment of Native seamen in the Eastern trade, and the increasing number of Asiatic sailors found in a destitute condition at European ports, Government should, on economical grounds, if for no other reason, devise steps to secure the return of Indian seamen to this country at the expense of the persons who take them away.

5. The 31st section of Act IV of 1875, which confers certain powers on Courts for the trial of pilots constituted under Act XII of 1859, has been excluded from the present Bill, as the matter is one which will be more properly provided for by a separate Bill amending that Act.

WHITLEY STOKES.

The 24th February, 1881.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee :—

No. 7 OF 1881.

A Bill to give power to arrest persons whose evidence is needed under Act No. XII of 1859.

Preamble.

WHEREAS it is expedient to empower the Judges holding trials under Act No. XII of 1859 (*An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty*) to arrest persons whose evidence is required on such trials; It is hereby enacted as follows :—

Addition to Act XII of 1859, after section 14.

1. The following section shall be inserted immediately after section 14 of the said Act, namely :—

"15. Whenever the Judge of the said Court thinks it necessary for obtaining evidence that any person should be arrested, he may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

"Any officer so authorized may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section 186.

"No person shall be detained under this section for more than forty-eight hours."

STATEMENT OF OBJECTS AND REASONS.

THE last section of Act IV of 1875, which confers on Courts established for the trial of pilots in Bengal under Act XII of 1859 certain powers for compelling the attendance of witnesses, will be repealed if the Merchant Shipping Bill, which is to be introduced to-day, becomes law. As such a provision is somewhat out of place in a Merchant Shipping Act, it seems better to re-enact it as a section in Act XII of 1859, and the present Bill has accordingly been prepared for this purpose.

WHITLEY STOKES.

The 4th March, 1881.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881, and was referred to a Select Committee :—

No. 8 OF 1881.

No. II.

THE CODE OF CRIMINAL PROCEDURE, 1882.

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A Bill to consolidate and amend the law relating to Criminal Procedure.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I.
PRELIMINARY.

CHAPTER I.

Short title. Commencement. **1.** This Act may be called "The Code of Criminal Procedure, 1882:" and shall come into force on the first day of January, 1883;

Act X, 1872, ss. 1, 2, 111, 529, 535, 540, 541. Act X, 1875, s. 143. Act IV, 1877, s. 3. Act V of 1869. Act X, 1872, s. 540.

Local extent. It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed,* by any other law now in force, or shall apply to—

(*a*) the Commissioner of Police or the police in the towns of Calcutta, Madras and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the said Presidencies respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; *or*.

(*d*) village Police-officers in the Presidency of Bombay.

Act X, 1875, s. 2. Act X, 1872, s. 2, para. 1.

Repeal of enactments. **2.** On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column of the said schedule, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Act X, 1872, ss. 32, 86.

Notifications, &c., under repealed Acts. All notifications published, proclamations issued, powers conferred, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, defined, passed and made under the corresponding section of this Code.

Act X, 1872, s. 2, paras. 3, 4.

References to Code of Criminal Procedure. **3.** In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, *or to any other enactment hereby repealed*, such reference shall, *so far as may be practicable*, be taken to be made to this Code or to its corresponding chapter or section.

Expressions in former Acts. In every enactment *passed before this Code comes into force* the expressions "Officer exercising (or 'having') the powers (or the 'full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class," and "Magistrate of the third class;" the expression "Magistrate of a division of a district" shall be deemed to mean Sub-divisional Magistrate, and the expression "Magistrate of Police" shall be deemed to mean Presidency Magistrate. Act IV, 1877, s. 10.

Act X, 1872, s. 4. Act IV, 1877, s. 6.

Interpretation. **4.** In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

New, Liv., 501.

"Complaint." (*a*) "Complaint" means the allegation made to a *Magistrate with a view to institute proceedings under this Code* that some person, whether known or unknown, has *committed* an offence; *but does not include the report of a Police-officer*:

"Investigation." (*b*) "Investigation" includes all the proceedings *under* this Code for the collection of evidence *conducted by the Police or by any person authorized by a Magistrate in this behalf*:

"Inquiry." (*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Inquired into" omitted.

"Judicial proceeding." (*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be *legally* taken:

Penal Code, 193. I. L. R., 1 All., 6. 1 Mad. H. C. Rep., 46.

"Writing." (*e*) "Writing" *and* "*written*" include "printing," "lithography," "photography" and "engraving" *and the like*:

New.

"To sign." (*f*) "To sign" means to affix a name or mark in writing or by means of a stamp:

New.

Sub-division." (*g*) "Sub-division" means a sub-division of a District *made under this Code*:

"Province." (*h*) "Province" means the territories for the time being under the administration of any Local Government:

"Presidency-town." (*i*) "Presidency-town" means the local limits for the time being of the ordinary original *criminal* jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay;

Act X, 1875, s. 3, altered. Another definition *infra*, s. 267.

"High Court." (*j*) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb *and the Recorder of Rangoon*:

Query as to Special Court sitting under the 79th section of the Burma Courts Act, 1875.

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area:

See précis, para. 160.

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may from time to time appoint in this behalf:

Act X, 1875, s. 3. Act X, 1877, s. 539.

"Chief Justice." (*k*) "Chief Justice" includes also the senior Judge of a Chief Court:

"Advocate General." (*l*) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may from time to time appoint in this behalf:

Act X, 1875, s. 3.

"Clerk of the Crown." (*m*) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

New: see Act X, 1872, s. 57. Act X, 1875, s. 3. See 11 Bom., 103.

"Public prosecutor." (*n*) "Public prosecutor" means any person appointed under section 502, and includes any person acting under the directions of a public prosecutor;

New.

"Pleader." (*o*) "Pleader" used with reference to any proceeding in any Court means a pleader authorized *under any law for the time being in force* to practise in such Court, and includes (1) an advocate, a vakíl and an attorney of a High Court so authorized, and (2) any *mukhtár* or other person appointed with the permission of the Court to act in such proceeding:

"Police-station." "Officer in charge of a Police-station." (*p*) "*Police-station*" *means any post declared by the Local Government to be a Police-station for the purposes of this Code; and* "Officer in charge of a Police-station" includes, when the officer in charge of the station is absent *therefrom* or ill, the Police-officer next in rank present at the Police-station above the rank of Constable, *or, when the Local Government so directs, any other Police-officer so present*:

Act X, 1872, s. 128.

"Sessions-case." (*q*) "Sessions-case" means a case triable exclusively by the Court of Session, or which the Magistrate commits to the Court of Session, though he might have tried it himself:

"Offence." (*r*) "Offence" means any *act or omission* made punishable by any law for the time being in force:

"Cognizable offence." "Cognizable case." (*s*) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer may, *in accordance with the second schedule, or* under any law for the time being in force, arrest without warrant: Act XI, 1874, s. 1.

"Non-cognizable offence." "Non-cognizable case." "Non-cognizable offence" means an offence for, and "Non-cognizable case" means a case in, which a Police-officer may not arrest without warrant:

"Bailable offence." "Non-bailable offence." (*t*) "Bailable offence" means an offence shewn as bailable in the second schedule or which is made bailable by any other law for the time being in force: and "non-bailable offence" means any other offence: Act XI, 1874, s. 1.

"Warrant-case." (*u*) "Warrant-case" means a case relating to an offence punishable with death, transportation, or imprisonment for a term exceeding six months:

"Summons-case." (*v*) "Summons-case" means a case relating to an offence not so punishable:

Act X, 1872, s. 71. Act X, 1875, s. 3.

"European British subject." (*w*) "European British subject" means—

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

New.

"Chapter." "Schedule." (*x*) "Chapter" means a chapter of this Code; "Schedule" means a schedule hereto annexed:

New.

"Place." (*y*) "Place" includes also a house, building, *tent* and vessel:

Act XI, 1874, s. 3.

Words referring to acts. Words which refer to acts done extend also to illegal omissions, and

Words to have same meaning as in Penal Code. all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings attached to them respectively by that Code. e.g., "offence," "illegal law," "legal law." New. See Act XI, 1874, s. 3.

Trial of offences under Penal Code. **5.** All offences under the Indian Penal Code shall, and all offences under any other law shall, in the absence of any enactment for the time being in force regulating the mode *or place* of inquiry or trial, be enquired into and tried according to the provisions hereinafter contained. Act X, 1872, ss. 6, 7, 11. Act X, 1872, ss. 2, 4, para. 2. Act X, 1872, s. 6. Act IV, 1877, s. 14.

Trial of offences against other laws.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Act X, 1872, ss. 5, 19.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

Classes of Criminal Courts.

I.—Courts of Session :
II.—Courts of Presidency Magistrates :
III.—Courts of Magistrates of the first class :
IV.—Courts of Magistrates of the second class :
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Act X, 1872, s. 12.

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions;

Sessions Divisions.

Act XII, 1874, s. 3.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Districts.

Act X, 1872, s. 13, cl. (a).

The Local Government may alter the limits or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Power to alter Divisions and Districts.

Act X, 1872, s. 14. Act XI, 1874, s. 4.

The existing Sessions Divisions and Districts shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Existing Divisions and Districts maintained till altered.

Act IV, 1877, s. 8, para. 5.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Presidency-towns to be deemed Districts.

Act X, 1872, s. 39.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or *make* any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Power to divide Districts into Sub-divisions.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

Existing Sub-divisions maintained.

C.—Courts and offices outside the Presidency-towns.

Act X, 1872, ss. 15, 16, 17, 18.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

Court of Session.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Act X, 1872 s. 35.

District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Act X, 1872, s. 55.

Officers temporarily succeeding to vacancies in office of District Magistrate.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may *from time to time* define local areas within which such persons may exercise *all or any of* the powers with which they may respectively be invested under this Code.

Act X, 1872, ss. 37, 49.

Subordinate Magistrates.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, *the jurisdiction and powers of* such persons *shall extend* throughout such District.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, *and relieve him of the charge as occasion requires.*

Act X, 1872, s. 40.

Power to put Magistrate in charge of Sub-division.

Such Magistrates shall be called Sub-divisional Magistrates.

The Local Government may delegate its powers under this section to the District Magistrate.

Delegation of power to Magistrate of District.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Act X, 1872, s. 42.

Special Magistrates.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

Act XI, 1874, s. 5.

Act V, 1861, s. 6.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

15. The Local Government may direct any two or more Magistrates in any place outside of the Presidency-towns to sit together as a Benches, and may invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases, only, and within such local limits, as the Local Government thinks fit.

Benches of Magistrates.

Except as otherwise provided by any order of the Local Government under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members belongs, and who is present taking part in the proceedings as a member of the Bench, and as far as possible shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Powers exercisable by Bench in absence of special direction.

16. *The Local Government may, or* the District Magistrate subject to the control of the Local Government, from time to time make rules consistent with this Code for the guidance of Magistrates' Benches in *any* District respecting the following subjects :—

Power to frame rules for guidance of Benches.

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Act X, 1872, s. 51.

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and

Subordination of other Magistrates to District Magistrate;

every Magistrate (other than a Sub-divisional Magistrate) and Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

to Sub-divisional Magistrate.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

18. The Local Government shall from time to time appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Appointment of Presidency Magistrates.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed [and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues].

Local limits of their jurisdiction.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions :

Bombay Court of Petty Sessions.

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

21. Every Chief Magistrate shall exercise in the Presidency-town for which he is appointed all the powers which by any law in force at the time this Act comes into force are required to be exercised by any Senior or Chief Magistrate, and may from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

Chief Magistrate.

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(*b*) the times and places at which Benches of Magistrates shall sit;

(*c*) the constitution of such Benches; and

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

Justices of the Peace for the Mufussal.

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and on the territories mentioned in such notification.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

Justices of the Peace for the Presidency-towns.

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the same towns.

Present Justices of the Peace.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General and the Judges of the High Courts *established by Royal Charter* are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

Ex officio Justices of the Peace.

F.—Suspension and Removal.

26. All Judges of criminal Courts other than the High Courts *established by Royal Charter*, and all Magistrates, may be suspended or removed by the Local Government: Provided that such Judges and Magistrates as now are liable to be suspended or removed by the Governor General in Council *only* shall *not be suspended or removed by any other authority*.

Suspension and removal of Judges and Magistrates.

27. The Governor General in Council may suspend *or dismiss* any Justice of the Peace appointed by him, and the Local Government may suspend or dismiss any Justice of the Peace appointed by it.

Suspension and removal of Justices of the Peace.

CHAPTER III.

POWERS OF COURTS.

A.—Description of Offences cognizable by each Court.

28. *Subject to the other provisions of this Code*, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the seventh column of the second Schedule to be triable.

Offences under Penal Code.

29. Any offence under any other law shall, where any Court is mentioned in this behalf in such law, be tried by such Court; and when no Court is so mentioned, may be tried by the High Court or by any Court constituted under this Code:

Act X, 1872, s. 8, *para.* 1.

Offences under other laws.

Provided that

(*a*) *no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;*

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

Act X, 1872, s. 36.

Offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

31. A High Court may pass any sentence authorized by law.

Sentence which High Court or Sessions Judges may pass.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by such Judge shall be subject to confirmation by the High Court.

Act X, 1872, ss. 15, para. 2, 17.

An Assistant Sessions Judge may pass any sentence authorized by law except a sentence of death *or of* transportation *for any term* or *of* imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Act X, 1872, s. 18.

32. The Courts of Magistrates may pass the following sentences, namely:—

Act X, 1872, s. 20.

Sentences which Magistrates may pass.

(*a*) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees; Whipping.

Act IV, 1872, s. 11.

(*b*) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(*c*) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

Act X, 1872, s. 20, Expl., s. 309, para. 2; I. L. R., 1 Mad., 77.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law *in case of such default*: Provided that the term is not in excess of the Magistrate's powers under this Code:

Power to sentence to imprisonment in default of fine.

Act X, 1872, s. 309, para. 3, proviso, and para. 1, proviso, as amended by Act VIII, 1882, s. 4, Act XII, 1923, s. 2, Act XVII, 1877, s. 12, omitting paras. 1 & 3.

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to cases decided by a Magistrate.

Act X, 1872, s. 309, *para.* 2.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Higher powers of certain District Magistrates.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Act X, 1872, s. 35.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

Sentence in cases of simultaneous conviction of several offences.

It shall not be necessary for the Court, by reason only of the aggregate punishments for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that in no case shall such person be sentenced to punishment for a longer period than fourteen years:

Maximum term of imprisonment.

Provided also that, if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishments shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, *aggregate* sentences passed under this section in case of simultaneous convictions for several offences shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third class have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers."

Ordinary powers of Magistrates.

37. In addition to his ordinary powers, any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which a Magistrate of such class may be invested by the Local Government or the District Magistrate.

Additional powers conferrible on Magistrates.

The power conferred on the District Magistrate by this section shall be exercised subject to the control of the Local Government.

38. *All Magistrates of the first and second classes, and all Magistrates of the third class specially empowered in this behalf, shall have all the powers conferred by this Code on an officer in charge of a Police-station.*

Police-powers of Magistrates.

D.—Conferment, Continuance and Cancellation of Powers.

39. In conferring powers under this Code, the Local Government may empower persons specially by name, or classes of officials generally by their official titles.

Mode of conferring powers.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an

Continuance of powers of officers transferred.

equal or higher office of the same nature within a like local area *under the same Local Government*, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

I. L. R., 2 Cal., 117.

Act X, 1872, s. 54.

41. *Any authority* may cancel any powers conferred *by it* on any person under this Code.

Powers may be varied or cancelled.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

1872, 1877.

42. Every person is bound to assist a Magistrate or Police-officer demanding his aid, whether within or without the Presidency-towns,

Public when to assist Magistrates and Police.

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to *any railway, canal or* public property;

(*c*) in the suppression of a riot or affray; or

(*d*) *in the extinguishment of fire dangerous to human life or to valuable property.*

43. *When a warrant is directed to a person other than a Police-officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.*

Aid to person other than Police officer, executing warrant.

44. Every person, whether within or without the Presidency-towns, aware of the commission of *or intention to commit* any offence punishable under the following sections of the Indian Penal Code (namely), 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, *forthwith* give information of the same to the nearest Magistrate or Police-officer.

Public to give information of certain offences.

45. Every village-headman, village-watchman, *village-police-officer*, owner or occupier of land, *and* the agent of any such owner or occupier, and every Native officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, any information which he may obtain respecting—

Village-headmen, landholders and others bound to give certain matters.

(*a*) the residence of any notorious receiver or vendor of stolen property in *any* village of which he is headman, watchman *or police-officer*, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, *or the passage through*, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, *escaped convict or proclaimed offender*;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any death *under suspicious circumstances.*

EXPLANATION.—In this section "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Act X, 1872, s. 177.

Arrest how made.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Act X, 1872, s. 178, adding words as to attempt to evade.

Resisting endeavour to arrest.

Nothing in this section gives a right to cause the death of a person arrested who is accused of an offence not punishable with death.

Alison's Pr. law cited Mayne P. C, s. 106.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Act X, 1872, ss. 99, 179.

Search of place entered by person sought to be arrested.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant cannot be obtained without affording the person to be

Act X, 1872, s. 106.

Procedure where ingress not obtainable.

arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

Act X, 1872, s. 180.

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Act X, 1872, s. 181, which applies only where person to be arrested is accused of an offence for which a warrant may issue.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Breaking open zanána.

New.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Power to break open doors for purposes of liberation.

Act X, 1872, s. 182.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

Act X, 1872, s. 387, *para.* 1. *See section* 534, *infra.*

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

Search of arrested persons.

whenever a person is arrested without warrant, *or by a private person under a warrant*, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom *he* makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Act X, 1872, s. 386. Act IV, 1877, s. 168.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made with strict regard to custom.

Mode of searching women.

New. Liv., p. 10.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the person making the arrest is required by this Code to produce the person arrested.

Power to seize offensive weapons.

B.—Arrest without Warrant.

Act X, 1872, s. 92, omitting cl. 3.

54. Any Police-officer may, without order from a Magistrate and without a warrant, arrest—

When Police may arrest without warrant.

firstly—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, *or credible information has been received,* or a reasonable suspicion exists, of his having been so concerned;

Cf. Livingston, 503.

secondly—any person who has been proclaimed *as an offender* either under this Code or *by order of the Local Government;*

thirdly—any person in *whose possession anything is found* which may reasonably be suspected to be stolen property;

fourthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

"Or Navy" added.

fifthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

Act X, 1872, s. 94.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

Arrest of vagabonds.

(*a*) any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing a *cognizable* offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker, thief, or an habitual receiver of stolen property knowing it to be stolen.

Act X, 1872, s. 102, *para.* 1.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

Procedure when Police-officer deputes subordinate to arrest without warrant.

Act X, 1872, s. 98.

57. Any person who in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, may be

Refusal to give name and residence.

arrested or detained by such officer in order that his name or residence may be ascertained; and shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released *on his executing a bond for his appearance before a Magistrate if so required.*

Act X, 1872, s. 103.

58. For the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, a Police-officer may pursue such person into any place in British India.

Pursuit of offenders into other jurisdictions.

Act X, 1872, s. 105.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence;

Arrest by private persons.

Act X, 1872, s. 107. N. Y. Crim. Pro. Code, s. 184.

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or in the absence of a Police-officer, take such person to the nearest Police-station.

Procedure on such arrest.

The Police shall deal with such person according to the provisions of section 54 or 57, as the case may be, and shall not detain him in custody unless he appears to be liable to arrest or detention under the section applicable.

Act X, 1872, s. 101.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before *a* Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

Act X, 1872, s. 124, *para.* 1.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate *under section 168*, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Person arrested not to be detained more than 24 hours.

Act X, 1872, s. 132, *para.* 1.

62. Officers in charge of Police-stations shall report to the District Magistrate, *or if he so directs, to the* Sub-divisional Magistrate, the cases of all persons arrested without warrant within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Police to report apprehensions.

Act X, 1872, s. 133, *para.* 2. Act IV, 1877, s. 70, para. 1.

63. No person who has been so arrested by a Police-officer shall be discharged except on his *bond*, with or without sureties, or under the special order of a Magistrate.

Discharge of person apprehended.

Act X, 1872, s. 108. Act IV, 1877, s. 15.

64. When any offence is committed in the presence of a Magistrate *within the local limits of his jurisdiction*, he may *himself arrest or* order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence.

Act X, 1872, s. 166, para. 2. Act IV, 1877, s. 62.

65. Any Magistrate may at any time *arrest or* direct the arrest, in his presence, *within the local limits of his jurisdiction*, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Arrest *by or* in presence of Magistrate.

Act XXV, 1861, s. 112. N. Y. Cr. Pro. Code, s. 186.

66. If a person in lawful custody escapes or is rescued, *and* the person from whose custody he escaped or was rescued *is not, under the provisions hereinbefore contained, authorized to arrest him without warrant,* he may immediately pursue and *arrest* him in any place in British India.

Power, on escape, to pursue and retake.

Act XXV, 1861, s. 112. N. Y. Cr. Pro. Code, s. 186.

67. The provisions of sections 47 and 48 shall apply to arrests under section 66, although the person making such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

Provisions of sections 47 and 48 to apply to cases under section 66.

CHAPTER VI.

Of Processes to compel Appearance.

A.—Summons.

Act X, 1872 s. 152. Act IV, 1877, s. 47.

68. Every summons issued by a Court under this Code shall be in writing *in duplicate* signed *and sealed* by the presiding officer of such Court, or by such other officer as the High Court may from time to time by rule direct.

Form of summons.

Act X, 1872, 153, altered.

Such summons shall be served by *a Police*-officer; *or, subject to such rules as the Local Government may prescribe in this behalf,* by *an officer of the Court issuing it.*

Summons by whom served.

Act X, 1872, s. 154. Act IV, 1877, s. 48.

69. The summons shall *if practicable* be served personally on *the person summoned* by delivering or tendering *to him one of the duplicates of* the summons.

Summons how served.

Every person *on* whom a summons is so *served* shall, if so required by the serving officer, sign a receipt therefor *on the back of the other duplicate.*

Signature of receipt for summons.

Act X, 1877, s. 154. Act IV, 1877, s. 49.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving *one of the duplicates* for him with some adult male member of his family residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor *on the back of the other duplicate.*

Service when person summoned cannot be found.

Act X, 1877, s. 155.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall fix *one of the duplicates* of the summons on some

Procedure when receipt cannot be obtained.

conspicuous part of the house in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Act X, 1872, s. 158, *proviso.*

72. Where the person summoned is in the active service of *the* Government or of a Railway Company, the Court issuing the summons shall *ordinarily* send it *in duplicate* to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, *and shall return it to the Court with the endorsement required by that section*

Service on servant of Government or of Railway Company.

Act XXIII, 1840, s. 1. Act IV, 1877, s. 50.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall *ordinarily* send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Service of summons outside local limits.

Act IV, 1877 s. 51.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, a solemn declaration, purporting to be made before a Magistrate, that such summons has been served, *and* a *duplicate* of the summons purporting to be *endorsed (in manner provided by section 69 or section 70)* by the person to whom it is delivered or tendered or with whom it is left, *shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.*

Proof of service in such cases, and when serving officer not present.

The declaration mentioned in *this section* may be endorsed on the *duplicate* of the summons and returned to the Court.

B.—Warrant of Arrest.

Act X, 1872, s. 159, amended. Act IV, 1877, s. 56, which does not require the seal. But see 9 Bom., 157.

75. Every warrant *of arrest* issued by a Court *under this Code* shall be in writing, *signed and sealed by the* presiding officer; *or, in the case of a Bench of Magistrates, by any member of such Bench.*

Form of warrant of arrest.

Every such warrant remains in force until it is cancelled by the Court which issued it, or until it is executed.

Continuance of warrant of arrest.

Act X, 1872, s. 160. Act IV, 1877, s. 58.

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his *attendance* before the Court *at a* specified *time and thereafter until otherwise directed by the Court,* the officer to whom the warrant is directed shall take such security and shall release such person from custody.

Court may direct security to be taken.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the *time at* which he is to *attend* before the Court.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Recognizance to be forwarded.

Act X, 1872, s. 161. Act IV, 1877, s. 56.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same:

Warrants to whom directed.

Act X, 1872, s. 164. Act IV, 1877, s. 59.

Provided that when a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant to several persons.

Act X, 1872, s. 162.

78. A District Magistrate *or Sub-divisional Magistrate* may direct a warrant to any landholder, farmer or manager of land within his district for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Warrant may be directed to landholders, &c.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before *a* Magistrate having jurisdiction *in the case*, unless security is taken under section 76.

Act X, 1872, s. 163.

79. When a warrant is directed to a person other than a Police-officer, any other person may aid in executing such warrant, if the person to whom it is directed is near at hand and acting in execution thereof.

Warrants directed to any person other than a Police-officer.

Act X, 1872, s. 165. Act IV, 1877, s. 60.

80. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Warrant directed to Police-officer.

Act X, 1872, s. 176.

81. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested and, if so required, shall show him the warrant.

Notification of substance of warrant.

Act X, 1872, s. 133.

82. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by *law* to produce him.

Person arrested to be brought before Court without delay.

Act X, 1872, s. 167. Act IV, 1877, s. 63.

Where warrant may be executed.

83. A warrant of arrest may be executed at any place in British India.

Act X, 1872, ss. 168, paras. 1 & 2, 170, first part. Act IV, 1877, s. 64.

Warrant forwarded to Magistrate for execution outside jurisdiction.

84. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and cause it to be executed within the local limits of his jurisdiction.

Act X, 1872, ss. 168, paras. 1 & 3, 170, first part. Act IV, 1877, s. 64, paras. 5, 6, 7.

Warrant directed to Police-officer for execution outside jurisdiction.

85. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he *shall ordinarily* take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local Police shall if so required assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

Act X, 1872, s. 169. Act IV, 1877, s. 65, para. 1.

Procedure on arrest of person against whom warrant issued.

86. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Act X, 1872, s. 170. Act IV, 1877, s. 65, para. 2.

Procedure by Magistrate before whom person arrested is brought.

87. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: *Provided that if* the offence is bailable, *and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant,* and such person is ready and willing to give the security required *by such direction,* the Magistrate or Commissioner shall take *bail or* such security, *as the case may be,* and forward the bond to the Court which issued the warrant.

C.—Proclamation and Attachment.

Act X, 1872, ss. 171, 353, *para.* 1. Act X, 1875, s. 82. Act IV, 1877, ss. 67, 137. 10 Ben. App. 18.

Proclamation for person absconding.

88. If a Court has reason to believe (*whether after taking evidence or not*) that any person against whom a warrant has been issued by it *has absconded or* is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of *publishing* such proclamation.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court *issuing the proclamation* to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

New as to day of publication.

Act X, 1872, ss. 172, 353, *paras.* 2 & 3. Act IV, 1877, ss. 68, 137.

Attachment of property of person absconding.

89. The Court may, *after issuing a proclamation under section 88,* order the attachment of any property, moveable or immoveable, or both, belonging to *the proclaimed* person.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) *by seizure; or*

(*b*) *by the appointment of a receiver or to any one on his behalf; or*

(*c*) *by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or*

(*d*) *by all or any two of such methods, as the Court thinks fit.*

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by seizure; or

(*f*) by the appointment of a receiver; or

(*g*) by an order *in writing* prohibiting the payment of rent *or delivery of property* to the *proclaimed* person *or to any one on his behalf*; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the person so believed to *have* absconded or *to be* concealing himself does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is of a perishable nature, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Act X, 1872, ss. 173, 354. Act X, 1875, s. 88. Act IV, 1877, ss. 69, 138.

Restoration of attached property.

90. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 89 appears voluntarily or is apprehended and brought before the Magistrate having jurisdiction, and proves to the satisfaction of the Court by whose order the property was attached that he did not abscond or conceal himself for the purpose of *avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein*, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

Act X, 1872, ss. 148, para. 2, 150, 154, 162, Act X, 1875, ss. 81, 84. Act IV, 1877, ss. 34, 35, 69, 135, 136, 217.

Issue of warrant in lieu of or in addition to summons.

91. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person *other than a juror or assessor*, issue, *after recording its reasons in writing*, a warrant for his arrest—

(*a*) if either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Act IV, 1877, s. 140.

Power to take bond for appearance.

92. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Act X, 1872, s. 508, para. 2. Act IV, 1877, s. 124, para. 2.

Arrest on breach of bond for appearance.

93. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested or produced before him.

Act X, 1872, ss. 158, para. 1, 185. Act IV, 1877, s. 52.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

94. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY *AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.*

A.—Summons to produce.

Act X, 1872, s. 365. Act X, 1875, s. 86. Act IV, 1877, s. 144.

Summons to produce document or other thing.

95. Whenever any Court, or *in any place beyond the limits of the Presidency towns* any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, *or such officer a written order*, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it *or to produce it* at the time and place stated in the summons *or order*.

Act X, 1872, s. 164.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section applies to a letter, *post-card*, telegram *or other document* in the custody of the Postal or Telegraph Department.

Act X, 1872, s. 163, sentence 2. Act IV, 1877, s. 146.

Procedure as to letters and telegrams.

96. If any *document in such custody* is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require *the Postal or Telegraph* Department, *as the case may be*, to deliver such *document* to such person as such Magistrate or Court directs.

If any such *document* is, in the opinion of any other Magistrate or of any Commissioner of Police, or District Superintendent of Police, wanted for any such purpose, he may require the Postal *or Telegraph* Department, *as the case may be*, to cause search to be made for and to detain such *document*, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

Act X, 1872, s. 103. Act X, 1875, s. 87. Act IV, 1877, s. 145.

When search-warrant may be issued.

97. Where there is reason to believe that a person to whom a summons under section 95 or a requisition under section 96,

paragraph one, has been or might be addressed will not or would not produce the document or other thing as directed in such summons,

or where such document or other thing is not known to be in the possession of any person,

Act X, 1872, s. 368, para. 2. Act IV, 1877, s. 159.

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect *in accordance therewith and the provisions hereinafter contained.*

Act X, 1872, s. 369, cl. 1.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate, to grant a warrant to search for a *document* in the custody of the Postal or Telegraph authorities.

Act X, 1872, s. 398, para. 2. General warrant should not be the rule.

98. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Power to restrict warrant.

Act X, 1872, s. 377. Act IV, 1877, s. 160. Section 97 must be read with this section and explained.

99. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

Search of house suspected to contain stolen property, forged documents, &c.

or for the deposit or sale or manufacture of forged documents, false seals, or counterfeit stamps or coin, or instruments or materials for counterfeiting coin *or stamps* or for forging,

or that any forged documents, false seals or counterfeit stamps, or coin, or instruments or materials used for counterfeiting coin *or stamps* or for forging are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same as specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or for forging.

Act X, 1872, ss. 373, para. 2, 374.

100. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, *any of* the things for which search is made *are* found, *such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Magistrate issuing the warrant, unless* such place is nearer to the Magistrate having jurisdiction therein than to such Court, *in which case the list and things shall* be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing *them* to be taken to such Court.

Disposal of things found in search beyond jurisdiction.

C.—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

101. If any Presidency Magistrate, Magistrate of the first class, or Sub-divisional Magistrate has reason to believe that any person is confined so that such confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate.

D.—General Provisions relating to searches.

Act X, 1872, ss. 370, 371, 372, 373, para. 1, 375, 376. Act IV, 1877, s. 161.

102. The provisions of sections 75, 77, 79, 80, 83, 84 and 85 shall, so far as may be, apply to all search-warrants issued under section 97, *section 99, or section 101.*

Direction, &c., of search-warrants,

Act X, 1872, s. 381. Act IV, 1877, s. 162.

103. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow search.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

Act X, 1872, ss. 383, 384. Act IV, 1877, ss. 163, 164.

Act X, 1872, s. 385. Act IV, 1877, s. 165.

104. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be

Search to be made in presence of witnesses.

searched is situate to attend and witness the search.

The search shall be made in their presence, *and a list of all things found in the course of such search shall be prepared by such officer or other person and signed by such witnesses,* but *no person witnessing a search under this section* shall be required to attend the Court as *a* witness unless specially summoned by it.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search.

Occupant of place searched may attend.

E.—Miscellaneous.

Act X, 1872, s. 367, first part. Act X, 1875, s. 88. Act IV, 1877, s. 147. Act X, 1872, s. 378, para. 2.

105. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Power to impound document produced.

106. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

Of Security for keeping the Peace and for Good Behaviour.

A.—Security for keeping the Peace on Conviction.

Act X, 1872, ss. 489, para. 1, 490, clause 1. Act X, 1875, s. 140. Act IV, 1877, s. 209. Void if conviction set aside, N.-W. P., 1873, p. 376.

107. Whenever *any* person accused of rioting, assault or other breach of the peace, or *of* abetting the same, or *of* assembling armed men or taking other unlawful measures with the evident intention of committing the same, *or any person accused of committing criminal intimidation by threatening injury to person or property,* is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

Security for keeping the peace on conviction.

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period not exceeding three years as it thinks fit to fix.

Act X, 1872, ss. 490, 493, para. 2. Cf. s. 506. Act X, 1875, s. 141. Act IV, 1877, s. 209.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Act X, 1872, s. 492. Act IV, 1877, s. 211.

108. Whenever a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class receives information that any person is likely to

Security for keeping the peace in other cases.

commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding three years as the Magistrate thinks fit to fix.

One year in Act X, 1872, s. 498, para. 1. Act X, 1872, s. 494, proviso.

109. When any Magistrate not empowered to proceed under section 108, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody *or before the Court*), and may send him before a Magistrate empowered to deal with the case under section 108.

Procedure of Magistrate, &c., not empowered to act under section 108.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the enquiry hereinafter prescribed.

Act X, 1872, ss. 504, paras. 1 and 4, 515, para. 2. Act IV, 1877, ss. 212, [illegible]

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

Security for good behaviour from vagrants and suspected persons.

(*a*) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Act X, 1872, ss. 505, 506. Act IV, 1877, ss. 213, 214, 10 Bur. 871

111. Whenever any such Magistrate receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen,

Security for good behaviour from *habitual* offenders.

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

Act X, 1872, s. 517. Act IV, 1877, s. 232.

112. The provisions of sections 110 and 111 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Proviso as to European vagrants.

Act X, 1872, ss. 492, 509, *para. 1*, 515, *para. 1*. Act IV, 1877, ss. 216, para. 1, 222.

113. When a Magistrate acting under section 108, section 110 or section 111 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, *character and class* of sureties (if any) required.

Order to be made.

Act X, 1872, s. 492, Expl. Act IV, 1877, s. 216, para. 2.

114. If the person in respect of whom such order is made is present in court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

Procedure in respect of person present in Court.

115. If such person is not present in court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Summons or warrant in case of person not so present.

Act X, 1872, ss. 494, 515, *para. 1*. Act IV, 1877, s. 217, *proviso*. In bad livelihood cases police can arrest without warrant.

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (*the substance of which report or information shall be recorded by the Magistrate*), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

116. Every summons or warrant issued under section 115 shall be accompanied by a copy of the order made under section 113, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Copy of order under section 113 to accompany summons or warrant.

Act X, 1872, s. 495. Act IV, 1877, s. 218.

117. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to shew cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Power to dispense with personal attendance.

New. I. O'Kin. 130. *See Act X, 1872, s. 491, Explns.*

118. When an order under section 113 has been read or explained to a person present in Court under section 114, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 115, the Magistrate shall proceed to enquire into the truth of the information upon which he has acted.

Inquiry as to truth of information.

Act X, 1872, s. 515, para. 3

Such enquiry shall be made, as nearly as may be, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

119. If, upon such enquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the enquiry is made should execute a bond with or without sureties, the Magistrate shall make an order accordingly:

Order to give security.

Act X, 1872, s. 497. Act IV, 1877, s. 220.

Provided—

1st—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 113:

2ndly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and *shall not be excessive*.

Act X, 1872, s. 493, para. 1. 1 O'Kin. 95.

3rdly—that when the person in respect of whom the enquiry is made is a minor, the bond shall be executed only by his sureties.

120. If, on an enquiry under section 118, *it is not proved* that there is occasion to bind over the person in respect of whom such enquiry is made to keep the peace, or to be of good behaviour, as the case may be, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the enquiry, shall release him, *or if such person is not in custody shall discharge him*.

Discharge of person informed against.

Act X, 1872, s. 496. Act IV, 1877, s. 219.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

121. If any person in respect of whom an order requiring security is made under section 107 or section 119 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

Commencement of period for which security is required.

Act X, 1872, ss. 489, *para. 2*, 504, para. 2. Act IV, 1877, ss. 210, 224. I. L. R., 1 All. 666, n.

In other cases such period shall commence on the date of such order.

122. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in *either* case the commission or attempt to commit, or abetment of, any offence whatever, and wherever it may be committed, is a breach of the bond.

Contents of bond.

Act X, 1872 s. 502, para 6. *Act IV, 1877 s. 227.*

123. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, *for reasons to be recorded by the Magistrate*, such surety is an unfit person.

Power to reject sureties.

Act X, 1872 s. 516.

Act X, 1872, ss. 489, *para. 1, last sentence*, 490, *last sentence*, 497, 498, 499, para. 3, 510. Act IV, 1877, s. 223.

124. If any person ordered to give security under section 107 or section 119 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security required.

Imprisonment in default of security.

Act X, 1872, ss. 507, 508. Act IV, 1877, s. 221.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court, and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Proceedings when to be laid before High Court or Court of Session.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Act X, 1872, s. 499, para. 3.

Imprisonment for failure to give security for keeping the peace shall be simple.

Kind of imprisonment.

Act X, 1872, s. 510, para. 3.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Act X, 1872 ss. 500, 511. Act IV, 1877, s. 225.

125. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Power to release persons imprisoned for failing to give security.

Act X, 1872, s. 513.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such *hazard*, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Act X, 1872, s. 500.

126. The Magistrate of the District may at any time, if he see sufficient cause, cancel any bond for keeping the peace executed under this chapter by order of any Court in the District not superior to his Court.

Power of District Magistrate to cancel any bond for keeping the peace.

Act X, 1872, ss. 501, 518. Act IV, 1877, ss.

127. Any security for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel the bond.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 122, 123, 124 and 125, be deemed to be an order made under section 107 or section 119 as the case may be.

CHAPTER IX.

Unlawful Assemblies.

Act X, 1872, s. 480. Act XI, 1874, s. 48. Penal Code, ss. 145, 151.

128. Any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Assembly to disperse on command of Magistrate or Police-officer.

Act X, 1872, s. 481.

129. If, upon being so commanded, any such assembly does not disperse, *or if without being so commanded it conducts itself in such a manner as to show a determination not to disperse*, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a Volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law.

Use of civil force to disperse.

Act X, 1872, s. 482.

130. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Use of military force.

Act X, 1872, s. 483.

131. When a Magistrate determines to disperse any such assembly by military force, he may require any *Commissioned or Non-commissioned* officer in command of any soldiers in Her Majesty's Army or of any Volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by such force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly, or that they may be punished according to law.

Duty of officer commanding troops required by Magistrate to disperse assembly.

Act X, 1872, s. 484, ing volu

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force and do as little injury to person and property as *may be* consistent with dispersing the assembly and arresting and detaining such persons.

Act X. 1872, s. 487.

132. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it in order to disperse such assembly, or that they may be punished according to law; but *if while he is acting under this section, it becomes possible for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.*

Power of commissioned military officers to disperse assembly.

Act X, 1872, s. 488.

133. No prosecution against any Magistrate, Military officer, Police-officer, soldier *or volunteer* for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

Protection against prosecution for acts done under this chapter.

Act X, 1872, ss. 488, 485, 486.

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 132 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 129 or section 131, and

(*d*) no inferior officer, or soldier, *or volunteer*, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

Public Nuisances.

Act X, 1872, s. 521, substituting "way" for "thoroughfare."

134. Whenever a District Magistrate, *a* Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

Conditional order for removal of nuisance.

that any unlawful obstruction or nuisance should be removed from any *way or* river *which may lawfully be used by the public, or from any* public place, or

that any trade or occupation, *or the keeping of any goods or merchandise*, by reason of its being injurious to the health or physical comfort of the community, *or offensive to the religious feelings of any considerable section thereof*, should be suppressed or removed or *prohibited, or*

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a state of weakness that it is likely to fall and thereby cause injury to persons passing by, and that its removal in consequence is necessary, or

that any tank or well adjacent to any *such* way should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, *or keeping any such goods or merchandise*, or owning, possessing or controlling such building, substance, tank or well, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, *repair or support* it; or

to alter the disposal of such substance; or

to fence such tank or well, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.—A "public place" includes *also* property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Act X, 1872, s. 522.

135. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

Service or notification of order.

If such order cannot be so served, it shall be notified by proclamation, *published in such manner as the Local Government may direct*, and a written notice thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Act X, 1872, s. 523, para. 1.

136. The person against whom such order is made shall—

Person to whom order is addressed to obey,

(*a*) perform, within the time specified in the order, the act directed thereby; or

or shew cause or claim jury.

(*b*) appear in accordance with such order and either show cause against the same, or apply to such Magistrate to appoint a jury to try whether the same is reasonable and proper.

Act X, 1872, s. 525.

137. If such person does not perform such act or appear and shew cause or apply for the appointment of a jury as required by section 136, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Consequence of his failing to do so.

Act X, 1872, ss. 525, 527. Act XI, 1874, s. 45.

138. If he appears and shews cause against the order, the Magistrate shall take evidence in the matter.

Procedure where he appears to shew cause.

1 O'Kin. 486.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Act X, 1872, s. 523, para. 2.

139. On receiving an application under section 136 to appoint a jury, the Magistrate shall—

Procedure where he claims jury.

Cal. 509.

(*a*) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

Act X, 1872, s. 524, para. 1.

(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

Act X, 1872, s. 523, para. 3.

(*c*) fix a time within which they are to return their verdict.

Act X, 1872, ss. 523, para. 3, 526, para. 1.

140. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

Procedure where jury finds Magistrate's order to be reasonable.

In other cases, no further proceedings shall be taken.

Act X, 1872, s. 526, para. 1.

141. When an order has been made absolute under section 137, section 138, or section 140, the Magistrate shall give notice of the same to the person against whom the order was made and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Procedure on order being made absolute.

Act X, 1872, ss. 525, 526, para. 2.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of *such* Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

Consequences of disobedience to order.

No suit shall lie in respect of anything done *in good faith* under this section.

Act X, 1872, s. 525, para. 2.

142. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 141.

Act X, 1872, s. 523, para. 4.

Procedure on failure to appoint jury or omission to return verdict.

Act X, 1872, s. 528.

143. If a Magistrate making an order under section 134 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

Injunction pending inquiry.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done *in good faith* by a Magistrate under this section.

Act X, 1872, s. 519. Penal Code, s. 291.

144. A *District Magistrate or* Sub-divisional Magistrate or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf may order any person not to repeat or continue a public nuisance, *as defined in the Indian Penal Code or any special or local law.*

Magistrate may prohibit repetition or continuance of public nuisances.

CHAPTER XI.

TEMPORARY ORDERS IN URGENT CASES.

Act X, 1872, s. 518, with Mad. 1 O'Kin. 86.

145. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate, or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, a speedy remedy is desirable,

Power to issue order absolute at once in urgent cases.

Act X, 1872, s. 518. 1 Ben. App. Cr. 20.

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 135, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

Act X 1872, s. 518, Expl. 2.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice

Disputes as to immoveable property.

upon the person against whom the order is directed, be passed *ex parte*.

Act X, 1872, s. 518, Expl. III.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

As to disobedience to such orders, see Penal Code, s. 188.

Any Magistrate may rescind or alter any order made under this section by himself *or any Magistrate subordinate to him* or by his predecessor in office.

Act X, 1872, s. 518, Expl. IV.

5 Cal. 7.
4 Cal. 410.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a riot or affray, the Local Government by notification in the official Gazette otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Act X, 1872, s. 530.
3 Calc. 552.

146. Whenever a District Magistrate, Sub-divisional Magistrate, or a Magistrate of the first class, is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by *pleader*, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual *physical* possession of the subject of dispute.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

I. L. R. 3 Cal. 320.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, *receive the evidence produced by them* respectively, consider the effect of *such* evidence, *take such further evidence* (*if any*) *as he thinks necessary*, and *then*, if possible, decide whether any and which of the parties is in *such* possession of the said subject.

Inquiry as to possession.

1 O'Kin. 136.
2 O'Kin. 67, 264.
See 6 Calc. 906.

If *the Magistrate* decides that one of the parties is in *such* possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Party in possession to be continued until legally evicted.

Act X, 1872, s. 531.
1 O'Kin. 86.

147. If *the* Magistrate decides that none of the parties is in *such* possession, or is unable to satisfy himself as to which of them is in *such* possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Power to attach subject of dispute.

148. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done, obtains the decision of a competent Civil Court, adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Act X, 1872, s. 532.
4 Calc. 324.

Disputes concerning easements, &c.

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been ordinarily exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, unless *the* right has been so exercised during the season next before *such institution*.

149. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such *written* instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

Act X, 1872, s. 533.

Local inquiry.

The report of the person so deputed may be read as evidence in the case.

CHAPTER XIII.

Preventive Action of the Police.

150. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Act X, 1872, s. 95.

Police to prevent cognizable offences.

151. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer *whose duty it is* to prevent or take cognizance of the commission of any such offence.

Act X, 1872, s. 96.

Information of design to commit such offences.

152. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if *it appears to such officer that* the commission of the offence cannot be otherwise prevented.

Act X, 1872, s. 97.

Arrest to prevent such offences.

Act X, 1872, s. 98, para. 1.

153. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Prevention of injury to public property.

Act X, 1872, s. 381.

154. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

Inspection of weights and measures.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND OF THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Act X, 1872, s. 112.
Cf. Penal Code, s. 180.

155. Every information *relating to the commission of a cognizable offence, if given orally* to an officer in charge of a Police-station, shall be reduced to writing by *him* or under his direction, and *any such information, whether given in writing or reduced to writing as aforesaid*, shall be signed by the person giving it; and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information *in cognizable cases.*

Act X, 1872, s. 113.

156. When *information* is *given* to an officer in charge of a Police-station, of the commission within the limits of such station of a non-cognizable offence, he shall *enter in a book to be kept as aforesaid the substance of such complaint and* refer the complainant to the Magistrate.

Information in non-cognizable cases.

Act X, 1872, s. 110.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial.

Investigation into non-cognizable cases.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as *an officer in charge of a Police-station may exercise* in a cognizable case.

Act X, 1872, ss. 109, *114*, para. 2; *v. infra*, s. *184*.

157. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to enquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

Investigation into cognizable cases.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Act X, 1872, s. 114, last para.

Act X, 1872, s. 114, *para.*

See Nelson, 109.

158. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 157 to investigate, he shall *forthwith* send a report of the same to *a* Magistrate *empowered to take cognizance of such offence upon a police report*, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender:

Procedure where cognizable offence suspected.

Act X, 1872, s. 116.

Provided that when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where local investigation dispensed with.

Act X, 1872, s. 117, para. 1.

Provided also that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Where Police-officer in charge sees no sufficient ground for investigation.

In each of these cases the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first clause of this section.

Act X, 1872, s. 117, para. 2.

159. Every report *sent to a Magistrate* under section 158 shall, if the Local Government so directs, be submitted through such superior officer of Police as the Local Government, by general or special order, appoints in that behalf.

Reports under section 158 how submitted.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Act X, 1872, s. 115.

160. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold *an investigation or* preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Power to *hold investigation or* preliminary inquiry.

Act X, 1872, s. 118.

161. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or

Police-officer's power to require attendance of witnesses.

any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Act X, 1872, ss. 118, 119, paras. 1 and 2, 121.

162. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Examination of witnesses by Police.

Such person shall be bound to answer all questions relating to such case put him by such officer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Act X, 1872, s. 119, para. 3, 121. 11 Bom. H.C. Rep., 120.

163. No statement, *other than a dying declaration*, made by any person to the police *in the course of an investigation under this chapter* shall be used as evidence against the accused *or shall*, if reduced into writing, be signed by the person making it.

Statements to Police not to be signed or admitted in evidence.

Act X, 1872, ss. 120, 184. Cf. Act I, 1872, s. 24. See 6, Calc. 293-297.

164. No Police-officer or other person in authority shall offer or make any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

No inducement to be offered to confess.

Nelson, 113.

But no Police-officer or other person shall prevent, by any caution or otherwise, *any* person from making *in the course of any investigation under this chapter* any statement which he may be disposed to make of his own free will.

Act X, 1872, s. 122. Act IV, 1877, s. 16. See 6 Cal. 293-297.

165. Any Magistrate *not being a Police-officer* may record any statement or confession made to him in the course of an investigation under this chapter, *or at any time afterwards before the commencement of the inquiry or trial.*

Power to record statements and confessions.

I. L. R., 1 Bom. 219.

Such statements shall be recorded in *such of* the manners hereinafter prescribed for recording evidence *as is in his opinion best fitted for the circumstances of the case.* Such confessions shall be recorded and signed in the manner provided in section *364*, and shall then be forwarded to the Magistrate by whom the case is inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and he shall make a memorandum at the foot thereof to the following effect:—

"I believe that this confession was voluntarily made. *It was taken in my presence and hearing, and* was read over to the person making it and admitted by him to be correct, *and it contains a full and true account of the statement made by him.*

"(*Signed*) A. B.,
"*Magistrate.*"

Act X, 1872, s. 379.

166. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any *document or other* thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, *and there is reason to believe that a person to whom a summons under section 95 has been or might be addressed will not or would not produce such document or other thing as directed in the summons, or when such document or other thing is not known to be in the possession of any person, such officer* may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Search by officer in charge of Police-station.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the *document or other* thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

Act X, 1872, s. 380.

167. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer in charge of Police-station may require another to issue search-warrant.

Such officer, on being so required, shall proceed according to the provisions of section 166, and shall forward the thing found, if any, to the officer at whose request the search was made, *unless the place at which such thing is found is in a different District, and is nearer to the Magistrate having jurisdiction in such place than to the station of which the latter officer is in charge. In such case the thing shall be taken before such Magistrate, who, unless there be good cause to the contrary, shall order such thing to be forwarded to such officer.*

Act X, 1872, s. 124, paras 2, 3 and 4

168. Whenever *it appears that* any investigation under this chapter *cannot* be completed within the period of twenty-four hours fixed by section *61*, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall *transmit* to the nearest Magistrate *a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate, unless, for reasons to be recorded by such officer, he thinks that the accused should not be so forwarded.*

Procedure when investigation *cannot be* completed in twenty-four hours.

The Magistrate receiving a copy under this section may, whether he has or has not jurisdiction to try the case, authorize the detention of the accused *in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole.* If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may *order* the accused *to be forwarded* to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section *detention in the custody of the police* shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is subordinate.

Act X, 1872, s. 123, para 2.

169. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Report of investigation by subordinate Police-officer.

Act X, 1872, s. 125.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, *before a Magistrate having jurisdiction to take cognizance of the offence on a polic ereport.*

Release of accused when evidence deficient.

Act X, 1872, ss. 123, para. 1, 127, para. 1, 130, paras. 1 to 6.

171. If upon an investigation under this chapter it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to *a* Magistrate empowered to take cognizance of *the* offence upon a police report, or if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed

Case to be sent to Magistrate when evidence is sufficient.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so many of the persons who appear to be acquainted with the circumstances of the case as may be necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, it shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided notice of such reference be given to such complainant or witness.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to *one* of the persons who executed it, and shall then send to the Magistrate the original with his report.

Act X, 1872, s. 130, last para.

172. No complainant or witness on his way to the Court of the Magistrate *shall be required to accompany a Police-officer,*

Complainants and witnesses not to be required to accompany Police-officer.

Act X, 1872 s. 131, para. 1.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Complainants and witnesses not to be subjected to restraint.

Act X, 1872, s. 131, para. 2.

Provided that, if any complainant or witness refuses to attend or to execute the bond directed in section 171, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such recognizance, or until the hearing of the case is completed.

Recusant complainant or witness may be forwarded in custody.

Act X, 1872, s. 126.

173. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for them, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, sections 145 and 161, shall apply.

Act X, 1872, ss. 125, 127, paras. 1 & 2.

174. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to *a* Magistrate having jurisdiction *to take cognizance of the offence on a police report* a report in the form prescribed by the Local Government, setting forth the names of

Report of Police-officer.

the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 159, the report shall be submitted through him, and he may, pending the orders of the Magistrate, *direct the officer in charge of the Police-station to make further* investigation.

Whenever it appears from a report forwarded under this section, that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Act X, 1872, s. 133.

175. The officer in charge of a Police-station, on receiving information that a person—

Police to inquire and report on unnatural and sudden deaths.

(*a*) has been killed by another, or

(*b*) has died *under suspicious circumstances*, or

(*c*) has committed suicide,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, *unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate*, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks *of injury* as may be found on the body, and stating in what manner, or by what weapon or instrument (*if any*) such marks appear to have been inflicted.

This power may be exercised so as to save Military Courts of Inquest.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, *or when for any other reason the Police-officer considers it expedient so to do, he* shall, *subject to such rules as the Local Government may prescribe in this behalf*, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

In the territories respectively administered by the Governors of Fort St. George and Bombay in Council, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

176. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. *Every* person so summoned shall be bound to attend and to answer all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

Act X, 1872, s. 134.

Power to summon persons.

Penal Code ss. 174, 179.

If the facts do not disclose a cognizable offence to which section 171 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

177. *When any person dies while in the custody of the police* the nearest Magistrate empowered to hold inquests *shall, and in any other case mentioned in section 175, clauses* (*a*), (*b*) *and* (*c*), *any Magistrate so empowered may*, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Act X, 1872, s. 135.

Inquiry *by Magistrate* into cause of death.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

New. Cf. Act IV, 1871, s. 11.

Power to disinter corpse.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.

A.—Place of Inquiry or Trial.

178. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Act X, 1872, s. 63, *para. 1.* Act IV, 1877, s. 18.

Ordinary place of inquiry and trial.

179. Notwithstanding anything contained in section 178, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division.

Act X, 1872, s. 63, *para. 2.*

Power to order cases to be tried in different Sessions Divisions.

Act XI, 1874, s. 9.

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 537.

Act X, 1872, s. 65. Act IV, 1877, s. 19.

Accused triable in district where act is done, or where consequence ensues.

180. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(*a*) A is wounded in district X and dies in district Z. The offence of the culpable homicide of A may be inquired into and tried either in X or Z.

(*b*) A is wounded in district X, and is, during ten days in district Y and during ten days more in district Z, unable in either Y or Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into and tried in X, Y or Z.

(*c*) A is put in fear of injury in district X, and is thereby induced, in district Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into and tried either in X or Y.

Act X, 1872, s. 66, *omitting Illustration* (*d*). Act IV, 1877, s. 20.

Place for trial where act is offence by reason of relation to other offence.

181. When an act is an offence by reason of its relation to any other act which is also an offence, *or which would be an offence if the doer were capable of committing an offence*, a charge of the first-mentioned offence may be inquired into and tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(*a*) A charge of abetment may be inquired into and tried either in the district in which the abetment was committed, or in the district in which the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen-goods may be inquired into and tried either in the district in which the goods were stolen, or in any district in which any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into and tried in the district in which the wrongful concealing, or in the district in which the kidnapping, took place.

Act X, 1872, s. 67, Illustration (*c*), s. 68. Act IV, 1877, s. 22.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

182. The offence of being a thug, *of being a* thug *and committing* murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into and tried by a Court within the local limits of whose jurisdiction the person charged is.

Act X, 1872, s. 67, Illustration (*e*).

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into and tried by a Court within the local limits of whose jurisdiction *any part of* the property which is the subject of the offence was received by the accused person, or the offence was committed.

Stealing.

The offence of stealing *anything* may be inquired into or tried by a Court within the local limits of whose jurisdiction such *thing* was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Act X, 1872, s. 67, Illustration (*f*). I. L. R. 1 Mad. 17.

Place of inquiry or trial where scene of offence is uncertain; or not in one district only; or offence is continuing; or consists of several acts.

183. When it is uncertain in which of several local areas an offence was committed, or

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than one, or

where it consists of several acts done in different local areas,

it may be inquired into and tried by a Court having jurisdiction over any such local area.

Act XVIII, 1862, ss. 29-35. Act X, 1872, s. 67, *omitting the Illustrations*. Act IV, 1877, s. 21.

Offence committed on a journey.

184. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into and tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Act X, 1872, s. 67, Illustration (*a*). I Mad. H. C. Rep. 198.

Offences against Railway, Telegraph, Post-office and Arms Acts.

185. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into and tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: provided that the offender and *all* the witnesses necessary for his prosecution are to be found within such town.

Act IV, 1877, s. 238. Act LII, 1860, repealed. Act IV, 1877, s. 239.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

186. Whenever any doubt arises as to the Court by which any offence should *under the preceding provisions of this chapter* be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is, may decide by which Court the offence shall be inquired into or tried.

Act X, 1872, s. 69. Act IV, 1877, s. 23.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

187. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits an offence which cannot, under the provisions of sections 178 to 185 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under

Act X, 1872, s. 157. Act IV, 1877, s. 54.

some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send him to the Magistrate having jurisdiction to enquire into or try such offence, or, if such offence is bailable, take bail for his appearance before such Magistrate.

Act X, 1872, s. 174. Act IV, 1877, s. 55. Act XXIII, 1840, s. 7.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Act X, 1872, s. 175.

Procedure where warrant issued by Subordinate Magistrate.

188. If the person has been arrested under a warrant issued under section 187 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 187, such Magistrate shall send such person to the District Magistrate or Sub-divisional Magistrate to whom such Court is immediately subordinate.

Act XXI, 1879, s. 9.

Liability of British subjects for offences committed out of British India.

189. When a European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Political Agent to certify fitness of inquiry into charge.

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar against further proceedings against him under this Code in respect of the same offence in any territory beyond the limits of British India.

Power to direct copies of depositions and exhibits to be received in evidence.

190. Whenever any such offence as is referred to in section 189 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Act XXI, 1879, s. 10.

"Political Agent" defined.

191. In sections 189 and 190 the expression "Political Agent" means and includes—

Act XXI, 1879, s. 3.

(a) the principal officer representing the British Indian Government in any territory beyond the limits of British India:

(b) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

Act X, 1872, ss. 140, cl. (a), (b) and (c), 141, para. 1. Act IV, 1877, ss. 25, 28.

Cognizance of offences by Magistrates.

192. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a police-report of such facts;

Act X, 1872, ss. 140, cl. (d), 142, para. 1. Act IV, 1877, s. 46.

(c) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion that such offence has been committed.

Act X, 1872, ss. 23, 25, 27.

The Local Government, or the District Magistrate *subject to* the general or special orders of the Local Government, may specially empower any Magistrate to take cognizance under clause (a) *or* clause (b) of offences.

Act X, 1872, ss. 25, 27.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (c) of offences.

Act X, 1872, ss. 44, para. 1, 141, para. 2. Act XI, 1874, s. 6.

Transfer of cases by Magistrates.

193. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

When any Magistrate of the first class specially empowered in this behalf by the Magistrate of a District has taken cognizance of any case, he may transfer it for inquiry or trial to any other Magistrate in such District competent to deal with it under this Code.

Act X, 1872, s. 231. Act XI, 1874, s. 18.

Cognizance of offences by Courts of Session.

194. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused person has been committed by a Magistrate duly empowered in that behalf.

Act X, 1872, s. 17.

Cases to be tried by Additional and Joint Sessions Judges;

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Act X, 1872, s. 18.

by Assistant Sessions Judges.

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division makes over to them by general or special order.

Act X, 1875, s. 145.

Cognizance of offences by High Court.

195. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Charter, 1865, clause 24.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

Act X, 1872, s. 467. Act X, 1875, s. 133. Act IV, 1877, ss. 40, 46.

Prosecution for contempts of lawful authority of public servants.

196. No Court shall take cognizance—

(a) of any offence *punishable under* sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the *previous* sanction, or on the complaint, of the public servant concerned, or of *some public servant to whom he is subordinate*;

Act X, 1872, s. 468. Act IV, 1877, s. 41.

Prosecution for certain offences against public justice.

(b) of any offence *punishable under* section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed *in or in relation to any proceeding in* any Court, except with the *previous* sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Court of Subordinate Judge is subordinate to that of District Judge. I. L. R. 2 Bom. 481. Act X, 1872, s. 469. Act IV, 1877, s. 42.

Prosecution for certain offences relating to documents given in evidence.

(c) of any offence described in section 463 *or punishable under section* 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the *previous* sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Act X, 1872, s. 470, para. 1. Act X, 1875, s. 134. Act IV, 1877, s. 43. 11 Bom. 36, per West, J. No appeal from order according sanction, I. L. R. 1 All. 17.

Nature of sanction necessary.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Act X, 1872, s. 470, para. 2.

When sanction *is given* in respect of any offence referred to in this section, the Court taking cognizance of the case *may* amend the charge to one of any other offence *so referred to which is* disclosed by the facts.

Any sanction given under this section may be revoked by any authority to which the authority giving it is subordinate.

For the purposes of this section every Court shall be deemed to be subordinate to the Court to which appeals from the former Court ordinarily lie.

Act X, 1872, s. 465. Act X, 1875, s. 131. Act IV, 1877, ss. 38, 46.

Prosecution for offences against the State.

197. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Act X, 1872, s. 466, paras. 1, 2, 3 and 4. Act X, 1875, s. 132. Act IV, 1877, ss. 39, 46. 7 Bom. 63.

Prosecution of Judges and public servants.

198. No Court shall take cognizance of any offence of which any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Power of Government as to prosecution.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Act X, 1872, s. 142, para. 2. Act IV, 1877, s. 29.

Prosecution for breach of contract, defamation and offences against marriage.

199. No Court shall take cognizance of an offence falling under Chapter XIX or XXI or under sections 493 to 496 (both inclusive) of the Indian Penal Code, except upon a complaint made *by some person aggrieved by such offence.*

Act X, 1872, ss. 478, 479. Act IV, 1877, s. 45. See 1 O'Kin. 524.

Prosecution for adultery.

200. No Court shall take cognizance of an offence under section 497 or 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XVI.

Of Complaints to Magistrates.

Act X, 1872, s. 144.

Examination of complainant.

201. A Magistrate taking cognizance of a case on complaint shall at once examine the complainant upon oath, and the examination shall be reduced into writing and shall be

Act X, 1872, s. 44, para. 2. signed by the complainant, and also by the Magistrate:

Provided that when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 193:

Act IV, 1877, s. 30. Provided also that where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

Act X, 1872, s. 44, para. 2. Provided *also* that, when the case has been transferred under section 193 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

Act X, 1872, s. 145. **202.** If the Magistrate is not competent to entertain the complaint, *and such* complaint has been made in writing, he shall return it for presentation to the proper tribunal *with an endorsement to that effect.*

Procedure by Magistrate not empowered to entertain complaint.

Act X, 1872, s. 146. **203.** If *any Presidency Magistrate or* Magistrate *of the first or second class* sees reason to distrust the truth of a complaint *of* which he is authorized to *take cognizance*, he may, *when the complainant has been examined*, postpone the issue of process for compelling the attendance of the person complained against, and may direct a previous *local* investigation to be made by means of any officer immediately subordinate to such Magistrate or of a Police-officer, or *by* such other *person* as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Postponement of issue of process.

If such investigation is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police-officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

Act X, 1872, s. 147, para. 1. Act IV, 1877, s. 32. **204.** The Magistrate before whom a complaint is made may dismiss the complaint if, after examining the complainant *and considering the result of the investigation (if any) made under section 203*, there is in his judgment no sufficient ground for proceeding.

Dismissal of complaint.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

Act X, 1872, ss. 147, para. 3, 148, para. 1, 149. Act XI, 1874, s. 1. Act IV, 1877, ss. 27, 33, 34, 35. **205.** If in the opinion of a Magistrate taking cognizance of a case there is sufficient ground for *proceeding and* the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, *he shall* issue his summons. *If* the case appears to be one in which according to that column a warrant should issue in the first instance, *he shall ordinarily issue* his warrant for causing such person to appear or be brought at a certain time and place before such Magistrate or some other Magistrate having jurisdiction.

Issue of process.

Nothing in this section shall be deemed to affect the provisions of section 91. Act X, 1872, ss. 148, para. 2, 150.

Act X, 1872, s. 151. Act IV, 1877, s. 37. **206.** Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

Magistrate may dispense with personal attendance of accused.

But such Magistrate may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided. Act IV, 1877, s. 37.

CHAPTER XVIII.

Of Inquiry into Cases triable by the Court of Session or High Court.

Act X, 1872, s. 143, extended to High Court. **207.** Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

Power to commit for trial.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Act X, 1872, s. 189. Act IV, 1877, s. 81. **208.** The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court or, in the opinion of the Magistrate, ought to be tried by such Court.

Procedure in inquiries preparatory to commitment.

Act X, 1872, s. 190. Act IV, 1877, s. 82. **209.** The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, *or as may be called for by the Magistrate.*

Taking of evidence produced.

Act X, 1872, ss. 357, para. 1, 362. Act IV, 1877, s. 83, para. 2. If the complainant or accused applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Process for production of further evidence.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

Act X, 1872, s. 195. Act XI, 1874, s. 14. Act IV, 1877, s. 87, omitting the Explanations.

210. When the evidence referred to in section 209, *paragraphs 1 and 2*, has been taken, and *he* has examined the accused in regard to such matters connected with the accusation as the Magistrate thinks fit, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

When accused person to be discharged.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Act X, 1872, ss. 195, *Expln. III*, 196, 198, *para. 1*. Act IV, 1877, s. 88. Act IV, 1877, s. 89, omitting paras. 3 and 4.

211. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

When charge is to be framed.

Act X, 1872, s. 199. Act X, 1875, s. 13. Act IV, 1877, s. 90.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

Charge to be explained, and copy furnished, to accused.

Act X, 1872, s. 200, *paras. 1 and 3*. Act IV, 1877, s. 91.

212. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

List of witnesses for defence on trial.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time, and nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial before the High Court, to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Further list.

Act X, 1872, s. 200, *para. 2*. Act IV, 1877, s. 91.

213. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 212.

Power of Magistrate to examine such witnesses.

Act X, 1872, ss. 198, *para. 1*, 200, *para. 2*. Act IV, 1877, ss. 89, para. 1, 91.

214. When the accused on being required to give in a list under section 212 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 213, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) recording the reasons for such commitment.

Order of commitment.

215. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him to take his trial before the High Court, and not before the Court of Session.

Person charged in Mufassal jointly with European British subject.

Act X, 1872, s. 197, *omitting the Explanation*.

216. A commitment once made under section 214 or 215 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Quashing commitments under section 214 or 215.

Act X, 1872, s. 197, Explanation *and last para.*

217. When the accused has given in any list of witnesses under section 212 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself to appear before the Court to which the accused has been committed:

Act X, 1872, s. 358. Act IV, 1877, s. 92.

Summons to witnesses for defence when accused is committed.

Provided that where such person has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown:

Act X, 1872, s. 359.

Refusal to summon unnecessary witness unless deposit made.

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that such witness is material, and if he is not so satisfied, may refuse to summon the witness, or before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

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Act X, 187 s. 360. Act IV, 187 s. 93.

218. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Bond of complainants and witnesses.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the recognizance above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Detention in custody in case of refusal to attend or to execute recognizance.

Act X, 1872, s. 202, para. 1.

219. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge,

Commitment when to be notified.

Act XI, 1874, s. 15.

Act X, 1872, s. 198, paras. 2, 3 and 4.

and shall send the charge, the record of the enquiry and any weapon or other moveable thing which is to be produced in evidence to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Charge, &c., to be forwarded to High Court or Court of Session.

Act X, 1872, s. 198, para. 4.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

English translation to be forwarded to High Court.

Act X, 1872, s. 357, para. 2.

Act IV, 1877, s. 91, para. 4.

220. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Power to summon supplementary witnesses.

Such examination shall, if possible, be taken in the presence of the accused, and where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

Act X, 1875, s. 26.

Act IV, 1877, s. 89, para. 3.

See sec. 552, infra.

221. Pending the trial, the Magistrate *shall*, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

Of the Charge.

Form of Charges.

See s. 565, infra.

Act X, 1872, s. 439, paras. 1 to 6.

Act IV, 1877, s. 94.

222. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charges.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which *the Court* is *competent to* award, the fact of the previous conviction must be stated in the charge. If such statement is omitted, *the Court* may add *it* at any time before sentence is passed.

Previous conviction when to be set out.

Act X, 1875, s. 118.

Act X, 1872, s. 439, last para.

Act IV, 1877, s. 94, last para.

Illustrations.

Act X, 1872, s. 439, Illustrations.

Act IV, 1877, s. 94, Illustrations.

(*a*) *A* is charged with the murder of *B*.
This is equivalent to a statement that *A*'s act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300; or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(*b*) *A* is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to *B*, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) *A* is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that *A* committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) *A* is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Act X, 1872, s. 440.

Act IV, 1877, s. 95.

223. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (*if any*) against whom, or the thing (*if any*) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

Act X, 1872, s. 441.

Act IV, 1877 s. 96.

224. When the nature of the case is such that the particulars mentioned in sections 222 and 223 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(*a*) *A* is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) *A* is accused of cheating *B* at a given time and place. The charge must set out the manner in which *A* cheated *B*.

(*c*) *A* is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by *A* which is alleged to be false.

(*d*) *A* is accused of obstructing *B*, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which *A* obstructed *B* in the discharge of his functions.

(*e*) *A* is accused of the murder of *B* at a given time and place. The charge need not state the manner in which *A* murdered *B*.

(*f*) *A* is accused of disobeying a direction of the law with intent to save *B* from punishment. The charge must set out the disobedience charged and the law infringed.

Act XVIII, 1862, s. 82.

225. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the *law under which such offence is punishable.*

Words in charge taken in sense of *law under which offence is punishable.*

Act X, 1872, s. 443.

Act X, 1875, s. 24.

Act IV, 1877, s. 98.

226. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

(*a*) *A* is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that *A* was in fact misled by this omission, the error shall not be regarded as material.

(*b*) *A* is charged with cheating *B*, and the manner in which he cheated *B* is not set out in the charge, or is set out incorrectly. *A* defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) *A* is charged with cheating *B*, and the manner in which he cheated *B* is not set out in the charge. There were many transactions between *A* and *B*, and *A* had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) *A* is charged with the murder of Khoda Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. *A* was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that *A* was not misled, and that the error in the charge was immaterial.

(*e*) *A* was charged with murdering Haidar Baksh on the 20th January and Khoda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that *A* was misled, and that the error was material.

Act X, 1872, ss. 444, 445.

Act X, 1875, ss. 9, 10.

Act IV, 1877, ss. 99, 100.

227. When any person is committed for trial *without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court,* the Clerk of the Crown, *may frame a charge, or add to or otherwise alter the charge, as the case may be,* having regard to the rules contained in this Code as to the form of charges.

Procedure on commitment *without charge or with imperfect charge.*

Act X, 1872, s. 446.

Act X, 1875, ss. 7, 8.

228. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Court may alter charge.

Every such alteration shall be read and explained to the accused.

Act X, 1872, s. 447.

Act X, 1875, s. 11.

Act IV, 1877, s. 101.

229. If the *charge framed or alteration made under either of the two last preceding sections* is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence *or the prosecutor in the conduct of the case,* the Court may in its discretion, after *such charge or* alteration *has been framed or made,* proceed with the trial as if the *new or* altered charge had been the original charge.

When trial may proceed immediately after alteration.

Act X, 1872, s. 448.

Act X, 1875, s. 12.

Act IV, 1877, s. 102.

230. If the *new or altered charge* is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused *or the prosecutor as aforesaid,* the Court may either direct a new trial or *adjourn* the trial for such period as may be necessary.

When new trial may be directed, or trial suspended.

Act X, 1872, s. 449.

Act X, 1875, s. 13.

Act IV, 1877, s. 103.

231. If the offence stated in the *new or* altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the altered charge is founded.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

Act X, 1872, s. 449.

Act X, 1875, s. 15, omitting "during the trial."

Act IV, 1877, s. 104.

232. Whenever a charge is altered by the Court *after the commencement of the trial,* the *prosecutor* and the accused shall be allowed to recall *or re-summon,* and examine with reference to such alteration, any witness who may have been examined.

Recall of witnesses when charge altered.

Act X, 1872, s. 451.

233. If any Appellate Court, or the High Court in the exercise of its powers of revision *or of its powers under Chapter XXVII,* is of opinion that any person convicted of an offence was misled in his defence *by the absence of a charge or* by an error in the charge, it shall direct a new trial to be had upon a charge *framed* in whatever manner it thinks fit.

Effect of material error.

If the Court is of opinion that the facts of the case are such that no valid charge could be pre-

ferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

Act XI, 1874, s. 40. *A* is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that *A* had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that *A* had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Act X, 1872, s. 452. Act X, 1875, s. 17. Act IV, 1877, s. 105.

234. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases mentioned in sections 235, 236, 237 and 240.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. *A* must be separately charged and separately tried for the theft and the causing grievous hurt.

Act X, 1872, s. 453, omitting the Explanation. Act X, 1875, s. 18. 1 *Kin.* 480. 1 L. R., 3 Calc. 540. Act IV, 1877, s. 106; cf. 24 & 25 Vic., c. 96, s. 5.

235. When a person is accused at the same time of more offences than one of the same kind, committed within one year of each other, he may be charged with, and tried at one trial for, any number of them not exceeding three.

More offences than one of same kind may be charged within a year of each other.

Act X, 1872, s. 454, omitting Illustrations (*e*), (*h*), (*i*) and (*k*). Act X, 1875, s. 19. Act IV, 1877, s. 107.

236. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

I.—Trial of more than one offence.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with *and tried at one trial for* each of *such* offences.

II.—One offence falling within two definitions.

III.—If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with *and tried at one trial for* every *such* offence, or any of *such* different offences.

III.—Acts severally constituting more than one offence, but collectively coming within one definition.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) *A* rescues *B*, a person in lawful custody, and in so doing causes grievous hurt to *C*, a constable in whose custody *B* was. *A* may be charged with *and tried* for offences under sections 225 and 333 of the Indian Penal Code.

(*b*) *A* commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with *B*'s wife. *A* may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) *A* entices *B*, the wife of *C*, away from *C*, with intent to commit adultery with *B*, and then commits adultery with her. *A* may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) *A* has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. *A* may be separately charged with, *and* convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to *B*, *A* institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; *and also* falsely accuses *B* of having committed an offence knowing that there is no just or lawful ground for such charge. *A* may be separately charged with, *and* convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) *A*, with intent to cause injury to *B*, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, *A* gives false evidence against *B*, intending thereby to cause *B* to be convicted of a capital offence. *A* may be separately charged with, *and* convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) *A*, with six others, commits the offences of rioting, grievous hurt, and of assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. *A* may be separately charged with, *and* convicted of, offences under sections 147 and 325 and 152 of the *Indian* Penal Code.

(*h*) *A* threatens *B*, *C* and *D* at the same time with injury to their persons with intent to cause alarm to them. *A* may be separately charged with, *and* convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) *A* wrongfully strikes *B* with a cane. *A* may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to *A* and *B*, who know they are stolen property, *for the purpose of concealing them*. *A* and *B* thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. *A* and *B* may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) *A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.*

(*l*) *A* dishonestly uses a forged document as genuine evidence, in order to convict *B*, a public servant, of an offence under section 167 of the Indian Penal Code. *A* may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) *A* commits robbery on *B*, and, in doing so, voluntarily causes hurt to him. *A* may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

Act X, 1872, s. 455. Act X, 1875, s. 20. Act IV, 1875, s. 108. N.W.P., 1875, p. 137.

237. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust, or cheating.

Act X, 1872, s. 456. Act X, 1875, s. 21. Act IV, 1877, s. 109.

238. If, in the case mentioned in section 237, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

Act X, 1872, s. 457. Act X, 1875, s. 22. Act IV, 1877, s. 110. 21 Bom. 241, per West, J.

239. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and *such combination* is proved *but the remaining particulars are not proved*, he may be convicted of *the minor* offence, though he was not charged with it.

When offence proved included in offence charged.

When a person charged with an offence proves circumstances which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 199 or section 200 when no complaint has been made as required by that section.

Illustrations.

(*a*) *A* is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

22 Suth. Cr. R. 61.

(*b*) *A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of the Penal Code.*

Act X, 1872, s. 458. Act X, 1875, s. 23. Act IV, 1877, s. 111.

240. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit, and the provisions contained in the former part of this chapter shall apply to all such charges.

What persons may be charged jointly.

Illustrations.

(*a*) *A* and *B* are accused of the same murder. *A* and *B* may be charged and tried together for the murder.

(*b*) *A* and *B* are accused of a robbery, in the course of which *A* commits a murder with which *B* has nothing to do. *A* and *B* may be tried together on a charge, charging both of them with the robbery, and *A* alone with the murder.

(*c*) *A* and *B* are both charged with a theft, and *B* is charged with two other thefts committed by him in the course of the same transaction. *A* and *B* may be both tried together on a charge, charging both with the one theft, and *B* alone with the two other thefts.

Act X, 1872, s. 459, omitting the first ten words "In trials before a Court of Session or High Court," and inserting "the complainant." Act X, 1875, s. 102. Act IV, 1877, s. 112.

241. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw, or such Court of its own accord may suspend the inquiry into, or trial of, the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

Withdrawal of remaining charges on conviction on one of several charges.

CHAPTER XX.

Of the Trial of Summons-cases by Magistrates.

Act X, 1872, s. 203, para. 1. Act IV, 1877, s. 114.

242. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Procedure in summons-cases.

Act X, 1872, ss. 203, para. 2, first clause, 206, para. 1. Act IV, 1877, s. 119.

243. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; *but no formal charge shall be framed.*

Substance of accusation to be stated.

Act X, 1872, s. 206, para. 2. Act IV, 1877, s. 120.

244. If the accused admits that he has committed the offence with which he is charged, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Conviction on admission of truth of accusation.

Act X, 1872, s. 207. Act IV, 1877, s. 121.

245. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as

Procedure when no such admission is made.

Trial of Summons-cases by Magistrates.

may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Act X, 1872, s. 361. Act IV, 1877, s. 142.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Act X, 1872, s. 211, paras. 1 and 2. Act IV, 1877, s. 126.

246. If the Magistrate upon taking the evidence referred to in section 245 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

Act X, 1872, s. 203, para. 2, second clause. Act IV, 1877, s. 117. Nelson, 206.

247. A Magistrate may, under section 244 or section 246, convict the accused of any offence triable under this chapter which from the facts admitted or proved, he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

Act X, 1872, ss. 205, 208, para. 8, 212. Act IV, 1877, s. 129.

248. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

Act X, 1872, s. 210. Act IV, 1877, s. 125.

249. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

New.

250. In any case instituted otherwise than upon complaint, *a Presidency Magistrate or Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate*, may, *for reasons to be recorded by him*, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction.

Power to stop proceedings when no complainant.

Act X, 1872, s. 209, paras. 1 and 2. Act IV, 1877, s. 242.

251. If in any case instituted upon complaint a Magistrate acquits the accused under section 246 or section 248, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine; and if it cannot be so recovered, the complainant shall be *sentenced to simple imprisonment* for such term, not exceeding thirty days, as the Magistrate directs, unless such sum is sooner paid.

Recovery of compensation.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

Of the Trial of Warrant-cases by Magistrates.

Act X, 1872, s. 213.

252. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

Act X, 1872, s. 190. See I. L. R., 3 Cal., 389.

253. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

Act X, 1872, s. 362, para. 1. Act IV, 1877, s. 148, para. 1.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

Act X, 1872, s. 215, with Expln. III. I. L. R., 2 Calc., 389.

254. If upon taking all the evidence *referred to in* section 253, and such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no *case against the accused has been made out which if unrebutted would warrant his conviction*, the Magistrate shall discharge him.

Discharge of accused.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Act X, 1872 s. 216, without Explanations I & II. Act XI, 1874, s. 16. Act IV, 1877, ss. 116, 122.

255. If, when such evidence and examination have been wholly or partially taken, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

Act X, 1872, s. 217. Act V, 1877, ss. 120, 122. Cf. Act X, 1872, ss. 237, para. 2, 324.

256. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

Summary Trials.

Act X, 1872, s. 218. Act IV, 1877, s. 121.

257. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate *shall* file it with the record.

Act X, 1872, s. 362, para. 2. Act IV, 1877, s. 148, para. 2. Cf. ss. 253 and 209.

258. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded by him in writing, he considers that such application should be refused.

Process for production of evidence for defence.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Act X, 1872, s. 220, omitting the Explanation. See infra, s. 347. Act IV, 1877, s. 126, first clause.

259. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Conviction.

Act X, 1872, s. 215, Expl. I. Contrast. Act IV, 1877, s. 118; but see s. 133 of same.

260. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

Absence of complainant.

CHAPTER XXII.

Of Summary Trials.

Act X, 1872, ss. 222, 223, 224.

261. Notwithstanding anything contained *in this Code*, the District Magistrate and any Magistrate of the first class specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences:—

Power to try summarily.

I. L. R., 3 Cal., 667.

(*a*) Offences not punishable with death, transportation, whipping, or imprisonment for a term exceeding six months;

(*b*) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;

(*c*) Hurt, under section 323 of the same Code;

(*d*) Theft, under section 379, *380 or 381* of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) Receiving *or retaining* stolen property, under section 411 of the same Code, *when the value of such property does not exceed fifty rupees*;

(*f*) *Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, when the value of such property does not exceed fifty rupees;*

(*g*) Mischief, under section 427 of the same Code;

(*h*) House-trespass, under section 448 of the same Code;

(*i*) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section *506*, of the same Code; Act XI, 1874, s. 17.

(*j*) Abetment of any of the foregoing offences;

(*k*) An attempt to commit any of the foregoing offences when such attempt is an offence:

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

Act X, 1872, s. 225.

262. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

Power to invest Bench of Magistrates invested with less power.

(*a*) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(*b*) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

(*c*) Abetment of any of the foregoing offences; New.

(*d*) An attempt to commit any of the foregoing offences when such attempt is an offence. New.

Act X, 1872, s. 226.

263. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Procedure for summons and warrant-cases applicable with certain exceptions.

Act X, 1872, s. 227.

264. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in *such form as the Local Government may direct* the following particulars:—

Record in cases where there is no appeal.

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, *parentage* and residence of the accused;

(*f*) the offence complained of or proved;

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence *or other final order* ; and

(*j*) the date on which the proceedings terminated.

Act X, 1872, s. 228. **265.** In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 264.

Record in appealable cases.

Such judgment shall be the only record in cases coming within this section.

Act X, 1872, s. 229 **266.** Records made under section 264 and judgments recorded under section 265 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Language of *record and* judgment.

Act X, 1872, s. 230. The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

Bench may be authorized to employ clerk.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

Act X, 1875, s. 3. **267.** In this chapter, *except in section 308*, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may from time to time, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

"High Court" defined.

Act X, 1875, s. 32. **268.** All trials under this chapter before a High Court shall be by jury;

Trials before High Court to be by jury.

and, notwithstanding anything herein contained, *in* all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so direct, be by jury.

Act X, 1872, s. 232. **269.** All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Trials before Sessions Court to be by jury or with assessors.

Act X, 1872, s. 233, *paras. 1 and 2.* **270.** The Local Government may by order in the official Gazette direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and from time to time revoke or alter such order.

Local Government may order trials before Court of Session to be by jury.

When the accused is *charged* at the same *trial with* several offences of which some are and some are not triable by jury, he shall be tried by jury for each offence.

Act X, 1872, s. 235. **271.** In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

Trial before Court of Session to be conducted by Public Prosecutor.

B.—Commencement of Proceedings.

Act X, 1872, s. 237. **272.** When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

Act X, 1875, ss. 28, 29.

Act X, 1875, s. 73. If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

Act X, 1872, s. 238. Act X, 1875, s. 30. **273.** If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Refusal to plead or claim to be tried.

Act X, 1872, s. 265. Act X, 1875, s. 34. Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Trial by same jury or assessors of several offenders in succession.

Act X, 1875, s. 14. **274.** When *it* appears to *the* Court at any time before the commencement of the trial of the person charged, *that there is no legal evidence to sustain any charge or a portion thereof, the* Judge may make on the charge an entry to that effect.

Entry on unsustainable charge.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

Effect of entry.

C.—Choosing a Jury.

Act X, 1875 s. 33. **275.** In trials before the High Court the jury shall consist of nine persons.

Number of jury.

Act X, 1872 s. 236. In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may from time to time direct.

Act X, 1872 s. 241. **276.** In a trial by jury, before the Court of Session, of a person not being an European or an American, *a majority* of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans before Court of Session.

Act X, 1872 s. 240. Act X, 187 s. 33. As to pra tice in Hi Court, Bo bay, see I. R., 1 Bo 462. **277.** The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as *the High Court* may from time to time by rule direct:

Jurors to be chosen by lot.

Act X, 1875, s. 49. Proviso. Provided that—

Existing practice maintained.

1*st*, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed.

Act X, 1872, s. 243, *para.* 3. Act X, 1875, ss. 33. 2*nd*, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Persons not summoned when eligible.

Act X, 1875, s. 38. Trials before special jurors. 3*rd*, in the Presidency-towns—

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

Act X, 1872, s. 248, *paras. 1 and 2.* Act X, 1875, s. 58. **278.** As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection to jurors.

Act X, 1875, s. 47, para. 1. Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Objection without grounds stated.

Act X, 1872, ss. 244, 403, 406. Act X, 1875, ss. 47, 54. **279.** Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

Grounds of objection.

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, *or being under the age of twenty-one or above the age of sixty years*;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of Police or being entrusted with Police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

Act X, 1872, s. 243. Act X, 1875, s. 57. (*g*) inability to understand the language in which the evidence is given, or when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Act X, 1872, s. 243, para. 3. Act X, 1875, ss. 48, 55. **280.** Every objection taken to a juror shall be decided by the Court, and such decision shall *be recorded* and be final.

Decision of objection.

Act X, 1872, s. 243, *para.* 4. Act X, 1875, s. 56. If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 277; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 279 and allowed.

Supply of place of juror against whom objection allowed.

Act X, 1872, s. 246. Act X, 1875, s. 59. **281.** When the jurors have been chosen, they shall appoint one of their number to be foreman.

Foreman of jury.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

New. **282.** When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Swearing of jurors.

Act X, 1872, s. 254. **283.** If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not possible to enforce his attendance, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

Procedure when juror ceases to attend.

In *each of such* cases the trial shall commence anew.

Act X, 1872, s. 99. **284.** The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

Discharge of jury in case of sickness of prisoner.

D.—Choosing Assessors.

Act X, 1872, s. 239. **285.** When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Assessors how chosen.

Act X, 1872, s. 259. **286.** If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending throughout

Procedure when assessor is unable to attend.

the trial, or absents himself, and it is not possible to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending or absent themselves, the proceeding shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Act X, 1872, s. 247. Act XI, 1874, s. 19. Act X, 1875, s. 59.

287. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

Opening case for prosecution.

The prosecutor shall then examine his witnesses.

Examination of witnesses.

Act X, 1872, s. 248. Act X, 1875, s. 60.

288. The examination of the accused before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Examination of accused before Magistrate to be evidence.

Act X, 1872, s. 249. Act XI, 1874, s. 20. Act X, 1875, s. 75. 12 Ben. Appendix, 16, 17. The exercise of this discretion may be reviewed on appeal, 11 Bom. 282.

289. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced *and examined*, be treated as evidence in the case.

Evidence given at preliminary inquiry admissible.

Act X, 1872, s. 250. Act X, 1875, s. 62.

290. When the examination of the witnesses for the prosecution and the examination (if any) of the accused is concluded, the accused shall be asked whether he means to *adduce evidence*.

Procedure after examination of witnesses for prosecution.

In such case it is not necessary to ask the assessors their opinion, —I. L. R., 1 All., 610, n.

If he says that he does not, the prosecutor may sum up his case; and if the Court *considers that there is no legal evidence to sustain the charge*, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, *or any one of the accused* (*when there are several*), says that he means to *adduce evidence*, or if, on his saying that he does not mean to *adduce evidence*, the prosecutor sums up his case and the Court *considers that there is legal evidence to sustain the charge*, the Court shall call on the accused to enter on his defence.

Act X, 1872, s. 251, *paras.* 1 and 2. Act X, 1875, s. 62.

291. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and *making such comments as he thinks necessary on* the evidence for the prosecution. He may then examine his witnesses, if any, and after their cross-examination and re-examination (if any) may sum up his case.

Defence.

Act X, 1872, s. 255. Act X, 1875, s. 65. Act IV, 1877, s. 22.

292. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in section 212, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Right of accused as to examination and summoning of witness.

Act X, 1872, s. 252. Act X, 1875, s. 63.

293. *If the accused, or any of the accused, has stated, when asked under section 290, that he means to adduce* evidence, the prosecutor shall be entitled to reply.

Prosecutor's right of reply.

Act X, 1872, s. 253. Act X, 1875, s. 64. Taken from Livingston, Art. 357.

294. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

View by jury or assessors.

Such officer shall not, *except with the permission of the Court*, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

Act X, 1872, s. 258. Act X, 1875, s. 69.

295. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

When juror or assessor may be examined.

Act X, 1872, s. 260. Act X, 1875, s. 67.

296. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

Act X, 1875, s. 65.

297. The High Court may from time to time make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

Locking-up jury.

F.—Conclusion of Trial in Cases tried by Jury.

Act X, 1872, s. 255, *para.* 1. Act X, 1875, s. 90.

298. In cases tried by jury, when the case for the defence, and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Charge to jury.

Act X, 1872, s. 256. Act X, 1875, s. 91.

299. In such cases, it is the duty of the Judge—

Duty of Judge.

(*a*) to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence or the propriety of questions asked by or on behalf

of the parties which may arise in the course of the trial, and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not called as a witness under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Act X, 1872, s. 257. Act X, 1875, s. 93.

300. It is the duty of the jury—

Duty of jury.

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (*other than terms of law*) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) *A* is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Act X, 1872, s. 258, *para.* 1. Act X, 1875, s. 93.

301. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Retirement to consider.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Act X, 1872, s. 263, *para.* 1. Act X, 1875, s. 94.

302. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Delivery of verdict.

Act X, 1872, s. 263, para. 3. Act X, 1875, s. 96. I. L. R., 6 Calc., 351 (*where the jury are unanimous*).

303. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Procedure where jury differ.

Act X, 1872, s. 263, para. 2. Act X, 1875, s. 95.

304. *Unless otherwise ordered by the Court*, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Verdict to be given on each charge. Judge may question jury.

Act X, 1872, s. 263, para. 2, last sentence.

Such questions and the answers to them shall be recorded.

Questions and answers to be recorded.

New. Dears. C. C. 229.

305. When *by accident or mistake* a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Amending verdict.

Act X, 1875, ss. 97, 98.

306. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

Verdict in High Court when to prevail.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he shall at once discharge the jury.

Discharge of jury in other cases.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Act X, 1872, s. 263, para. 4.

307. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

Verdict in Sessions Court when to prevail.

Act XI, 1874, s. 21.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Act X, 1872, s. 263, paras. 5 and 6. Act XI, 1874, s. 21. I. L. R., 1 Bom., 10; The dissent must be complete, I. L. R., Bom., 526.

308. If in any such case the Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, record-

Procedure where Judge disagrees with verdict.

ing the grounds of his opinion and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

I. L. R., 3 Calc., 623. Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody, or admit him to bail.

See Markby, J., in I. L. R., 3 Calc., 192. *In dealing* with the case so submitted *the High Court may exercise any of the powers which it may exercise on* an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and if it convict him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

Act X, 1875, s. 100. **309.** Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of accused after discharge of jury.

H.—Conclusion of Trial in Cases tried with Assessors.

Act X, 1872, ss. 255, para. 1, 261, 262. **310.** When in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court shall require each of the assessors to state his opinion orally, and shall record such opinion.

Delivery of opinion of assessors.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinion of the assessors.

Judgment.

I.—List of Jurors for High Court and summoning Jurors for that Court.

Act X, 1875, s. 39. **311.** The jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter;

Jurors' book.

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Act X, 1875, s. 40. **312.** The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Number of special jurors.

Act X, 1875, s. 41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries but so long as their names are contained in such list.

Exemption of special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

Lists of common and special jurors. Act X, 1875, s. 42.

(*a*) a list of all persons liable to serve as common jurors; and

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council *in the case of the High Court at Calcutta, and in the case of other High Courts the Local Government,* may exempt any salaried officer of Government from serving as a juror.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Discretion of officer preparing lists. Act X, 1871 s. 43.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Publication of preliminary lists. Act X, 1871 s. 44.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

Number of jurors to be summoned. Act X, 1875, s. 45.

No persons shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Supplementary summons.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the

Summoning jurors outside the Presidency-towns. Act X, 1871 s. 50.

Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Act X, 1875, s. 51. **317.** In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of commissioned and non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

Military jurors.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Act X, 1875, s. 46. **318.** Any person summoned under section 315, 316 or 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

Failure of jurors to attend.

J.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Act X, 1872, s. 404. **319.** All male persons between the ages of twenty-one and sixty *shall,* except *as* next hereinafter mentioned, be *liable to* serve as jurors and assessors *at any trial held within the District in which they reside.*

Liability to serve as jurors and assessors.

Act X, 1872, ss. 244, 405, 406, para. 1. **320.** The following persons are exempt from liability to serve as jurors or as assessors, namely :—

Exemptions.

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted by the Local Government from liability to serve as jurors, and persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641.

Act X, 1872, s. 400. **321.** The Sessions Judge and the Collector of the District, or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons *liable to serve as jurors or assessors,* qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, *and not likely to be successfully objected to under section 279, clauses* (*b*) *to* (*k*), *both inclusive.*

List of jurors and assessors.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

Act X, 1872, s. 401, para. 1. **322.** Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

Publication of list.

Act X, 1872, s. 401, para. 2. **323.** To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

Objections to list.

Act X, 1872, s. 402. **324.** For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may *claim* the exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

Revision of list.

In the event of a difference of opinion between the Collector or other officer as aforesaid and the Sessions Judge, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Act X, 1872, s. 403.

Annual revision of list.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Act X, 1872, s. 407.

Court to summon jurors *and assessors*.

326. The Sessions Judge shall ordinarily, three days at least before the time fixed for holding the sessions, send a letter to *the District* Magistrate requesting him to summon as many persons named in the said revised list as seem to the Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Act X, 1872, s. 410.

Power to summon another set of jurors or assessors.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Act X, 1872, s. 409, para. 1.

Form and service of summons.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

Act X, 1872, s. 411.

When Government *or Railway servant* may be excused.

329. If any person summoned to serve as a juror or assessor be in the service of Government or of a Railway Company, the Court may excuse his attendance if it appear, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Act X, 1872, s. 412.

Court may excuse attendance of juror or assessor.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

Act X, 1872, s. 413.

List of jurors or assessors attending.

331. At each session, the said Court shall cause to be made a list of the names of those who *have attended* as jurors or assessors at such session.

Such list shall be kept with the list of the jurors and assessors *as revised* under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Act X, 1872, s. 414.

Penalty for non-attendance of juror or assessor.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

K.—Special Provisions for High Courts.

Act X, 1875, s. 146. Cf. s. 260, *supra.*

Power of Advocate General to stay prosecution.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

Act X, 1875, s. 4.

Time of holding sittings.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Act X, 1875, s. 5.

Place of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct.

But it may from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, *and* in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of

the original criminal jurisdiction of the High Court.

Act X, 1875, s. 27.

Place of trial of European British subjects.

336. The High Court may direct that all European British subjects *and persons liable to be tried by it under section 215, who have been* committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

General Provisions as to Inquiries and Trials.

Act X, 1872, s. 347. Act IV, 1877, s. 150.

Tender of pardon to accomplice.

337. The District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the case, or, with the sanction of the District Magistrate, any *other* Magistrate, may, *in any warrant-case*, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, *the* offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned in the perpetration thereof.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial.

Every Magistrate, other than a District Magistrate or a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when *any Magistrate* has made such tender and examined the person *to whom it has been made*, he shall not try the case himself, although the offence which *such* person appears to have committed may be triable by such Magistrate.

Act X, 1872, s. 348, omitting "as a Court of Revision." Act X, 1875, s. 77.

Power to direct tender of pardon.

338. At any time after commit*ment*, but before judgment is passed, the *Court to which the commitment is made* may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or *order* the committing Magistrate *or the District Magistrate* to tender, a pardon on the same condition to such person

Act X, 1872, s. 349. Act X, 1875, s. 78. Act IV, 1877, s. 151. 7 Calc., 66.

Commitment of person to whom pardon has been tendered.

339. Where a pardon has been tendered under section 337 or 338, *and* any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made, *he may be tried* for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person under pardon may be given in evidence against him when the pardon has been withdrawn under this section.

Act X, 1872, s. 186, paras. 1 and 2. Act XI, 1874, s. 13. Act X, 1875, s. 31. Act IV, 1877, s. 130.

Right of accused to be defended.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Act X, 1872, s. 186, para. 3. Act X, 1875, s. 130. Act IV, 1877, s. 131.

Procedure where accused does not understand proceedings.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Act X, 1872, ss. 193, para. 1, 250, 343. Act X, 1875, s. 31. Act IV, 1877, ss. 5, 143. 6 Calc. 531. 1 O'Kin. 486.

Power to examine the accused.

342. At any stage of any inquiry or trial the Court may, without previously warning the accused, put such questions to him as the Court considers necessary.

Act X, 1872, ss. 193, para. 2, 343; see Act I, 1872, s. 114, Ill. (*h*).

The accused shall not render himself liable to punishment for refusal to answer such questions, or for giving false answers to them; but the Court *and the jury (if any)* shall draw such inference from such refusal or answers as it thinks just.

Act X, 1872, s. 193, Expln.

The answers given by the accused may be put in evidence *for or* against him, not only in such inquiry or trial, but also in any other inquiry into, or trial for, any other offence which such answer may tend to show he has committed.

Act X, 1872, s. 345.

No oath shall be administered to the accused.

Act X, 1872, s. 344. Act IV, 1877, s. 149.

No influence to be used to induce disclosures.

343. Except as provided in sections *337 and 338*, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order *in writing, stating the reasons therefor,* from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and by a warrant remand the accused if in custody:

Power to postpone or adjourn proceedings. Act X, 1872, ss. 194, para. 1 and Expln., 208, para. 1, 219, 264. Act X, 1875, s. 66. Act IV, 1877, ss. 86, 124. 11 & 12 Vic., c. 42, s. 21.

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a *term* exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Reasonable cause for remand.

345. *The offences punishable under the sections of the Indian Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:—*

Compounding of-fences. Act X, 1872, s. 188. Act X, 1875, s. 151. Act IV, 1877, s. 133. Compare N. Y. Crim. Proc. Code, s. 781.

Offence.	*Sections of Indian Penal Code applicable.*	*Person by whom offence may be compounded.*
Causing hurt ...	*323, 334, 337, 338*	*The person to whom the hurt is caused.*
Wrongfully restraining or confining any person.	*341, 342*	*The person restrained or confined.*
Assault or use of criminal force.	*352, 358*	*The person assaulted or to whom criminal force is used.*
Unlawful compulsory labour.	*374*	*The person compelled to labour.*
Mischief, when the only loss or damage caused is loss or damage to a private person.	*426, 427*	*The person to whom the loss or damage is caused.*
Criminal trespass ...	*447*	*The person in possession of the property trespassed upon.*
House-trespass ...	*448*	
Criminal Breach of Contract of service.	*490, 491, 492*	*The person with whom the offender has contracted.*
Adultery ...	*497*	*The husband of the woman.*
Enticing or taking away or detaining with a criminal intent a married woman.	*498*	
Defamation ...	*500*	*The person defamed.*
Printing or engraving matter knowing it to be defamatory.	*501*	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	*502*	
Insult intended to provoke a breach of the peace.	*504*	*The person insulted.*
Criminal Intimidation, except when the offence is punishable with imprisonment for seven years.	*506*	*The person intimidated.*

The offence of voluntarily causing hurt, voluntarily causing grievous hurt or cheating, punishable under section 324, section 335 or section 417 of the Indian Penal Code may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused, or by the person cheated, as the case may be.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition *of an offence under this section* shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

346. If, in the course of an inquiry or trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

Procedure of Mufassal Magistrate in cases which he cannot dispose of. Act X, 1872, s. 45, paras. 1 and 2. Madras H. C. ruling cited Nelson, 63.

The Magistrate to whom the case is submitted *may*, if so empowered, either try the case himself, or refer it to any *Magistrate* subordinate to him having jurisdiction, or commit the accused for trial.

347. If in any *enquiry* before a Magistrate *or in any trial before a Magistrate before signing judgment*, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and *if* he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

Procedure when after commencement of *inquiry or* trial Magistrate finds case should be committed. Act X, 1872, ss. 46, para. 3, 221, 436, para. 3. Act IV, 1877, s. 127.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

348. Whoever, having been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him a habitual offender, be committed to the Court of Session or High Court, as the case may be; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Trial of persons previously convicted of offences against coinage, stamp-law and property. Act X, 1872, s. 316. Act IV, 1877, s. 128.

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion upon concluding a trial that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, he may record the *opinion* and, instead of passing sentence, submit his proceedings, and forward the accused to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

Procedure when Magistrate cannot pass sentence sufficiently severe. Act X, 1872, s. 46, paras. 1 and 2, inserting "different in kind from or"

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case; and may call for and take any further evidence, and shall pass such sentence or order in the case as he thinks fit, and as is according to law: Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

e.g., he may order committal to Sessions Court; I. L. R., 1 Mad., 289. *See. I. L. R.*, 4 *Bom.*, 240.

350. Whenever any Magistrate, after having heard the whole or any part of the evidence in an enquiry or trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the enquiry or trial:

Conviction *or commitment* on evidence partly recorded by one Magistrate and partly by another. Act X, 1872, ss. 328, 329. Act IV, 1877 s. 156. *See.* 4 *Calc.*, 452, *and sec.* 568, *infra.*

Provided that *in any trial* the accused may, when the second Magistrate commences his proceedings, demand that the witnesses *or any of them* be re-summoned and re-heard:

Provided also that the High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, without appeal, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

351. Any person attending a Criminal Court, although not upon an arrest or summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed, and may be proceeded against as though he had been arrested or summoned.

Detention of offenders attending Court. Act X, 1875, s. 104.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Courts to be open. Act X, 1872, s. 187. Act X, 1875, s. 150. Act IV, 1877, s. 132.

Provided that the presiding Judge *or Magistrate* may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case

that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Act X, 1872, s. 191, para. 1. Act IV, 1878, s. 83, para. 1.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Evidence to be taken in presence of accused.

Act X, 1872, s. 332.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Manner of recording evidence in Mufassal.

Act X, 1872, ss. 222, 333.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned *in section 261, clauses (b) to (k), both inclusive*, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Act X, 1872, s. 334.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapter XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Record in other cases in the Mufassal.

No exception of cases in which no appeal lies. 11 Ben. Appx. 6.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Evidence given in English.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Act X, 1872, s. 335.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence *of each witness* shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

Language of record of evidence.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct *the Sessions Judge or Magistrate* to take down the evidence in the English language, or in the language of the Court, *although such language is not his mother-tongue.*

Act X, 1872, s. 336.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Option to Magistrate in cases under section 355.

Act X, 1872, s. 338.

359. Evidence taken under section 356 or 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Mode of recording evidence under section 356 or 357.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Act X, 1872, s. 339.

360. As the evidence of each witness taken under section 356 is completed, it shall be read over to him in the presence of

Procedure in regard to such evidence when completed.

the accused if in attendance, or of his pleader, *if* he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, he may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

Act X, 1872, s. 340.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

Interpretation of evidence to accused or his agent.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Act X, 1872, s. 335. Act IV, 1877, s. 115.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall be part of the record.

Record of evidence in Presidency Magistrates' Courts.

Act X, 1872, s. 338. Act IV, 1877, s. 115.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Act X, 1872, s. 341.

363. Every Sessions Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Remarks respecting demeanour of witness.

Act X, 1872, s. 346, *paras. 1, 2, 3 and 4.* Act IV, 1877, ss. 84, 123.

364. Whenever the accused is examined by any Magistrate or by any Court other than a High Court established by Royal Charter, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, *in the language*

Examination of accused how recorded.

in which he is examined, or, if that is not practicable, in the language of the Court, and *such record* shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, *the record* shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that *the examination* was taken in his presence and hearing, and *that the record* contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 243, 244 or 264.

Act X, 1875, s. 68, including Chief Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

Record of evidence in High Court.

CHAPTER XXVI.

OF THE JUDGMENT.

Act VIII, 1859, s. 183. Act X, 1872, ss. 211, para. 3, 461

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Mode of delivering judgment.

Act X, 1872, s. 463. Cf. Act X, 1877, s. 200

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English, and shall contain the point or points for determination, the decision thereon, and the

Language of judgment.

Act X, 1872, s. 464, *para. 1.* Cf. Act VIII, 1859, s. 185.

Contents of judgment.

reasons for the decision, and shall be dated and signed by the presiding officer in open court at the time of pronouncing it.

Act X, 1872, ss. 461, cl. 1, 464, para. 1.

It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Act X, 1872, s. 461, cl. 2.

When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the same Code.

Judgment in alternative.

If it be a judgment of acquittal, it shall direct that the accused be set at liberty.

Act X, 1872, s. 287, para. 2.

If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed :

Act X, 1872, ss. 255, last para., 464, para. 4.

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

Act X, 1872, s. 321. Act X, 1875, s. 113.

368. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

Act X, 1872, s. 464, para. 1, second sentence.

369. No Court when it has signed its judgment shall alter or review the same, *except as provided in section 395 or to correct a clerical error.*

Court not to alter judgment.

Act IV, 1877, s. 114.

370. Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars :—

Presidency Magistrate's judgment.

(*a*) the serial number of the case ;

(*b*) the date of the commission of the offence ;

(*c*) the name of the complainant (if any) ;

(*d*) the name of the accused person, *and (except in the case of an European British subject) his parentage and residence* ;

(*e*) the offence complained of or proved ;

(*f*) the plea of the accused and his examination (if any) ;

(*g*) the final order ;

(*h*) the date of such order ; and

Act IV, 1877, s. 126.

(*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Act XI, 1874, s. 41, para. 1.

371. The judgment shall be explained to the accused, and on his application a copy of the judgment or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. *Such copy shall, in any case other than a summons-case, be given* free of cost.

Judgment to be explained and copy given to accused.

In trials by jury, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Act XI, 1874, s. 22.

Case of person sentenced to death.

372. The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, a translation thereof into the language of the Court shall be added to such record.

Act X, 1872, s. 464, para. 3.

Judgment to be translated.

373. In cases tried by the Court of Session, the Court shall forward a copy of its judgment (*if any*) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

Act X, 1872, s. 302, *para.* 1.

Court of Session to send copy of judgment to District Magistrate.

CHAPTER XXVII.

Of the Submission of Sentences for Confirmation.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Act X, 1872, s. 287, para. 1.

Sentence of death to be submitted by Court of Session.

375. If when such proceedings are submitted the High Court thinks that additional evidence upon any point bearing upon the guilt or innocence of the convicted person is necessary, it may *take such evidence itself or* direct *it* to be taken.

Act X, 1872, s. 289.

Power to direct additional evidence *to be taken.*

Such evidence shall not be taken in the presence of jurors or assessors, and unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is taken.

The result of such evidence *when it is not taken by the High Court* shall be certified to *such* Court.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

Act X, 1872, s. 288.

Power of High Court to confirm sentence or annul conviction.

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, *and convict the accused of any offence of which the Sessions Court might have convicted him, or* order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person :

Submission of Sentences for Confirmation.

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

X, 1872, 290.

377. In every case so submitted, the confirmation of the sentence or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be *made and* signed by at least two of them.

Confirmation or new sentence to be signed by two Judges.

X, 1872, 271B. XI, 1874, 22.)

378. When any such case is heard before a Bench of Judges and such Judges are equally divided, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in case of difference of opinion.

I, 1872, s. 1, para. 1.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases submitted to High Court for confirmation.

X, 1872, 18, 36. XI, 1874,

380. When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

L. R., 4 m., 239.

(*a*) may *confirm the sentence, or pass any other sentence which the lower Court might have passed, or*

(*b*) *may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge, or*

(*c*) *may acquit the accused ; or*

(*d*) if he thinks further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may direct such inquiry or evidence to be made or taken.

Unless the *Sessions* Court otherwise directs the presence of the convicted person may be dispensed with when such evidence is taken ; and when the sentence has been submitted by an Assistant Sessions Judge, such evidence shall not be taken in the presence of jurors or assessors.

The result of such evidence shall be certified to the Sessions Court.

CHAPTER XXVIII.

Of Execution.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order *of confirmation or other order* of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Act X, 1872, s. 301, para. 2.

Execution of order passed under section 376.

382. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Act X, 1872, s. 306. Act X, 1875, s. 114, adding "to transportation for life."

Postponement of capital sentence on pregnant woman.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court *passing the sentence* shall forthwith forward a warrant to the jail in which he is to be confined *together with the accused, unless he is already confined in such jail.*

Act X, 1872, s. 302A, *cl. 1,* (Act XI, 1874, s. 32.) Act IV, 1877, s. 183.

Execution of sentences of transportation or imprisonment in other cases.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Act X, 1872, s. 303. Act X, 1875, ss. 103, 104. Act IV, 1877, s. 184.

Direction of warrant for execution.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Act X 1872, s. 304. Act X, 1875, s. 104.

Warrant with whom to be lodged.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may in its discretion issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Act X, 1872, s. 307, para. 1. Act X, 1875, s. 105. Act IV, 1877, s. 185.

Warrant for levy of fine.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

Act X, 1872, s. 307, para. 2. Act X, 1875, s. 105. Act IV, 1877, s. 185.

Effect of warrant.

388. When *an offender has been sentenced to fine only, and the* Court issues a warrant under section 386, it may, instead of at once ordering *him* to be imprisoned under section 64 of the Indian Penal Code, release him

Act IV, 1877, s. 185.

Detention of offender until return made to distress-warrant.

on his executing a bond with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than *fifteen* days from the time of executing the bond.

Act X, 1872, s. 307, last para. Act IV, 1877, s. 185, last sentence.

389. Who may issue warrant. The warrant may be issued either by any Judge or Magistrate who *passed the sentence* or by his successor in office.

Act X, 1872, s. 302A, *cl. 2.* (*Act XI, 1874, s. 32.*) Act IV, 1877, s. 183.

390. Execution of sentence of whipping only. Where the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Act X, 1872, s. 310. Act IV, 1877, s. 187.

391. Execution of sentence of whipping, in addition to imprisonment. When the accused is sentenced to whipping, in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence or, if an appeal be made within that time, until the sentence is confirmed by the appellate Court: but the whipping shall be inflicted *as soon as possible after* the expiry of the fifteen days or, in case of an appeal, *as soon as possible after* the receipt of the order of the appellate Court confirming the sentence.

Act X, 1872, s. 311, para. 3. Act XI, 1874, s. 33, *para. 1.* The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

Act X, 1872, s. 311, para. 1. Act X, 1872 s. 108. Act IV, 1877, s. 188.

392. Mode of inflicting punishment. In the case of a person of or over sixteen years of age, whipping shall be inflicted with such instrument, in such mode, and on such part of the person, as the Local Government directs; and in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Act X, 1872, s. 311, para. 2. *See précis, paras.* 2 9, 251.

393. Limit of number of stripes. In no case, if the cat-o'-nine-tails be the instrument employed, shall whipping exceed one hundred and fifty lashes, or if the ratan be employed, shall such punishment exceed thirty stripes.

Act X, 1872, s. 312, para. 3. Act IV, 1877, s. 190.

Not to be executed by instalments. No sentence of whipping shall be executed by instalments.

Act X, 1872, s. 312, *paras. 1 and 2.* Act XI, 1874, s. 33, *para. 2.* Act X, 1875, s. 108. Act IV, 1877, s. 189.

394. Whipping not to be inflicted if offender not in fit state of health. The punishment of whipping shall not be inflicted, unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Stay of execution. If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Act X, 1872, s. 313. Act X, 1875, s. 108. Act IV, 1877, s. 191.

395. Procedure if punishment cannot be inflicted under the last section. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any *term not exceeding three months*, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Act X, 1872, s. 316. Act X, 1875, s. 110. Act IV, 1877, s. 192.

396. Execution of sentence on escaped convicts. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, *subject to the provisions hereinbefore contained*, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

Explanation.—For the purpose of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Act X, 1872, s. 317. Act X, 1875, s. 111. Act IV, 1877, s. 193.

397. Sentence on offender already sentenced for another offence. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced;

Suspensions, Remissions and Commutations of Sentences.

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

Act X, 1872, s. 317, *proviso.*

398. Saving as to sections 396 and 397. Nothing in section 396, or section 397, shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Act X, 1872, s. 318. Act X, 1875, s. 112. Act V of 1876 has not yet come into force anywhere except—

399. Confinement of youthful offenders in reformatories. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Act X, 1872, s. 305.

400. Return of warrant on execution of sentence. *When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.*

CHAPTER XXIX.

Of Suspensions, Remissions and Commutations of Sentences.

Act X, 1872, s. 322, para. 1.

401. Power to suspend or remit sentences. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Act XI, 1874, s. 34, cl. 1. New.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before *or by* which the conviction was had *or confirmed* to furnish without delay a statement of the facts proved on the trial, and of any facts having reference to the propriety of granting or refusing the application.

Previous Acquittals or Convictions.

Act X, 1872, s. 322, para. 2.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Act XI, 1874, s. 34, cl. 2.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

Act X, 1872, s. 322, para. 3.

402. Power to commute punishment. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it:—

death, transportation, penal servitude, *rigorous* imprisonment, *simple imprisonment*.

CHAPTER XXX.

Of previous Acquittals or Convictions.

Act X, 1872, s. 460. Act X, 1875, s. 117. Act IV, 1877, s. 113. Cf. N. Y. Code of Crim. Proc., s. 13. Form of plea under this section, N. W. P., 1878, p. 373.

403. Person once convicted or acquitted not to be tried for same offence. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 237, or for which he might have been convicted under section 238.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 236, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that for which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Act X, 1872, ss. 147, para. 2, 195, Expln, 215, Expl. 2. Act X, 1875, s. 14.

EXPLANATION.—The dismissal of a complaint, *the stopping of proceedings under section 250*, the discharge of the accused, or any entry made upon a charge under section 274, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) *A* is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, *while the acquittal remains in force*, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) *A* is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that *A* committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) *A* is tried for *causing grievous hurt* and convicted. The person *injured* afterwards dies. *A* may be tried again for culpable homicide.

(*d*) *A* is charged before the Court of Session and convicted of the culpable homicide of *B*. *A* may not afterwards be tried on the same facts for the murder of *B*.

(*e*) *A* is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to *B*. *A* may not afterwards be tried for voluntarily causing grievous hurt to *B* on the same facts, unless the case comes within paragraph three of this section.

(*f*) *A* is charged by a Magistrate *of the second class* with and convicted by him of, theft of property from the person of *B*. *A* may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) *A*, *B* and *C* are charged by a Magistrate of the first class with, and convicted by him of, robbing *D*. *A*, *B* and *C* may afterwards be charged with, and tried for, dacoity on the facts.

PART VII.
OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.
Of Appeals.

Act X, 1872, ss. 282, para. 2, 286, omitting the Illustrations.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Unless otherwise provided, no appeal to lie.

Act IV, 1877, s. 180.

405. *Any person whose application under section 90 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.*

Appeal from order rejecting application for restoration of attached property.

Act X, 1872, s. 267.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 119 may appeal to the District Magistrate.

Appeal from order requiring security for good behaviour.

Act X, 1872, s. 266, omitting "or to a Magistrate of first class empowered."

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced by a Sub-divisional Magistrate of the second class under section 349, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

The District Magistrate may *direct that* any appeal under this section, or any class of such appeals, *shall be heard by* any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and *thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented shall be transferred to him. The District Magistrate* may withdraw from such Magistrate any appeal *or class of appeals* so *presented or transferred.*

Act X, 1872, s. 47, para. 2.

Transfer of appeals to first class Magistrate.

Act X, 1872, ss. 269, para. 1, 270, para. 2.

408. Any person convicted on a trial held by *an Assistant Sessions Judge*, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Appeal from sentence of *Assistant Sessions Judge* or Magistrate of the first class.

Act X, 1872, s. 270, paras. 1 and 3.

Provided that when *in any case an Assistant Sessions Judge or* a District Magistrate passes *any* sentence *which is subject to the confirmation of the Sessions Court, every* appeal *in such case* shall lie to the High Court, *but shall not be presented until the case has been disposed of by the Sessions Court:*

Act X, 1872, s. 79.

Provided also that any European British subject so convicted may at his option appeal either to the High Court or the Court of Session.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeals to Court of Session how heard.

Act X, 1872, ss. 80, 270, para. 3, 271. Act XI, 1874, s. 22, cl. 1.

410. Any person convicted on a trial held by a Sessions Judge, or Additional or Joint Sessions Judge, may appeal to the High Court.

Appeal from sentence of Sessions Court.

Act IV, 1877, s. 167.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

Appeal from sentence of Presidency Magistrate.

Act X, 1872, s. 273, last para. Act IV, 1877, s. 167.

412. Notwithstanding anything hereinbefore contained, where an accused person has *pleaded guilty and* been convicted by a Court of Session or a Presidency Magistrate on *such* plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in certain cases when accused pleads guilty.

Act X, 1872, s. 273, para. 1.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

No appeal in petty cases.

Act X, 1872, s. 273, para. 2.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

Act X, 1872, s. 274, para. 1.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 261 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

No appeal from certain summary convictions.

Act X, 1872, s. 274, para. 2.

415. An appeal may be brought against any sentence referred to in section 413 or 414 by which any two or more of the punishments therein mentioned are combined; but not against any sentence which would not otherwise be liable to appeal, because the person convicted is ordered to find security to keep the peace.

Proviso to sections 413 and 414.

Act XI, 1874, s. 24.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Act X, 1872, s. 274, para. 3.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed on European British subjects under Chapter XXXIII.

Saving of sentences on European British subjects.

Act X, 1872, s. 272, paras. 1 and 2. Act IV, 1877, s. 168, para. 1.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal *passed by any Court other than a High Court.*

Appeal on behalf of Government in case of acquittal.

Act X, 1872, s. 271, last para. (*Act XI, 1874, s. 22.*) Compare Act X, 1877, s. 541.

418. An appeal may lie on a matter of fact as well as a matter of law, except where *the* trial *was* by jury, in which case the appeal shall be admissible on a matter of law only.

Appeal on what matters admissible.

Act X, 1872, s. 275. Act IV, 1877, s. 169.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant *or his pleader*, and every such petition shall be accompanied by a copy of the judgment or order appealed against, and in cases tried by a jury a copy of the heads of the charge recorded under section 367.

Petition of appeal.

Act X, 1872, s. 277. Act IV, 1877, s. 171.

420. If the appellant is in jail, he may present his petition of appeal, and the *copies accompanying the same*, to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

Act X, 1872, s. 278, paras. 1 and 2. Act IV, 1877, s. 172, omitting last sentence. I. L. R., 4 Bom., 101.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily. Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Summary rejection of appeal.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Act X, 1872, ss. 62, 269, para. 2, 279. Act IV, 1877, s. 173.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant *or his pleader* and *to such officer as the Local Government may appoint in this behalf*, of the time and place at which such appeal will be heard, and shall, *on the application of such officer*, furnish *him* with a copy of the grounds of appeal;

Notice of appeal.

and in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

Act XI, 1874, s. 27.

Act X, 1872, ss. 272, para. 3, 280. Act IV, 1877, ss. 174, 179.

423. The Appellate Court shall then send for the record of the case, *if such record is not already in Court.* After perusing *such record*, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor if he appears, *the Court* may, if it considers there is no sufficient ground for interfering, reject the appeal or may—

Powers of Appellate Court in disposing of appeal.

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

Act X, 1872, s. 284.

(*b*) in an appeal from a conviction (1) reverse the finding and sentence, and *acquit or discharge* the accused, or *order him to be* retried by a Court of competent jurisdiction subordinate to such Appellate Court, or (2) alter the finding, *maintaining the sentence*, or, with or without altering the finding, enhance or reduce the sentence, or (3) alter the nature of the sentence with or without such enhancement or reduction and with or without altering the finding;

(*c*) in an appeal from any other order, alter or reverse such order:

Provided that, if the appeal is from the sentence of a Magistrate *acting otherwise than under section 30*, the Appellate Court shall not inflict a greater punishment for the offence which, in the opinion of the Appellate Court, the appellant has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class:

Act X, 1872, s. 271, extended to appeals by the Crown. Act X, 1873, s. 299, para. 3.

Provided also that nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court.

Judgments of subordinate Appellate Courts.

Act X, 1872, s. 299, paras. 1 and 2.

425. Whenever a case is *decided on appeal* by the High Court under this chapter, it shall certify its decision or order to the Court by which the finding, sentence or order *appealed against* was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the

Order on *appeal* to be certified to lower Court or District Magistrate.

District Magistrate, the certificate shall be sent through the District Magistrate.

The Court or Magistrate to which the High Court certifies its *decision or* order shall thereupon make such orders as are conformable to the decision of the High Court and, if necessary, the record shall be amended in accordance therewith.

Act X, 1872, s. 281, and s. 297, para. 8, in case of Court of Revision. Act IV, 1877, s. 175.

426. Pending any appeal by a convicted person, the Appellate Court may, *for reasons to be recorded by it in writing,* order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail *or on his own bond.*

Suspension of sentence pending appeal.

Release of appellant on bail.

When the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in computing the term of his imprisonment.

Act IV, 1877, s. 168, para. 3, I. L. R., I. Calc., 281.

427. When an appeal is presented under section 417, the High Court may *issue a warrant directing that* the accused be arrested and brought before it *or any subordinate Court,* and *the Court before which he is brought* may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeals under section 417.

Act X, 1872, s. 282, *paras. 1, 3 and 4.* Act IV, 1877, s. 176.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or may direct it to be taken by *a Court of Session or* a Magistrate.

Appellate Court may take further evidence or direct it to be taken.

When the additional evidence is taken by *the Court of Session or* the Magistrate, *it or* he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the appellant or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

Act X, 1872, s. 271B. (Act XI, 1874, s. 29.)

429. When the Judges composing the Court of appeal are equally divided, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure where Judges of Court of appeal, &c., are equally divided.

Act X, 1872, s. 285.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 416 and Chapter XXXII.

Finality of orders on appeal.

I. L. R., 2 Bom., 564.

431. Every appeal under section 417 finally abates on the death of the accused, and every other appeal under this chapter finally abates on the death of the appellant.

Abatement of appeals.

CHAPTER XXXII.

OF REFERENCE AND REVISION.

Act IV, 1877 s. 240.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail or release him on bail to appear for judgment when called upon.

Reference by Presidency Magistrate to High Court.

Act IV, 1877 s. 241.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Disposal of case according to decision of High Court.

The High Court may direct by whom the costs of such reference shall be paid.

Direction as to costs.

Act X, 1877 s. 101.

434. When any person has, in a trial before a Judge of a High Court *consisting of more Judges than one and* acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Power to reserve questions arising in original jurisdiction of High Court.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail or, if the Judge thinks fit, be admitted to bail,

Procedure when question reserved.

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment as the High Court thinks fit.

Act X, 1872, ss. 294, 29[illegible] para. 1. 15 Bom., 95[illegible]

435. The High Court or any Court of Session or District Magistrate, *or any Sub-divisional Magistrate empowered by the Local Government in this behalf,* may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the *correctness,* legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of the proceedings of such inferior Court.

Power to call for records of inferior Courts.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Act X, 1872, s. 520. See I. L.R., 2 Calc., 295.

Orders made under sections 144 and 145 *and proceedings under section 177* are not proceedings within the meaning of this section.

Act X, 1872, s. 296, paras. 2 and 3. (Act XI, 1874, s. 29.) 10 Ben., 289.

436. When on examining the record of any case under section 435 *or otherwise,* the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may, *instead of directing a fresh inquiry,* direct him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Power to order commitment.

1 O'Kin. 93.

Provided that the accused has had an opportunity of shewing cause to such Court or Magistrate why the commit*ment* should not be made:

Act XI, 1874, s. 29.

Provided also that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Act X, 1872, s. 298. (Act XI, 1874, s. 31.)

437. On examining any record under section 435 *or otherwise,* the Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him *to make, and* the District Magistrate may *himself make or* direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 204, *or into the case of any accused person who has been discharged.*

Power to order inquiry.

Act X, 1872, s. 296, para. 1.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 *or otherwise* the record of any proceeding, report for the orders of the High Court the results of such examination, *and when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.*

Report to High Court.

Act X, 1872, s. 297. 1. L. R., 2 Calc., 118. 1 All., I, 139. 1 Bom., 135; Nelson, 287. 1 O'Kin. 84. This will empower High Court to reduce amount of forfeited recognizances? 2 O'K. 408.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 423, 426, 427 and 428, and when the Judges composing the Court of revision are equally divided, the case shall be disposed of in manner provided by section 429.

High Court's powers of revision.

440. No party has any right to be heard either personally or by pleader before any High Court when exercising its powers of revision: *Provided that* the High Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader: *Provided also that no order shall be made to the prejudice of the accused unless he has had an opportunity of being heard in his own defence.*

Optional with Court to hear parties.

Act X, 1872, s. 297, last para.

Act IV, 1877, s. 182.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

Statement by *Presidency* Magistrate of grounds of his decision to be considered by High Court.

Act X, 1872, s. 299, paras. 1 & 2.

442. When a case is revised by the High Court under this chapter, it shall certify its decision or order in manner provided by section 425, and the Court or Magistrate to which the High Court so certifies its decision or order shall give effect thereto in manner provided by that section.

High Court's order to be certified to lower Court or District Magistrate.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

Act X, 1872, ss. 72 para. 1 & 3, para. 1.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, *shall inquire into or try any charge against an European British subject.*

Magistrates who may inquire into and try charges against European British subjects.

Act X, 1872, ss. 72, 76, 1.

444. No *Judge presiding in a Court of Session shall exercise jurisdiction over* an European British subject unless *he himself* is an European British subject; *and if he is an Assistant Sessions Judge,* unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Sessions Judge to be an European British subject.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Act X, 1872, ss. 73, 433.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Cognizance of offence committed by European British subject.

Provided that if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Act X, 1872, s. 74, *para.* 2.

446. Notwithstanding anything contained in section 32, or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

Sentences which may be passed by Mufassal Magistrates.

Act X, 1872, ss. 75, *para.* 1, 438, *para.* 2.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session or, in the case of a Presidency Magistrate, to the High Court.

When commitment is to be to Court of Session and to High Court.

Act XI, 1874, s. 12, *para.* 1.

When the offence *which appears to have been committed* is punishable with death or transportation for life, the commitment shall be to the High Court.

Act XI, 1874, s. 12, para. 2.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Trial for offences of which one is, and the others are not, punishable with death or transportation.

Act X, 1872, s. 76.

449. *Notwithstanding anything contained in section 31, no Court of Session shall* pass on *any* European British subject any sentence *other than a sentence* of imprisonment for a term which may extend to one year, or fine, or both.

Sentences which may be passed by Court of Session.

If *at any time after the commitment and* before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge finds his powers inadequate.

Act X, 1872, s. 77.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the *highest Court of Criminal appeal for the local area within which such division is situate.*

Procedure when Sessions Judge is not an European British subject.

451. In trials of European British subjects before a High Court or Court of Session, if before the first juror is called and accepted or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Mixed jury for trial of European British subjects.

Act X, 1872, s. 78, *para.* 2. Act X, 1875, s. 35.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

Trial of European British subject and Native jointly accused.

Act X, 1875, s. 36.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

When Native may claim separate trial.

Act X, 1875, s. 37.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's decision was wrong shall lie upon him.

Procedure on claim of European British subject to be dealt with as such.

Act X, 1872, s. 83.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall after such further enquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before and disallowed by the committing Magistrate, it is not again made before the Court to which he is committed, he shall be held to have *relinquished his right* as such European British subject, and shall not assert it in any subsequent stage of the same case.

Failure to plead status a waiver.

Act X, 1872, s. 84.

6 Calc., Rep. 465.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

Act X, 1872, s. 85.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment or trial (as the case may be) shall not, by reason of such dealing, be invalid.

Trial under this chapter of person not an European British subject.

Act X, 1872, s. 81, *para.* 1, *cl.* 1.

456. *When* any European British subject is *unlawfully* detained in custody by any person, *such European British subject or any person on his behalf* may apply to the High Court which would have jurisdiction over *such European British subject* in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Right of European British subject under detention to apply for order to produce his person.

Act X, 1872, s. 81, *para.* 1, *cl.* 2.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Procedure on such application.

Act X, 1872, s. 81, *para.* 3.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may from time to time direct.

Territories throughout which High Court may issue such orders.

Act XXII, 1870, ss. 2, 3.

459. Unless there be something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer *on Magistrates or on the Court of Session* jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Application of Acts conferring jurisdiction on *Magistrates or the Sessions Court.*

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate outside the Presidency towns not being an European British subject.

Act X, 1872, s. 408, *para.* 1.

460. In every case *triable by jury or with the aid of assessors* in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so *claims*, be Europeans or Americans.

Jury for trial of Europeans or Americans.

Act X, 1872, s. 234, *para.* 1, *cl.* 2.

Act X, 1872, s. 242.

461. Whenever an European or American is charged before the Court of Session jointly with a person *not an European or American*, and *in compliance with a claim made under section 460 is* tried by a jury *or with the aid of a set of assessors, of which* at least one-half *consists* of Europeans and Americans, such person shall, if he so *claims*, be tried separately.

Jury when European or American charged jointly with one of another race.

Act X, 1872, s. 408, *para.* 1, 2 & 3.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451, or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

Summoning and empannelling jurors under section 451 or 460.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 277, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained:

Act X, 1872, s. 408, last clause.

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Act X, 1872, s. 99.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of *this Code.*

Conduct of criminal proceedings against European British subjects.

CHAPTER XXXIV.

LUNATICS.

Act X, 1872, ss. 425, 426, para. 3, Act XVII, 1877, s. 104.

464. When any person accused of an offence before a Magistrate holding an inquiry or a trial appears to such Magistrate to be of unsound mind and *consequently* incapable of making

Procedure in case of accused being lunatic.

his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination into writing.

If such Magistrate is of opinion that the accused is of unsound mind *and consequently incapable of making his defence*, he shall postpone further proceedings in the case.

Act X, 1872, s. 425. Act X, 1875, s. 120.

465. Procedure in case of person committed before Court of Session or High Court being lunatic. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and *consequently* incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

Act XI, 1874, s. 39.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Act X, 1872, s. 426. Act X, 1875, s. 121. Act IV, 1877, s. 196.

466. Release of lunatic pending investigation or trial. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, *if the case is one in which bail may be taken*, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

If the *case is one in which bail may not be taken*, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order *the accused* to be confined in a Lunatic Asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Custody of lunatic.

I. L. R., 2 Calc., 356.

Act X, 1872, s. 427. Act X, 1875, s. 122. Act IV, 1877, s. 197.

467. Resumption of inquiry or trial. Whenever an inquiry or trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Act X, 1872, s. 428. Act X, 1875, s. 123. Act IV, 1877, s. 198.

468. Procedure on accused appearing before Magistrate or Court. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

Act X, 1872, s. 424, *paras. 1 and 2.* Act IV, 1877, s. 195.

469. When accused appears to have been insane. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was *wrong or* contrary to law, the Magistrate shall proceed with the case and, if the offence be triable exclusively by the Court of Session or High Court, send the accused for trial before the Court of Session or High Court, as the case may be.

Act X, 1872, s. 429. Act X, 1875, s. 124. Act IV, 1877, s. 199. 30 & 40 Geo. III, c. 94. *Reg.* v. *Macnaughten*, 10 Cl. & Fin. 200.

470. Judgment of acquittal on ground of lunacy. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was *wrong or* contrary to law, the *finding* shall state specifically whether he committed the act or not.

Act X, 1872, s. 430. Act X, 1875, s. 125. Act IV, 1877, s. 200.

471. Person acquitted on such ground to be kept in safe custody. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a Lunatic Asylum, jail or other suitable place of safe custody.

Act X, 1872, s. 431. Act X, 1875, s. 127. Act IV, 1877, s. 202.

472. Lunatic prisoners to be visited by Inspector General. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Act X, 1872, s. 432. Act X, 1875, s. 126. Act IV, 1877, s. 201.

473. Procedure where lunatic prisoner is reported capable of making his defence. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making

his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Act X, 1872, s. 433. Act X, 1875, s. 128. Act IV, 1877, s. 203.

474. Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and in case it orders him to be transferred to an Asylum, may appoint a commission, consisting of a judicial and two medical officers.

And such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, *which* may order his discharge or detention as it thinks fit.

Act X, 1872, s. 434. Act X, 1875, s. 129. Act IV, 1877, s. 204.

475. Delivery of lunatic to care of relative. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate under section 474.

CHAPTER XXXV.

Proceedings in case of certain Offences affecting the Administration of Justice.

Act X, 1872, ss. 471, 477. Act X, 1875, ss. 130, 131. Act IV, 1877, ss. 205, 206. I. L. R., 1 Calc., 193. I. L. R., 1 All., 193. 14 & 15 Vict., c. 100, s. 19. 3 O'Kin. 217.

476. Procedure in cases mentioned in section 196. When any *Civil, Criminal or Revenue* Court is of opinion that there is ground for enquiring into any offence referred to in section 196, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for enquiry *or trial* to *the District* Magistrate, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such trial or enquiry.

Such Magistrate shall thereupon proceed according to law, and may transfer the enquiry *or trial* to some other competent Magistrate.

Act X, 1872, s. 472, *paras. 1 and 3.* *Reg.* v. *Nomal*, 4 Ben. App. Crim. Jur. 11.

477. Power of Sessions Court as to such offences committed before itself. *Subject to the provisions of section 444*, a Court of Session may charge a person for any offence referred to in section 196 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Act X, 1872, s. 474, paras. 1 and 2. *See* I. L. R., 4 Bom., 267.

478. Power of Civil Courts to complete investigation and commit to Sessions Court. When any such offence is committed before any Civil *or Revenue* Court, or brought under the notice of any Civil *or Revenue* Court in the course of a judicial proceeding and *the* case is triable exclusively by the High Court or Court of Session, or such Civil *or Revenue* Court thinks that it ought to be tried by the High Court or Court of Session, such Civil *or Revenue* Court may, instead of sending the case under section 476 to a Magistrate for enquiry, itself complete the enquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

See I. L. R., 4 Bom., 267.

For the purposes of an enquiry under this section, the Civil *or Revenue* Court may, *subject to the provisions of section 443*, exercise all the powers of a Magistrate; and its proceedings in such enquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Act X, 1872, s. 476.

479. Procedure of Civil Court in such cases. When any such commitment is made by a Civil *or Revenue* Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Act X, 1872, s. 480, para. 1. Act IV, 1877, s. 206.

480. Procedure in certain cases of contempt. When any such offence as is described in section 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of any *Civil, Criminal or Revenue* Court, the Court may cause the offender, whether he is a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day* may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not

* Pollard's case, L. R. 2 P. C. 106.

exceeding two hundred rupees and, in default of payment, to *simple* imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Act X, 1872, s. 435, paras. 2 and 3.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

Record in such cases.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X, 1872, s. 436, paras. 1 and 2. Act IV, 1877, s. 206.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

Procedure where Court considers that case should not be dealt with under section 480.

The Magistrate to whom any person is forwarded under this section shall proceed to hear the complaint against him in manner hereinbefore provided.

New. 13, Bengal App. 40.

483. A Registrar appointed under the Indian Registration Act, 1877, *and, when the Local Government so directs, a Sub-Registrar appointed under the same Act,* shall be deemed to be a Court within the meaning of sections 480 *and 482.*

Registrar to be deemed a Civil Court within section 480.

Act X, 1872, s. 437. Act IV, 1877, s. 207.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

Act X, 1872, ss. 456, 464. Act X, 1875, s. 69. Act IV, 1877, s. 142.

485. If any witness before a Court refuses to answer such questions as are put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, *for reasons to be recorded in writing,* sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, *or to produce the document*; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or 482, and in the case of a Court *established by Royal Charter* shall be deemed guilty of a contempt.

Imprisonment or committal of person refusing to answer or produce document.

Omitting 'by warrant under his hand and seal.'

Act X, 1872, s. 268.

486. Any person convicted by any Court under section 480 or section 485 may, *notwithstanding anything hereinbefore contained,* appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

Appeals from convictions in contempt-cases.

Sections 419, 420, 421, 426 and 428 shall apply to appeals under this section, and the Appellate Court may alter or reverse the finding or sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by *any other* Court *of Small Causes shall lie* to the Court of Session for the Sessions Division within which such Court is situate.

New.

An appeal from such conviction by any officer as Registrar *or Sub-Registrar* appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a conviction by such officer in his capacity as such Judge, and in other cases may be made to the *District Judge, or, in the Presidency-towns, to the High Court.*

Act X, 1872, s. 473. I. L. R., 1 Bom., 339, 1 All., 162, 625. 7 Mad., XVI. App. Pro. See I. L. R., 1 Mad., 305. I. L. R., 1 All., 625.

487. Except as provided in sections 477, 480 and 485, no Judge *of a Criminal Court* or Magistrate other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 196, when such offence is committed before himself *or in contempt of his authority,* or *is* brought *to* his notice *as such Judge or Magistrate* in a judicial proceeding.

Judge or Magistrate not to try offences referred to in section *196* when committed before himself.

Nothing in section 476 or 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from *himself* committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for enquiry to another Magistrate.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Act X, 1872, s. 536. Act IV, 1877, s. 284.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Order for maintenance of wives and children.

Such allowance shall be payable from the date of the order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for each month's allowance remaining unpaid, to imprisonment for any term not exceeding one month:

Enforcement of order.

1 O'Kin. 89.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

Act X, 1872, s. 537. Act IV, 1877, s. 285.

489. On proof of a change in the circumstances of any person receiving *under section 488 a monthly allowance,* or ordered under *the same* section to pay a monthly allowance *to* his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Alteration in allowance.

Act X, 1872, ss. 538. Act IV, 1877, s. 286.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

Enforcement of order of maintenance.

CHAPTER XXXVII.

STATE-PRISONERS.

Ben. Reg. III, 1818, s. 2. Mad. Reg. II, 1819, s. 2. Bom. Reg. XXV, 1827, preamble and section 1.

491. Whenever, for all or any of the reasons of State hereinafter mentioned, the Governor General in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council, *hereinafter called the Government,* is of opinion that any person should be placed under personal restraint, without any immediate view to ulterior judicial proceedings, a warrant of commitment under the authority of the *Government* and under the hand of one of *its* Secretaries, shall be issued to the officer in whose custody such person (hereinafter called a State-prisoner) is to be placed.

Procedure in placing persons under restraint as State-prisoners.

The reasons above referred to are as follows:—

(*a*) the maintenance of the alliances formed by the British Government with foreign powers;

(*b*) the preservation of tranquillity in the territories of Native Princes and States entitled to its protection;

(*c*) the security of the British dominions from foreign hostility or internal commotion.

Act III, 1858, s. 2.

492. Such warrant shall authorize the detention of the State-prisoner therein mentioned in any fortress, jail or other place within British India.

Form and effect of warrant.

Ben. Reg. III, 1818, s. 5. Mad. Reg. II, 1819, s. 5. Bom. Reg. XXV, 1827, s. 5, clause 2.

493. The officer in whose custody any State-prisoner has been placed under this chapter or under any enactment repealed by this Code, shall forward, with such observations as he thinks necessary, to the Government under whose authority such prisoner was so placed, every representation which he may from time to time be desirous of submitting to such Government.

Representations made by State-prisoners to be submitted to Government.

Ben. Reg. III, 1818, s. 6. Mad. Reg. II, 1819, s. 6. Bom. Reg. XXV, 1827, s. 5, clause 1.

494. Every officer in whose custody any State-prisoner is placed shall, as soon after taking such prisoner into his custody as may be practicable, report to such Government whether the degree of confinement to which the State-prisoner is subjected seems likely to injure his health, and whether the allowance fixed for his support is adequate to the supply of his own wants and those of his family then with him according to their rank in life.

Report to Government regarding nature of confinement, health and allowances of State-prisoners.

Ben. Reg. III, 1818, s. 9. Mad. Reg. II, 1819, s. 9. Bom. Reg. XXV, 1827, s. 7.

495. Whenever the *Government* for any of the reasons mentioned in section 491, considers it necessary to attach, without any previous decision of a Court of justice or other judicial proceeding, the lands of any proprietor *which are situate outside the Presidency-towns, it* shall direct the District Magistrate within the local limits of whose jurisdiction the lands are situate to attach such lands, and they shall be attached accordingly.

Attachment of lands *in mufassal* by order of Government.

Ben. Reg. III, 1818, s. 10. Mad. Reg. II, 1819, s. 10. Bom. Reg. XXV, 1827, s. 8.

496. The lands so attached shall be held under the management of the Collector, and shall be administered in *such* manner as the Government *may direct.*

Lands attached to be placed under management.

Such lands shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, so long as they are so held under attachment, without the consent of the Government and the proprietor.

and not to be sold in execution.

Bom. Reg. varies.

But the whole or any part of the annual nett proceeds of such lands may, if the Government so directs, be applied to the satisfaction of the decrees of the Civil Courts against the proprietor.

Government to arrange for satisfying decrees.

Ben. Reg. III, 1818, s. 11. Mad. Reg. II, 1819, s. 11. Bom. Reg. XXV, 1827.

497. Whenever the Government by whose direction such lands were attached, is of opinion that the circumstances which rendered necessary the attachment have ceased to operate, and that the management of the lands can be committed to the proprietor without public hazard or inconvenience, such Government shall direct the Collector to release the lands from attachment, to adjust the accounts of the collections during the period in which they have been superintended by Government and to pay over to the proprietor the nett proceeds of the lands which have accumulated during the attachment.

Procedure where Government orders release of land from attachment.

Act XXXIV, 1850, s. 1. Act III, 1858, s. 3.

498. The warrant of commitment of any State-prisoner under this chapter may be directed to the Superintendent of the jail in any Presidency-town, or to the Commandant of any fortress, or to the officer in charge of any jail or other place, in which it is deemed expedient that such State-prisoner be confined, in any part of British India; and such warrant shall authorize the detention of such State-prisoner in the jail, fortress or other place therein mentioned.

Officers to whom warrant of commitment of State-prisoner may be directed.

Act III, 1858, s. 5.

499. The Governor General in Council may order the removal of any State-prisoner confined under this chapter or any enactment repealed by this Code from any jail, fortress or place in which he may be confined to any other jail, fortress or place of confinement within British India.

Removal of State-prisoners from one place of confinement to another.

Act XI, 1857, s. 6. Bom. Reg. XXV, 1827, Ch. 1, s. 1.

500. Nothing in this chapter applies to European British subjects.

Saving of European British subjects.

CHAPTER XXXVIII.

Directions of the Nature of a Habeas Corpus.

Act X, 1872, s. 82. Act X, 1875, s. 148.

501. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

Power to issue directions of the nature of a *habeas corpus*.

(*a*) that a person within the limits of its ordinary original criminal jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial, or to be examined touching any matter depending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial;

(*f*) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may from time to time frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to State-prisoners detained under Chapter XXXVII or under any enactment hereby repealed.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXIX.

Of the Public Prosecutor.

Act X, 1872, ss. 57, 58.

502. The Governor General in Council or the Local Government may appoint *in any case or for any* class of cases in any local area *one or more* officers to be called Public Prosecutors.

Power to appoint public prosecutors.

Act X, 1872, s. 202, para. 2.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Subdivisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police *below the rank of Assistant District Superintendent* to be Public Prosecutor *for the purposes of such case*.

Act X, 1872, s. 60.

503. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under

Public Prosecutor may plead in all Courts in cases under his charge

inquiry, trial or appeal; and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Pleaders, privately instructed, to be under his direction.

Act X, 1872, s. 61.

504. The Public Prosecutor may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw *from the prosecution of* any person, and upon such withdrawal,

Effect of withdrawal *from prosecution*.

(*a*) if it is made *before a charge has been framed*, the accused shall be discharged;

New.

(*b*) if it is made *after a charge has been framed, or when under this Code no charge is required*, he shall be acquitted.

Act X, 1872, s. 59. Act XI, 1874, s. 8. Act IV, 1877, s. 129.

505. Any Magistrate inquiring into or trying any case may permit any person *other than an officer of police below the rank of Assistant District Superintendent* to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, *Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf* shall be entitled to do so without such permission.

Permission to conduct prosecution.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XL.

Of Bail.

Act X, 1872, ss. 128, para. 2, 194, para. 2, 204, para. 1, 388, 393. Act IV, 1877, ss. 70, 74. N.-W. P., 1874, p. 371.

506. When any person *other than a person accused of a non-bailable offence* is arrested or detained without warrant by *an officer in charge of a Police-station*, or appears or is brought before a Court, and is prepared at any time while in the custody of such *officer* or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

Bail to be taken in case of bailable offence.

Act X, 1872, ss. 128, para. 1, 194, para. 2, 389. Act IV, 1877, s. 71.

507. When any person accused of any non-bailable offence is arrested or detained without warrant by *an officer in charge of a Police-station* or appears or is brought before a Court, *he may be released on bail, but* he shall not be *so* released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

When bail *may* be taken in case of non-bailable offence.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there *are* not reasonable grounds for believing that *the accused* has committed such offence, but that there *are* sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, *or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.*

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Act X, 1872, ss. 390, 508, Act X, 1875, s. 136. I.L. R., 1 All., 151.

508. The *amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the* High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Power to direct admission to bail or reduction of bail.

Act X, 1872, s. 391. Act IV, 1877, s. 72.

509. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court as the case may be.

Bond of accused and sureties.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Act X, 1872, s. 394. Act IV, 1877, s. 73.

510. As soon as the bond has been executed, the *person for whose appearance it has been executed* shall be released; and when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Discharge from custody.

Act X, 1872, s. 392. Act IV, 1877, s. 75.

511. If, through mistake, fraud, *or otherwise*, insufficient sureties have been *accepted*, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person *released on bail* be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Power to order sufficient bail when that first taken is insufficient.

Act X, 1872, s. 395. Act IV, 1877, s. 76.

512. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

Discharge of sureties.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other

sufficient sureties, and if he fails to do so, may commit him to *custody*.

CHAPTER XLI.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

Act X, 1872, s. 330, paras. 1 and 2. Act X, 1875, s. 76, para. 1. Act IV, 1877, s. 157. Act IV, 1877, s. 158.

513. When attendance of witness may be dispensed with. Whenever, in the course of an inquiry, trial or other proceeding under this Code, it appears to a Presidency Magistrate, *a District Magistrate*, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate *or officer* to whom the commission is issued, or, if he is the District Magistrate, *he or* such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where *the* witness is, or shall summon *the* witness before him, and shall take *down* his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Act XI, 1874, s. 35, *para.* 1. Act X, 1875, s. 76, para. 4.

514. Commission in case of witness being within Presidency-town. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Act X, 1872, s. 330, para. 4. *Act XI, 1874, s. 35, para.* 2. Act X, 1875, s. 76, para. 5.

515. Parties may examine witness. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate *or officer* to whom the commission is directed shall examine the witness upon such interrogatories.

Such parties may appear before such Magistrate *or officer* by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Act X, 1872, s. 330, para. 5

516. Power of mufassal *Subordinate* Magistrate to apply for issue of commission. Whenever, in the course of *an inquiry or* trial *or other proceeding under this Code* before any Magistrate other than a Presidency Magistrate *or District Magistrate*, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, *and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable*, such Magistrate shall apply to the *District Magistrate*, stating the reasons for the application; and *the District Magistrate* may either issue a commission in the manner hereinbefore provided or reject the application.

As in sec. 513

Act XI, 1874, s. 35, last para. Act X, 1875, s. 76, para. 6.

517. Return of commission. After any commission issued under section 513 or section 516 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition of such witness shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

N. Y. Crim Proc. Code s. 708.

518. Stay of inquiry or trial. In every case in which a commission is directed under section 513 or section 516, the inquiry, trial *or other proceeding* may be stayed for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLII.

SPECIAL RULES OF EVIDENCE.

Act X, 1872, s. 323. Act X, 1875, s. 71. Act IV, 1877 s. 152.

519. Deposition of medical witness. The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate *in the presence of the accused*, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Power to summon medical witness.

Act X, 1872, s. 325, *para* 1. Act X, 1875, s. 72. Act IV, 1877 s. 153.

520. Report of Chemical Examiner. Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Act XVIII, 1862, s. 27. Not in Act X of 1872.

521. Good faith to be presumed in certain cases. In proving the existence of circumstances as a defence under the second, third, fifth, sixth, seventh, eighth, ninth or tenth Exception to section 499 of the Indian Penal Code, good faith shall be presumed until the contrary appears.

Act X, 1872, ss. 326, 515, last clause. Act X, 1875, s. 119. Act IV, 1877, ss. 154, 230.

522. Previous conviction or acquittal how proved. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, *in addition to any other mode provided by any law for the time being in force*,—

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered.

Act X, 1872, s. 327. Act X, 1875, s. 74. Act IV, 1877, s. 155.

523. Record of evidence in absence of accused. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions, and any such deposition may, on the arrest of such person, be *given in evidence against him* on *the inquiry into or* trial for the offence with which he is charged, *provided that* the attendance of the deponent cannot be procured.

CHAPTER XLIII.

PROVISIONS AS TO BONDS.

Act X, 1872, s. 399. Act X, 1875, s. 139. Act IV, 1877, s. 80.

524. Deposit instead of recognizance. When any person is required by any Court or officer to execute a bond with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Act X, 1872, ss. 396, 397, 398, *paras.* 1 & 2, 502, paras. 1 to 5 and 7, 503, 514. *Act XI, 1874, ss. 37, 44.* Act X, 1875, ss. 137, 138. Act IV, 1877, ss. 77, 78, 79, 228, 229.

525. Procedure on forfeiture of bond. Whenever it is proved *to the satisfaction of* the Court by which a bond under this Code has been taken, or *of* the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, *the* Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

4 Cale., 243.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Act X, 1872, s. 398, penultimate para.

526. Appeals from, and revision of, orders under section 525. All orders passed under section 525 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Act X, 1872, s. 398, last para. Act X, 1875, s. 138, last para.

527. Power to direct levy of amount due on certain recognizances. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

CHAPTER XLIV.

OF THE DISPOSAL OF PROPERTY.

Act X, 1872, s. 418. Act X, 1875, s. 116. Act IV, 1877, ss. 344, 345. Act XI, 1874, s. 38. High Court Rules, *Bombay Government Gazette*, 13th Sept., 1877, p. 823.

528. Order for disposal of property regarding which offence committed. When an inquiry or trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence, or which has been produced as evidence in such inquiry or trial.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the committing Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been dismissed.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

529. *In lieu of itself passing an order* under section 528, *the Court may direct* the property *to be delivered* to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if *it* had been seized by the police, and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to District or Sub-divisional Magistrate. — Act X, 1872, s. 420.

30 & 31 Vic., c. 35, s. 10.

530. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen, and that any money has under this Code been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on prisoner.

Act X, 1872, s. 419.

531. Any Court of appeal, confirmation, reference or revision may direct any order *under section 528 or 529* passed by a Court subordinate thereto to be stayed pending consideration by the former Court, and may modify, alter or annul such order.

Stay of order *under section 528 or 529.* — *I. L. R.*, 3 Calc., 379. *'Court of appeal.'*

Livingston, p. 480.

532. On a conviction under the Indian Penal Code, section 292, 293, 501 or 502, the Court may order all the copies of the thing in respect of which the conviction was had, and which remain in the possession or power of the person convicted, to be destroyed.

Destruction of libellous and other matter.

The Court may in like manner, on a conviction under the Indian Penal Code, sections 272, 273, 274 or 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Act X, 1872, s. 534. Act X, 1875, s. 142. Act IV, 1877, s. 233.

533. Whenever a person is convicted of *an offence attended by* criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may order such person to be restored to the possession of the same.

Power to restore possession of immoveable property.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

Act X, 1872, *ss. 387, para. 2,* 415. Act IV, 1877, s. 244.

534. The seizure by any Police-officer of property *taken under section 51, or* alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to *the person entitled to the possession thereof*, or if such *person* cannot be ascertained respecting the custody and production of such property.

Procedure by police upon seizure of property *taken under section 51* or stolen.

If the *person so entitled* is known, the Magistrate may order *the property* to be delivered to him on such condition (if any) as the Magistrate thinks fit. If *such person* is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Act X, 1872, s. 416. — Procedure where owner of property seized unknown.

Act X, 1872, s. 417. Act IV, 1877, s. 244.

535. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

Procedure where no claimant appears within six months.

In the case of every order passed under this section, an appeal shall be allowed to the Court to which appeals against sentences of the Court passing such order would lie.

Act X, 1872, s. 415, para. 2.

536. If the *person entitled to the possession* of such property is unknown or absent, and *the* property is of a perishable nature, or the Magistrate is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 534 and 535 shall, as nearly as may be, apply to the nett proceeds of such sale.

Power to sell perishable property.

CHAPTER XLV.

Of the Transfer of Criminal Cases.

Act X, 1872, s. 64. Act X, 1875, s. 147.

537. Whenever it is made to appear to the High Court—

High Court may transfer case, or itself try it.

(*a*) that a fair and impartial enquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory enquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be enquired into or tried by any Court not empowered under sections 178 to 185, but in other respects competent to enquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 268, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

I. L. R., 1 Calc., 223.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

Archb. 88

When an accused person makes an application under this section, the High Court may direct him to execute a bond, *with or without sureties*, conditioned that he will, if convicted, pay the costs of the prosecutor.

Act IV, 1877, s. 181.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Notice to Public Prosecutor of application under this section.

Nothing in this section shall be deemed to affect any order made under section 198.

Act X, 1872, s. 64A. (Act XI, 1874, s. 11.)

538. Whenever it appears to the Governor General in Council that the transfer next hereinafter mentioned will promote the ends of justice or tend to the general convenience of parties or witnesses, he may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court.

Power of Government of India to transfer criminal cases and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

Act X, 1872, *ss. 44, last para., 47, para. 1.* Act XI, 1874, s. 6.

539. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Magistrate may withdraw or refer cases.

Act X, 1872, s. 48.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

Power to authorize District Magistrates to withdraw classes of cases.

CHAPTER XLVI.

Of irregular Proceedings.

Act X, 1872, ss. 32, *134, cl. (9).* Nelson, p. 54.

540. If any Magistrate *not* empowered by law to do any of the following things, namely:—

Irregularities which do not vitiate proceedings.

(*a*) to issue a search-warrant, under section 99;

(*b*) to order, under section 156, the police to investigate an offence;

(*c*) to hold an inquest under section 177;

(*d*) to issue process, under section 187, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits; or

(*e*) to take cognizance of an offence under section 192, clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 193;

(*g*) *to tender a pardon under section 337 or section 338.*

(*h*) *to sell property under section 535 or section 536.;*

(*i*) to withdraw a case and try it himself under section 539;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of *his not being so empowered.*

Act X, 1872, ss. 34, *excepting cl. (9).*

541. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

Irregularities which vitiate proceedings.

(*a*) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(*b*) takes cognizance under section 192, clause (*c*), of an offence;

(*c*) attaches and sells property under section 89;

(*d*) tries an offender summarily;

(*e*) decides an appeal;

(*f*) calls under section 435 for proceedings;

(*g*) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(*h*) revises under section 526 an order passed under section 525;

(*i*) demands security to keep the peace;

(*j*) discharges bonds to keep the peace;

(*k*) demands security for good behaviour;

(*l*) discharges a person lawfully bound to be of good behaviour;

(*m*) makes an order under section 134 as to a local nuisance;

(*n*) issues an order under section 145;

(*o*) prohibits under section 144 the repetition or continuance of a public nuisance;

(*p*) makes an order under Chapter XII; or

(*q*) makes an order for maintenance;

his proceedings shall be void.

Act X, 1872, s. 70. Act IV, 1877, s. 24.

542. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error *occasioned a failure of justice.*

Proceedings in wrong place.

Act X, 1872, s. 33. Act X, 1875, s. 25.

543. If any Magistrate or other authority purporting to exercise powers duly conferred, but not being so conferred, commits an accused person to take his trial before a Court of

When irregular commitments may be validated.

Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been prejudiced, unless objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority during the inquiry and before the order of commitment.

If such Court considers that the accused was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Act X, 1872, s. 346, last para.

544. If *any Court before which a confession or other statement of an accused person recorded under section 165 or 364 is tendered in evidence* finds that the provisions of *such* section have not been fully complied with by *the* Magistrate *recording the statement*, it shall take evidence that such person duly made the statement recorded: and unless the error injures the accused as to his defence on the merits, it shall not affect the admissibility of such statement.

Non compliance with provisions of section 165 or 364.

Act X, 1872, s. 85.

545. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding, *although it appears that he was aware of the rights claimable under this Code by him as such subject.*

Omission to ask question prescribed by section 454, clause 2.

Act X, 1872, s. 216, Expln. I.

546. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

Effect of omission to prepare charge.

Act X, 1872, s. 216, Expln. II.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Act X, 1872, s. 283, Expln. 4 Calc. 409.

547. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground be invalid.

Trial by jury of offences triable with assessors.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Trial with assessors of offences triable by jury.

Act X, 1872, ss. 208, para. 3, 283, para. 1, 300, 464, paras. 6 and 7. (Act XI, 1874, s. 41,) 11 & 12 Vic. c. 43, s. 9. Act IV, 1877, ss. 117, 177. I. L. R., 1 All., 610. Act IV, 1877, ss. 31, 178. 1 Bom. 288.

548. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered *under Chapter XXVII* or on appeal or revision on account—

Finding or sentence when reversible by reason of error or omission in charge or proceedings.

of any error, omission *or irregularity* in the complaint, summons or charge, *judgment* or *other* proceedings *before* or during trial, *or*

of the want of any sanction required by section 196, or

of any misdirection in any charge to a jury, unless such error, omission, *irregularity*, *want* or misdirection has occasioned a failure of justice.

Act IV, 1877, s. 185, para. 5.

549. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

Distress not illegal nor distrainer a trespasser for defect of form in proceedings.

CHAPTER XLVII.

MISCELLANEOUS.

Provide for succession abolished Court? See précis, paras. 617 & 618.

Courts and persons before whom affidavits may be sworn.

Act X, 1875, s. 149.

550. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Act X, 1872, ss. 192, 351. Act X, 1875, s. 80. Act IV, 1877, ss. 85, 134.

Power to summon material witness, or examine person present.

551. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness or examine any person in attendance, though not summoned as a witness; or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person, if his evidence appears to it essential to the just decision of the case.

Act X, 1872, s. 88.

Power to appoint place of imprisonment.

552. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Act IV, 1877, s. 189.

Power to order prisoner in jail to be brought up for examination.

553. Notwithstanding anything contained in the Prisoners Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Act X, 1875, s. 70. Act X, 1872, s. 422.

Interpreter to be bound to interpret truthfully.

554. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Act X, 1872, s. 421. Act X, 1875, s. 116. Act IV, 1877, s. 245.

Expenses of complainants and witnesses.

555. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any enquiry, trial or other proceeding before such Court under this Code.

Act X, 1872, s. 308, paras. 1, 2 and 3. Act X 1875 s. 106. Act IV, 1877, s. 186.

Power of Court to pay expenses or compensation out of fine.

556. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal or revision a sentence of fine, or a sentence of which fine forms a part, the Court may *when passing judgment* order the whole or any part of the fine *recovered* to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence *committed*, where substantial compensation *is*, in the opinion of the Court, recover*able* by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Act X, 1872, s. 308, last para. Act X, 1875, s. 106, last para. 22 Suth. W. R., Civil Rulings, 336.

Payments to be taken into account in subsequent suit.

557. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid *or recovered* as compensation under section 556.

Act X, 1872, ss. 201, 276. Act XI, 1874, s. 25. Act X, 1875, s. 18. Act IV, 1877, s. 170.

Moneys ordered to be paid recoverable as fines.

558. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Ben. Reg. XX, 1825.

Copies of proceedings.

559. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Delivery to Military authorities of persons liable to be tried by Court-martial.

560. When any person *is brought before a Magistrate and charged with an offence for which he is liable, under the Army Discipline and Regulation Act, 1879, section forty-one, to be tried by a Court-martial, such Magistrate* shall, unless the Governor General in Council otherwise *generally or specially* directs, deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being brought for trial before a Court-martial.

Apprehension of such persons.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of *such* offence.

Act X, 1872, s. 187.

Powers of superior officers of Police.

561. Police-officers superior in rank to officers in charge of a Police-station may exercise the same powers, within the *local area for* which they are appointed, as may be exercised by officers in charge of Police-stations within the limits of their respective stations.

Act IV, 1877, s. 17.

Power to compel restoration of abducted females.

562. Upon complaint made to a Presidency Magistrate *or District Magistrate* on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

Act IV, 1877, s. 243, omitting provisions as to complaints, which is made elsewhere.

Compensation to person groundlessly given in charge in Presidency-town.

563. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and if it cannot be so recovered, the person by whom it is payable *shall be sentenced to simple imprisonment* for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

Act X, 1872, ss. 293, 295.

Power to make rules for inspection of records of subordinate Courts.

564. *With the previous sanction of the Governor General in Council, the High Court at Fort William, and with the previous sanction of the Local Government, any other High Court established by Royal Charter, may from time to time make rules for the inspection of the records of subordinate Courts.*

With the previous sanction of the Local Government, every High Court not established by Royal Charter may from time to time—

Power of certain High Courts to make rules for other purposes.

(*a*) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it;

(*b*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts; and

(*c*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided:

Provided that *the* rules and forms *made and framed under this section shall not* be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the official Gazette.

See Act X, 1872, ss. 449, 493, para. 1, 509, para. 2; and Act IV, 1877, s. 97.

Forms.

565. Subject to the power conferred by section 564, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Act X, 1872, s. 337.

Power to decide language of the Court.

566. The Local Government may determine what, for the purposes of this Code, shall be *deemed* to be the language of each Court within the territories administered by such Government, other than the High Courts established *by Royal Charter*.

Powers of Local Government exercisable from time to time.

567. All powers conferred by this Code on the Local Government may be exercised from time to time as occasion requires.

Act X, 1872, ss. 3, 530. Act IV, 1877, ss. 5, 237.

Pending cases and miscellaneous proceedings.

568. The *provisions of* this Code shall *apply*, so far as may be, *to* all cases pending in any Criminal Court when this Code comes into force and *to* all miscellaneous criminal cases and proceedings instituted in any Court.

If any doubt arises as to the procedure to be followed in any case or class of cases under this section, the Court shall be guided by such rules consistent with this Code as the High Court may from time to time make in this behalf.

SCHEDULE I.

ENACTMENTS REPEALED.

(*a*).—*Statutes.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain Regulations for the better management of the affairs of the East India Company as well in India as in Europe.	Section 38.

(*b*).—*Acts.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XXXIV of 1850 ...	State-Prisoners	The whole.
III of 1858 ...	State-Prisoners	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
Act V of 1861 ...	*Police Act*	*Sections 6 and 24.* *Section 35, down to and including the words "Provided that."* *Sections 37 to 40, both inclusive.*
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulations III of 1818 and XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed.
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Acts XXXIV of 1850 and III of 1858, and to Bengal Regulations III of 1818 and XX of 1825, Madras Regulation II of 1819, and Bombay Regulation XXV of 1827.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 114 and so much of section 146 as relates to informations.
XVII of 1875 ...	Burma Courts	So much of section 98 as relates to Bengal Regulation III of 1818.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts*, continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as relates to Bengal Regulations III of 1818 and XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole *Act except section 57.*
XXI of 1879 ...	*Extradition*	*Chapter III.*

(*c*).—*Regulations.*

Number and Year.	Subject.	Extent of repeal.
Bengal Regulation III of 1818.	State-Prisoners	So much as has been repealed.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial... ...	Ditto.
Madras Regulation II of 1819.	State-Prisoners	Ditto.
Bombay Regulation XXV of 1827.	Ditto	Ditto.
III of 1872 ...	Sontal Parganas Settlement	So far as relates to Acts XXXIV of 1850, III of 1858 and X of 1872, and to Bengal Regulation III of 1818.
IX of 1874 ...	Arakan Hills District Laws	So far as relates to Acts XXXIV of 1850, III of 1858, II of 1869, X of 1872 and XI of 1874, and to Bengal Regulation III of 1818.
II of 1877 ...	Ajmer Laws	So far as relates to Bengal Regulations III of 1818 and XX of 1825.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

CHAPTER V.—OF ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	*According as the offence abetted is compoundable or not.*	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	The same punishment as for the offence intended to be abetted.	Ditto.
111	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ...	Ditto ...	*Ditto* ...	The same punishment as for the offence committed.	Ditto.
113	If abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
114	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
115	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	*Ditto* ...	Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER V.—OF ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	*According as the offence abetted is compoundable or not.*	Imprisonment of either description for 3 years, or fine, or both.	By the Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ..	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	*Ditto* ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years.	
	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	*Ditto* ...	Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If not committed	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—*(concluded)*.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	Punishm nt under the Indian Penal e Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death, or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
147	Rioting.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
148	Rioting armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	*Ditto* ...	The same as for the offence ..	By the Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	*Ditto* ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXV, or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXV of this Code, or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	*Ditto* ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fradulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If offence charged be capital, or punishable with transportation for life, or imprisonment for *a term exceeding* 7 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capita	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either descriptionfor 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presiency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Presidency Magistrate or Magistrate of the first class, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	*Dito* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter XXXV of this Code.
229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant ..	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life or imprisonment of either description for 10 years and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ..	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
236	Abetting in India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Persons employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivry o f Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisoument of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued*.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	*Not-compoundable.*	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
270	Malignantly doing any act known to be likely t spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
295A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Fine of 1,000 rupees ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in place of worship or sepulchre, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ..	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Death, transportation for life and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Offences against Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Death, or transportation for life, or imprisonment for 10 years and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto ...	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for one year and fine.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ...	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt.	*Shall not* arrest without warrant.	Summons ...	Bailable ...	*Compoundable*	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	*Compoundable when permission is given by the Court before which a prosecution is pending.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ..	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session,
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ..	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	*Shall not arrest without warrant.*	Summons ...	Bailable ...	*Compoundable*	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	*Compoundable when permission is given by the Court before which a prosecution is pending.*	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	*Compoundable.*	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.
	Of wrongful Restraint and wrongful Confinement.						
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	*Ditto* ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.

	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	*Compoundable.*	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery and forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Forcible Abduction, Slavery and forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
372	Selling or letting to hire minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purpose ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	Of Rape.						
376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
	Of Unnatural Offences.						
377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
	CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.						
	Of Theft.						
379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life ...	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life ...	Ditto.

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Death, transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
			Of Cheating.				
417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable when permission is given by the Court before which a prosecution is pending.*	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
			Of Mischief.				
426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	*Compoundable when the only loss or damage caused is loss or damage to a private person.*	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	*Not compoundable.*	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 46.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards *or, in case of agricultural produce, 10 rupees or upwards.*	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.

440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	*Not compoundable.*	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	*Dilto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Punishment for forgery ...	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	*Ditto* ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
	If the document is a valuable security or will.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or as above.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 7 years and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Not compoundable.*	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	Imprisonment of either description for 10 years and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	*Ditto* ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ..	Ditto ...	*Ditto* ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 5 years, or fine, or both.	*Presidency Magistrate or Magistrate of the first class.*
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—OF DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable.*	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XXI.—OF DEFAMATION—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable.*	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Compoundable.*	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	*Not compoundable.*	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	*Compoundable.*	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	*Not compoundable.*	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Shall not arrest without warrant.	Warrant ...	Bailable ...	*Ditto* ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	*Ditto* ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	*Compoundable when the offence attempted is compoundable.*	Transportation or imprisonment not exceeding half of the longest term, and of the description, provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 *Whether compoundable or not.*	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	*Not compoundable.*	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...	Ditto	*Ditto* ...	.....	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable	*Ditto* ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto ...	Ditto	*Ditto* ...	.....	

SCHEDULE III.

ORDINARY POWERS OF MUFASSAL MAGISTRATES.

I.—Ordinary Powers of Magistrates of the Third Class.

(1) Power to arrest, *or direct the arrest of,* an offender in the presence of the Magistrate, section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 84, 85 & 87.
(3) Power to issue proclamations in cases judicially before him, section 88.
(4) Power to attach and sell property in cases judicially before him, section 89.
(5) Power to endorse a search-warrant and order delivery of thing found, sections 100 & 102.
(6) Power to record confessions or statements during a Police-investigation, section 165.
(7) Power to authorize detention of a person during a Police-investigation, section 168.
(8) Power to detain an accused person found in Court, section 351.
(9) Power to sell perishable property of a suspected character, section 536.

II.—Ordinary Powers of Magistrates of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 156.

III.—Ordinary Powers of Magistrates of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrants otherwise than in course of an inquiry, section 99.
(3) Power to require security to keep the peace, section 108.
(4) Power to require security for good behaviour, sections 110 & 111.
(5) Power to make orders, &c., in possession-cases, sections 146, 147, 148.
(6) Power to commit for trial.
(7) Power to make orders of maintenance, sections 488 & 489.

IV.—Ordinary Powers of Sub-divisional Magistrates.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to make orders as to local nuisances, section 134.
(3) Power to make orders under section 145.
(4) Power to make orders prohibiting repetitions of nuisances, section 144.
(5) Power to hold inquests, section 175.
(6) Power to issue process for person within jurisdiction who has committed an offence outside the jurisdiction, section 187.
(7) Power to entertain complaints, section 192.
(8) Power to receive police-reports, section 192.
(9) Power to entertain cases without complaint, section 192.
(10) Power to transfer cases to a Subordinate Magistrate, section 193.
(11) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(12) Power to sell property alleged or suspected to have been stolen, &c., section 535.
(13) Power to withdraw cases other than appeals, and to try or refer them for trial, section 539.

V.—Ordinary Powers of District Magistrates.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to issue search-warrants for *documents* in Post-office *or Telegraph Department*, section 97.
(4) Power to discharge persons bound to be of good behaviour, section 125.
(5) Power to try summarily, section 261.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to withdraw or refer appeals from convictions by Magistrates of the second and third classes, section 406.
(8) Power to hear appeals from convictions by Magistrates of the second and third classes, section 406.
(9) Power to call for proceedings, section 435.
(10) Power to revise orders passed under section 525, *see section* 526.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH MUFASSAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to make orders as to local nuisances, section 134: (2) Power to make orders under section 145: (3) Power to make orders prohibiting repetitions of nuisances, section 144: (4) Power to hold inquests, section 175: (5) Power to issue process for person within jurisdiction who has committed an offence outside the jurisdiction, section 187: (6) Power to entertain complaints, section 192: (7) Power to receive police reports, section 192: (8) Power to entertain cases without complaint, section 192: (9) Power to try summarily, section 261: (10) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (11) Power to sell property alleged or suspected to *have* been stolen, &c., section 535:
	BY THE MAGISTRATE OF THE DISTRICT	(1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section 144: (3) Power to hold inquests, section 175: (4) Power to entertain complaints, section 192: (5) Power to receive police reports, section 192: (6) *Power to transfer cases, section 193.*
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to commit for trial: (2) Power to make orders under section 145: (3) Power to make orders prohibiting repetitions of nuisances, section 144: (4) Power to hold inquests, section 175: (5) Power to entertain complaints, section 192: (6) Power to receive police reports, section 192: (7) Power to entertain cases without complaint, section 192:
	BY THE MAGISTRATE OF THE DISTRICT	(1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section 144: (3) Power to hold inquests, section 175: (4) Power to entertain complaints, section 192: (5) Power to receive police reports, section 192.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to commit for trial: (2) Power to make orders under section 145: (3) Power to make orders prohibiting repetitions of nuisances, section 144: (4) Power to hold inquests, section 175: (5) Power to entertain complaints, section 192:
	BY THE MAGISTRATE OF THE DISTRICT	(1) Power to make orders under section 145: (2) Power to make orders prohibiting repetitions of nuisances, section 144: (3) Power to hold inquests, section 175: (4) Power to entertain complaints, section 192.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or by pleader, as the case may be*) before the (*Magistrate*) of at , on the day of . Herein fail not.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to apprehend the said , and to produce him before me. Herein fail not.

(*Seal.*)

(*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows :—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or two sureties each in the sum of*), to *attend* before me on the day of *and to continue so to attend until otherwise directed by me*, he may be released.

Dated this day of , 18 .

(*Signature.*)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 87.*)

I, (*name*), of , being brought before the Magistrate of the District of (*or as the case may be*) under a warrant issued to compel my appearance to answer to the

FORMS. SCHEDULE V—*continued.*

charge of , do hereby bind myself to *attend* in the Court of on the day of next to answer to the said charge, *and to continue so to attend until otherwise directed by the Court*; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovesaid of , that he shall attend before at in the Court of on the day of next to answer to the charge on which he has been arrested, *and shall continue so to attend until otherwise directed by the Court*; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said of is required to appear before this Court (*or before me*) to answer the said complaint within days from this date.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 89.*)

WHEREAS complaint has been made before me that (*name, description and place of residence*) has committed (*or is suspected to have committed*) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching on the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said (*name*) is required to appear before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VI.—ORDER OF ATTACHMENT.

(*See section 89.*)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees (*see sections and*) which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS.

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

WARRANT OF ATTACHMENT TO COMPEL APPEARANCE.

(*See section 89.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than the land paying revenue to Government in the village (*or town*) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 89.*)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a Proclamation has been duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or town*) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 91.*)

To (*name and designation of the Police-officer or other person or persons to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or is suspected to have*) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to serve the said (*name*) with this warrant, and to bring him before this Court on the day of , using no unnecessary violence or forcible restraint for that purpose, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 98.*)

To (*name and designation of the Police-officer or other person or persons to execute the warrant*).

WHEREAS information has been laid (*or complaint has been made*) before me of the commission (*or suspected commission*) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the enquiry now being made (*or about to be made*) into the said offence (*or suspected offence*);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court: returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 99.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due enquiry thereupon had I have been led to believe that the house (*describe the house or other place*) is used as a place for the deposit (*or sale*) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or documents, or stamps, or seals, or coins, as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, or false seals, or counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 107.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 110 and 111.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Empress and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 115.*)

To of .

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or by which act a breach of the peace will probably be occasioned*), you are hereby required to attend in person (*or by a duly authorized agent*) at the Magistrate's Office at on the day of , 18 , at ten o'clock in the forenoon, to shew cause why you should not be required to enter into a bond for rupees (*when sureties are required, add*) and also to give security by the bond of one (*or two as the case may be*) sureties in the sum of rupees (*each, if more than one*), that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 124.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS (*name and place*) appeared before me in person (*or by his authorized agent*) on the day of in obedience to a summons calling upon him to shew cause why he should not enter into a bond for rupees with one surety (*or a bond with two sureties each in rupees*), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his sureties entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 124.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or, and that he is unable to give any satisfactory account of himself*);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is by repute a robber (*or house-breaker, &c., as the case may be*);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is by habit a robber (*or house-breaker, &c., as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or two or more sureties as the case may be*), himself for rupees , and the said surety (*or such of the said sureties*) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you the said (*name of Police-officer*) to take and deliver or cause to be taken and delivered the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the same (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), unless in the meantime he shall be prepared to furnish the said security, and in that event forthwith to cause him to be brought before the Court to be dealt with according to law; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 125.*)

To the Superintendent (*or Keeper*) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or sureties*) duly entered into a recognizance,

or

and sufficient cause has been shewn to me for his release from further imprisonment,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without any hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 134.*)

To (*name, description and place of residence*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or nuisance*) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or nuisance*) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade and the place where it is carried on*), and that the same is injurious to the public health (*or comfort*) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or are in possession of or have the control over*) a certain tank (*or well*) adjacent to the public passage (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or well*) being without a fence (*or insecurely fenced*);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to remove (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on to (*specify the more suitable place by a limit of distance or local description*), or to appear, &c.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 139.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*); and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 141.*)

To (*name, description and residence*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING ENQUIRY BY JURY.

(*See section 143.*)

To (*name, description and residence.*)

WHEREAS the enquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local enquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &C., OF A NUISANCE.

(*See section 144.*)

To (*name, description and place of residence*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by Form No. XXI*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &C.

(*See section 145.*)

To (*name, description and place of residence*).

WHEREAS it has been made to appear to me that you are in possession (*or have the management*) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the pub-

FORMS. SCHEDULE V—*continued.*

lic street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stone dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 146.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only, if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due enquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or they are*) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or their*) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 147.*)

To the Police-officer in charge of the Police-station at [*or, to the Collector of*] .

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only, if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due enquiry in the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid*];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 148.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or water*) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due enquiry into the same, that the said land (*or water*) has been open to the enjoyment of such use by the public (*or if by an individual or class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been ordinarily enjoyed within three months of the

FORMS. SCHEDULE V—*continued.*

institution of the said enquiry (*or, if the use is enjoyable only at particular seasons, say: "during the last of the seasons at which the same is capable of being enjoyed"*);

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or retain*) possession of the said land (*or water*) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or they*) shall obtain the decree or order of a competent Court adjudging him (*or them*) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY ENQUIRY BEFORE A POLICE-OFFICER.

(*See section 170.*)

I, (*name*), of , being charged with the offence of and after enquiry required to appear before the Magistrate of ,

or

and after enquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (*or on such day as I may hereafter be required to attend*) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or we jointly and severally declare ourselves and each of us*) surety (*or sureties*) for the above-said that he shall attend at , in the Court of , on the day of next (*or on such day as he may hereafter be required to attend*); further to answer to the charge pending against him, and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 171.*)

I, (*name*), of (*place*), do hereby bind myself to *attend* at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or, as the case may be, to prosecute and give evidence, or to give evidence*) in the matter of a charge of against one A. B., and, in case of making default herein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 219.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 222, 223, 224.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian

On Penal Code, section 121.

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 124.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 161.

(4) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 304.

(5) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 306.

(6) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 325.

(7) That you, on or about the day of , at , *robbed* [*state the name*] *and thereby* committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 392.

(8) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 395.

(9) That you, on or about the day of , at , did [*or omitted to do, as the case may be*] such conduct being contrary to the provisions of Act , section , and was known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 166.

(10) That you, on or about the day of , at , in the course of the trial of , before stated in evidence that " ," which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On section 193.

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows :—

(*b*) *First.*—That you, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or *High Court*].

On sections 241 and 242.

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as

SCHEDULE V—*continued.* FORMS.

genuine, and thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*To be substituted for* (*b*) :—] [*Signature and seal of the Magistrate.*]

First.—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On sections 302 and 304.

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

For (*b*) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

On sections 379 and 382.

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

For (*b*) That you, on or about the day of , at , in the course of the enquiry into before , stated in evidence that " ," and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ," one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or High Court*].

Alternative charges on section 193.

In trials before Magistrates, substitute **"within my cognizance"** ***for*** **"within the cognizance of the Court of Session,"** ***and omit*** **"by the said Court."**

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 246 and 259.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or sections*) of the Penal Code (*or of Act*), and was sentenced to (*state the punishment fully and distinctly*) ;

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name of offender*) to the Superintendent (*or Keeper*) of the said jail, and you the said Superintendent (*or Keeper*) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

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FORMS. SCHEDULE V—*continued.*

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 251.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous and vexatious, and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), *subject to the provisions of section 69 of the Indian Penal Code*, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty: returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 253.*)

To of .

WHEREAS complaint has been made before me that of has (*or is suspected to have*) committed the offence of (*state the offence concisely with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXII.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See section 259.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or sections*) of the *Indian* Penal Code (*or of Act*), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name of offender*) to the Superintendent (*or Keeper*) of the said jail, and you the said Superintendent (*or Keeper*) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XXXIII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of .

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named of the revised list of jurors and assessors furnished to this Court, you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIV.—SUMMONS TO JUROR OR ASSESSOR.

(*See section 328.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or Juror*) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or Keeper*) of the Jail at .

WHEREAS at the Sessions held before me on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the *Indian* Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or Keeper*), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and him there safely keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVI.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or Keeper*) of the Jail at .

WHEREAS (*name of prisoner*), the (*1st, 2nd, 3rd, as the case may be*) prisoner in case No. of the Calendar at the Sessions held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or Keeper*) to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXXVII.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381, 382.*)

To the Superintendent (*or Keeper*) of the Jail at

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (*1st, 2nd, or 3rd, as the case may be*) prisoner in case No. of the Calendar at the said Sessions, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of Court (*a duplicate of which is hereunto annexed*) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and to require you, the said Superintendent (*or Keeper*), safely to keep the said (*prisoner's name*) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said Jail," " and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVIII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, hath not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or forthwith*), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIX.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To (*name and designation of Police Constable*) at the Police-station of , and to (*name*) the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) the presence (*or view*) of the Court committed wilful contempt,

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the said (*name of Police Constable*), to take and deliver, or cause to be taken and delivered, the said (*name of offender*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you, the said Superintendent (*or Keeper*) of the said Civil Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless the said fine be sooner paid; and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS.

XL.—MAGISTRATE'S WARRANT OF COMMITMENT FOR REFUSING TO ANSWER WHERE THERE IS NO FINE.

(*See section 485.*)

To (*name and designation of Police Constable*) at the Police-station of .

WHEREAS (*name and description*), being summoned (*or brought before this Court*) as a witness and this day required to give evidence on an enquiry into an alleged offence, refused to answer a certain question (*or questions*) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in the Lock-up of the said station for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLI.—SESSIONS JUDGE'S WARRANT OF COMMITMENT FOR REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of the Police Constable at the Police-station of*).

WHEREAS (*name and description*) being a witness in case No. of the calendar of cases for trial at the Court of Session holden before me on this day, and being required by the Court to answer a certain question (*or questions*) put to him on the hearing of the said case, and duly recorded has refused to answer the said question (*or questions*) without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody, for (*term of detention adjudged*); This is to authorize and require you to take the said (*name*) into custody, and him safely to keep in the lock-up of the said station for the space of days, unless in the meantime he shall consent to be examined, and to answer the question (*or questions*) asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To (*name and designation of Police Constable*) and to the Superintendent (*or Keeper*) of the Jail at .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [or his child (*name*)], who is by reason of (*state the reason*) unable to maintain (*herself or himself*) and to have neglected (*or refused*) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or child*) for maintenance the monthly sum of rupees , and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or months*) of : And thereupon an order was made adjudging him to undergo simple (*or rigorous*) imprisonment in the said jail for the period of ;

This is to authorize and require you the said (*name of Police-officer*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XLIII.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [or his child (*name*)], who is by reason of (*state the reason*) unable to maintain (*herself or himself*), and to have neglected (*or refused*) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or child*) for maintenance the monthly sum of rupees , and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or months*) *of* ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or forthwith*), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIV.—WARRANT OF COMMITMENT UNDER SECTION 491.

To the (*here insert the officer's designation*).

WHEREAS the Governor General (*or the Governor of Fort St. George, or the Governor of Bombay, as the case may be*) in Council, for good and sufficient reasons, has seen fit to determine that (*here insert the State-prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby required, in pursuance of that determination, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor General (*or the Governor*) in Council, and the provisions of the Code of Criminal Procedure, Chapter XXXVII.

Fort William (*or as the case may be*), the

By order of the Governor General (*or the Governor*) in Council,

A. B.,

Secretary (*or Chief Secretary*) to Government.

XLV.—BOND AND BAIL-BOND ON A PRELIMINARY ENQUIRY BEFORE A MAGISTRATE.

(*See sections 506, 509.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Sessions Court, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary enquiry into the said charge, and should the case be sent for trial by the Sessions Court to be, and appear, before the said Court when called upon to answer the charge against me, and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or we jointly or severally declare ourselves and each of us*) surety for the said (*name*) that he shall attend at the Court of on every day of the preliminary enquiry into the offence charged against him, and should the case be sent for trial by the Sessions Court, that he shall be and appear before the said Court to answer the charge against him, and in case of his making default therein, I bind myself to forfeit to Her Majesty the Empress the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XLVI.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 510.*)

To the Superintendent (*or Keeper*) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or sureties*) duly executed a bond,

or

and sufficient cause has been shewn to me for his release from further imprisonment,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without any hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody.

Given under my hand and the seal of the Court, this day of ,18 .

(*Signature.*)

XLVII.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 525.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Empress the sum of rupees (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the district of , by seizure and detention, and if the said amount be not paid within three days to sell the property so attached or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See Section 525.*)

To of

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Empress; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees , you are hereby required to pay the said penalty or shew cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 525.*)

To of

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would keep the peace for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Empress; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

FORMS. SCHEDULE V—*continued.*

You are hereby required to pay the said penalty of rupees , or to shew cause within days, why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See Section 525.*)

To

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Empress the sum of rupees (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the district of , by seizure and detention. If the said amount be not paid within three days, to sell property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LI.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See Section 525.*)

To (*name and designation of Police-officer*) and the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Empress; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or shew any sufficient cause why it should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his confinement in Jail for (*specify the period*);

This is to authorize and require you the said (*name of Police-officer*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—NOTICE OF FORFEITURE OF A BOND TO KEEP THE PEACE TO THE PRINCIPAL.

(*See Section 525.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to shew cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

LIII.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 525.*)

To (*name and designation of Police-officer*) at the Police-station of .

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the

SCHEDULE V—*continued.* FORMS.

peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to shew cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the district of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LIV.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 525.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Empress the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to shew cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you the said (*name of Police-officer*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail; and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LV.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 525.*)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and residence*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to shew cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize you and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LVI.—WARRANT OF IMPRISONMENT ON FORFEITURE OF A BOND FOR GOOD BEHAVIOUR.

(*See Section 525.*)

To (*name and designation of Police-officer*) and to the Superintendent (*or Keeper*) of the Civil Jail at .

WHEREAS (*name, description and residence*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (*name*) has forfeited to Her Majesty the Empress the sum of rupees ; and whereas he has failed to pay the said sum or to shew cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you the said (*name of Police Constable*) to take and deliver, or cause to be taken and delivered, the said (*name*) to the Superintendent (*or Keeper*) of the said Civil Jail, and you the said Superintendent (*or Keeper*) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

Table shewing correspondence of the section-numbers of Act X of 1872, as amended by Act XI of 1874, with those of the Bill.

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[1] See Act XI 1874, s. 1.

[2] See Act XI, 1874, s. 2.

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[1] and [2] See Act XI, 1874, s. 3.

[3] See Act XI, 1874, s. 4.
[4] Ditto ditto, s. 5.

[5] and [7] See Act XI, 1874, s. 6.
Ditto ditto, s. 7.

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[1] See Act XI, 1874, s. 8.
[2] Ditto ditto, s. 9.
[3] Repealed by Act XI, 1874, s. 10.
[4] See Act XI, 1874, s. 11.
[5 and 6] See Act XI, 1874, s. 12.

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[1] See Act XI, 1874, s. 13.
Ditto ditto, s. 14.

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[1] See Act XI, 1874, s. 15.

[2] See Act XI, 1874, s. 16.
[3] Ditto ditto, s. 17.
[4] Ditto ditto, s. 18.

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243, paras. 1 & 2	278, paras. 1 & 2
para. 3 ...	280, para. 1
4	277, *Proviso* 2nd 280, para. 2
244, *opening clause*	279, *opening clause*; 320
cl. (1) ...	.....
(2) ...	.....
(3) ...	.....
(4) ...	.....
(5) ...	.....
(6) ...	279, cl. (*h*)
245 ...	(*g*)
246 ...	281
247[1] ...	287
248 ...	288
249[2] ...	289
250 ...	342, para. 1
251, paras. 1 & 2	290
para. 3 ...	291
252 ...	293
253 ...	294
254 ...	283
255, para. 1 ...	298, and 310, para. 1
2 ...	367, *Proviso*
256 ...	299
257 ...	300
258 ...	295
259 ...	286
260 ...	296
261 ...	310, para. 2
262 ...	310
263, para. 1 ...	301, 302
2 ...	304
3 ...	303
4[3] ...	307
5[4] ...	308, paras. 1 & 2
6[5] ...	3
264 ...	344, para. 1
265 ...	273, *Proviso*
266 ...	407, para. 1
267 ...	406.
268, para. 1 ...	486, paras. 1 & 2
2 ...	para. 3
269, para. 1 ...	408, para. 1
2 ...	422, cl. 1
270, para. 1	408, *Proviso* 1
2 ...	para. 1

[1] See Act XI, 1874, s. 19.
[2] Ditto ditto, s. 20.

[3], [4] and [5] See Act XI, 1874, s. 21.

ACT X OF 1872.	BILL.
270, para. 3 ...	408, *Proviso* 1, and 410
271, para. 1[1] ...	410
2[2] ...	418, and 423, *Proviso* 2
271A, para. 1[3] ...	371, para. 3
2[4] ...	.....
271B[5] ...	378, 429
272, para. 1 ...	417
2, cl. 1	417
2, cl. 2[6]	.....
3 ...	423
273, para. 1 ...	413
2 ...	413, *Expln.*
3 ...	412
274, para. 1 ...	414
2[7] ...	415
3 ...	416
Expln.[8] ...	415, *Expln.*
275 ...	419
276[9] ...	559
277 ...	420
278, para. 1 ...	421, para. 1
2 ...	2
3[10] ...	Om. see secs. 421, 423
279, cl. 1 ...	422, cl. 1
cl. 2[11] ...	2
280[12] ...	423
Proviso ...	423, *Proviso* 1
281 ...	426
282, para. 1 ...	428, para. 1

ACT X OF 1872.	BILL.
282, para. 2 ...	404
3 ...	428, para. 2
4 ...	428, para. 3
5 ...	.....
283, para. 1 ...	548
2 ...	.....
3 ...	.....
284 ...	423, cl. (*b*)
285 ...	430
286 ...	404
286, *Illustrations* ...	.....
287, para. 1 ...	374
2 ...	367, para. 5
288 ...	376
289, para. 1 ...	375, para. 1
2 ...	2
3 ...	3
290 ...	377
291 ...	.....
292 ...	564
293 ...	564
294 ...	435, para. 1
295, para. 1 ...	1
2 ...	.....
296, para. 1 ...	438
2[13] ...	436, *cl.* 1
Proviso[14] ...	436, *Proviso* 2
297[15] ...	439
297, para. 8 ...	426, para. 1

[1], [2], [3], [4] and [5] See Act XI, 1874, s. 22.
[6] Ditto ditto, s. 23.
[7] and [8] Ditto ditto, s. 24.
[9] See Act XI, 1874 s. 25.
[10] Ditto ditto, s. 26.
[11] Ditto ditto, s. 27.
[12] Ditto ditto, s. 28.
[13] and [14] See Act XI, 1874, s. 29.
[15] Ditto ditto, s. 30.

ACT X OF 1872.	BILL.
297, para. 10 ...	440
298[1] ...	437
299, para. 1 ...	425, para. 1 442
2 ...	425, para. 2 442
3 ...	423, *Proviso* 2
300 ...	548
301, para. 1 ...	379
2 ...	381
302, para. 1 ...	373
2 ...	.....
3 ...	.....
302 A,[2] para. 1 ...	383
2 ...	390
303 ...	384
304, para. 1 ...	386
2 ...	.....
305 ...	400
306 ...	382
307, para. 1 ...	386
2 ...	387
3 ...	.....
4 ...	389
308, paras. 1, 2 & 3	556
4 ...	557
309, para. 1 ...	.....
1, *Prov.*	33, para. 1, *Proviso* 2
2 ...	33, para. 1, with *Proviso* 1
310 ...	391, para. 1

ACT X OF 1872.	BILL.
311, para. 1 ...	392
2 ...	393, para. 1
3[3] ...	391, para. 2
312, paras. 1 & 2[4]	394
para. 3 ...	393, para. 2
313 ...	395
314, para. 1 ...	35, para. 1
2 ...	2
2, *Prov.* 1	2, *Proviso* 1
2, *Prov.* 2	2, *Proviso* 2
315 ...	348
316 ...	396
317 ...	397
Proviso ...	398
318 ...	399
319 ...	.....
320 ...	.....
321 ...	368
322, para. 1[5] ...	401, para. 1
2 ...	3
3 ...	402
4, cl. 1[6]	401, para. 4
cl. 2[7]	.....
323 ...	519
324 ...	256, para. 2
325, para. 1 ...	520
2 ...	.....
326 ...	522
327 ...	523
328 ...	350, para. 1

[1] See Act XI, 1874, s. 31.
[2] Ditto ditto, s. 32.
[3] See Act XI, 1874, s. 33, para. 1.
[4] Ditto ditto, s. 33, para. 2.
[5], and [7] Ditto ditto, s. 34.

ACT X OF 1872.	BILL.
329 ...	350, para. 1
330, para. 1 ...	513, para. 1
2 ...	513, paras. 1 & 3
3[1] ...	514, para. 1
4[2] ..	515
5 ...	516
6[3] ...	517
331 ...	.....
332 ...	354
333 ...	355
334, para. 1 ...	356, para. 1
paras. 2 & 3	2
para. 4 ...	3
5 ...	4
335 ...	357, and 362, para. 1
336 ...	358
337 ...	566
338 ...	359, and 362, para. 2
339 ...	360
340 ...	361
341 ...	363
342 ...	342, para. 1
343 ...	2
344 ...	343
345 ...	342, para. 4
346, para. 1 ...	364, para. 1
2 ...	2
3 ...	3
4 ...	2
5 ...	544
347 ...	337
348 ...	338
349 ...	339
350 ...	.....
351 ...	551
352 ...	91
353, para. 1 ...	88, paras. 1, 2, *cl.* (*b*)
2 ...	89, para. 1
3 ...	2
354 ...	90
355 ...	91
356 ...	485
357, para. 1 ...	209, para. 2
2 ...	220
358 ...	217, para. 1
359 ...	217, *Prov.* 2
360 ...	218
361 ...	245, paras. 2 and 3
362, para. 1 ...	209, para. 2 253, para. 2
2 ...	209, para. 2 258, para. 1
363 ...	292
364 ...	485
365 ...	95, para. 1
366 ...	97
367 ...	105
368, para. 1 ...	97
2 ...	98
369, *cl.* 1 ...	97, para. 2
2 ...	96

[1], [2], and [3] See Act XI, 1874, s. 35.

ACT X OF 1872.	BILL.
370 ...	102
371 ...	102
372 ...	102
373, para. 1 ...	102
2 ...	100
3 ...	.....
374 ...	100
375 ...	102
376, para. 1 ...	102
2 ...	102
3 ...	102
4 ...	102
377 ...	99, except cl. (*d*) & (*e*)
378, para. 1 ...	.....
2 ...	106
379[1] ...	166
380 ...	167
381 ...	154
382 ...	103, para. 1
383 ...	2
384 ...	2
385 ...	104
386 ...	52
387, para. 1 ...	51, para. 1
2 ...	534, para. 1
388 ...	506
389, para. 1 ...	507, para. 1
2 ...	2
390 ...	508
391 ...	509
392 ...	511
393 ...	506
394 ...	510
395 ...	512
396 ...	525, paras. 1, 2 & 3
397, para. 1 ...	525, para. 1
2 ...	2 & 3
3 ...	4
398, para. 1 ...	525, paras. 1 to 4
1, *Prov.*[2]	para. 5
2 ...	526
3 ...	527
399 ...	524
400, para. 1 ...	321, para. 1
2 ...	2
401, para. 1 ...	322
2 ...	323
402 ...	324, paras. 1 to 4
403 ...	325
404 ...	319
405, cl. 1 ...	279, 320
2 ...	279, cl. (*d*)
3 ...	(*e*)
4 ...	(*f*)
5 ...	279, 320
6 ...	279, cl. (*e*)
406, para. 1, cl. 1	320, cl. 1
2	(*a*)
3	(*b*)

[1] See Act XI, 1874, s. 36.

[2] See Act XI, 1874, s. 37.

ACT X OF 1872.	BILL.
406, para. 1, cl. 4	320, cl. (*c*)
5	(*d*)
6	(*e*)
7	279, 320
8	320, cl. (*g*)
9	(*h*)
10	(*i*)
11	(*j*)
12	(*j*)
406, para. 2 ...	279, 320
3 ...	279, 320
4 ...	462, *Proviso*
407 ...	326
408, para. 1 ...	462, para. 1
2 ...	2
3 ...	3
4 ...	.....
409, para. 1 ...	328
2 ...	Chapter VI,—A
3 ...	Ditto
410 ...	327
411 ...	329
412 ...	330
413 ...	331
414 ...	332
515, para. 1 ...	534, para. 1
2 ...	536
416 ...	534, para. 2
417, para. 1 ...	535, para. 1
2 ...	2

ACT X OF 1872.	BILL.
418[1] ...	528, para. 1
418, *Expln.*[2] ...	528, *Expln.*
419 ...	531
420 ...	529
421 ...	555
422 ...	554
423 ...	464
424, para. 1 ...	469
2 ...	469
3 ...	464
425 1 ...	465, para. 1
2[3] ...	
426 ...	466
427 ...	467
428 ...	468
429 ...	470
430 ...	471
431 ...	472
432 ...	473
433 ...	474
434 ...	475
435, para. 1 ...	480
paras. 2 & 3	481
436, para. 1 ...	482, para. 1
2 ...	2
3 ...	347
4 ...	.....
437 ...	484
438, para. 1 ...	445
2 ...	447, para. 1

[1] and [2] See Act XI, 1874, s. 38.
[3] Ditto ditto, s. 39.

ACT X OF 1872.	BILL.
439 ...	222
440 ...	223
441 ...	224
442 ...	565
443 ...	226
444 ...	228
445 ...	228
446 ...	227
447 ...	229
448 ...	230
449 ...	232
450 ...	231
451[1] ...	233
452 ...	234
453 ...	235
453, *Expln.* ...	...
454, paras. 1 to 3	236
454, *Ill.* (*a*) ...	236, *Ill.* (*a*)
(*b*) ...	(*d*)
(*c*) ...	(*e*)
(*d*) ...	(*f*)
(*e*) ...	.....
(*f*) ...	236, *Ill.* (*g*)
(*g*) ...	(*h*)
(*h*) ...	.....
(*i*) ...	.....
(*j*) ...	236, *Ill.* (*i*)
(*k*) ...	.....
(*l*) ...	236, *Ill.* (*j*)
(*m*) ...	(*l*)

ACT X OF 1872.	BILL.
454, *Ill.* (*n*) ...	236, *Ill.* (*b*)
(*o*) ...	(*m*)
(*p*) ...	(*c*)
455 ...	237
456 ...	238
457 ...	239, para. 1
457, *Ill.* (*a*) ...	239, *Ill.* (*a*)
(*b*) ...	.....
458 ...	240
459 ...	241
460, para. 1 ...	403, para. 1
2 ...	2
3 ...	3
4 ...	4
Ill. (*a*) ...	*Ill.* (*a*)
(*b*) ...	(*b*)
(*c*) ...	(*c*)
(*d*) ...	.....
(*e*) ...	403, *Ill.* (*d*)
(*f*) ...	(*e*)
(*g*) ...	(*f*)
(*h*) ...	(*g*)
461, cl. 1 ...	367, para. 2
2 ...	3
462 ...	366
463 ...	367, para. 1
464, para. 1 ...	367, paras. 1, 2 & 4 369
2[2] ...	371, para. 1
3 ...	372
4 ...	367, para. 5, *Proviso*

[1] See Act XI, 1874, s. 40.
[2] See Act XI, 1874, s. 41.

ACT X OF 1872.	BILL.
464, para. 5 ...	.....
6 ...	548
7[1] ...	548
465	197
466, paras. 1, 2 & 3	198, para. 1
4 ...	2
5[2] ...	4, last para.
467 ...	196, para. 1, cl. (*a*)
468 ...	(*b*)
469	(*c*)
470, para. 1 ...	196, para. 2
2 ...	3
470, *Expln.* ...	.....
471, paras. 1 & 2	476, para. 1
3	2
472, para. 1 ...	477, para. 1
2 ...	.....
3 ...	477, para. 2
473 ...	487, para. 1
474, paras. 1 & 2	478
3	.....
475 ...	479
476 ...	478, para. 2
477 ...	476
478 ...	200
479 ...	200
480 ...	128
481 ...	129
482 ...	130
483 ...	133, cl. (*a*)

ACT X OF 1872.	BILL.
484 ...	131
485 ...	133, cl. (*c*)
486 ...	(*d*)
487 ...	132, and 133, cl. (*b*)
488 ...	133, cl. 1
480 to 488 (Ch. XXXVI)[3]	128 to 138 (Ch. IX)
489, para. 1 ...	107, para. 1 124, paras. 1 to 3
2 ...	121, para. 1
3 ...	.....
4 ...	.....
490 ...	107, para. 1 124, paras. 1 to 3
491 ...	108
Explns. ...	108, 118
492 ...	113
492, *Expln.* ...	114
493, para. 1, cl. 1	565
2	107, para. 1, last cl., and 119, *Proviso 2nd.*
2 ...	.....
494 ...	91
Proviso ...	109, para. 1 115, *Proviso*
495 ...	117
496 ...	1 0
497 ...	119, para. 1 124, para. 1
498, para. 1 ...	108, 124
2 ...	124
499, para. 1 ...	.....
2 ...	.....

[1] See Act XI, 1874, s. 41.
[2] Ditto ditto, s. 42.
[3] See Act XI, 1874, s. 43.

ACT X OF 1872.	BILL.
499, para. 3 ...	124, paras. 1 & 4
Expln. ...	.....
500 ...	125, para. 1, and 126.
501 ...	127
502, para. 1 ...	525, para. 1
2 ...	2
3 ...	3
4 ...	4
5 ...	1
6 ...	122
7 ...	108, 525
503, para. 1 ...	525, para. 1
2 ...	2 & 3
3[1] ...	4
504, para. 1 ...	110
2 ...	121, para. 1
3 ...	.....
4 ...	110
505 ...	111
506 ...	111
507, para. 1 ...	124, para. 2
2 ...	3
508 ...	124, para. 3
509, para. 1 ...	113
2 ...	565
510, para. 1 ...	124, para. 1
2 ...	5
511 ...	125, para. 1
512 ...	2
513 ...	127

ACT X OF 1872.	BILL.
514, para. 1	525, para. 1
2	paras. 2 & 3
3	para. 4
515, para. 1 ...	113, 115
2 ...	110
3 ...	118, para. 2
4 ...	522
516 ...	123
517 ...	112
518, with *Expln.* 1	145, para. 1
518, *Expln.* 2 ...	2
3 ...	3
4 ...	4
519 ...	144
520 ...	135, para. 3
521 ...	134
522 ...	135
523, para. 1 ...	136
2 ...	139, cl. (*a*)
3 ...	140
4 ...	142
5 ...	139, cl. (*c*), and 140
524, para. 1 ...	139, cl. (*b*)
2 ...	.....
525, para. 1 ...	137, & 138, para. 1 141, para. 2.
2 ...	141, para. 3
526, para. 1 ...	140, para. 1 141, para. 1
2 ...	141, para. 2
527[2] ...	138, para. 2

[1] See Act XI, 1874, s. 44.
[2] See Act XI, 1874, s. 45.

ACT X OF 1872.	BILL.	ACT X OF 1872.	BILL.
528 ...	143	535 ...	1, para. 2
529 ...	1, para. 2	536 ...	488
530 ...	146	537 ...	489
531 ...	147	538 ...	490
532 ...	148	539 ...	568, para. 1
533 ...	149, para. 1	540 ...	1, para. 2
534 ...	533	541 ...	1, para. 2

Table shewing correspondence of the section-numbers of Act XI of 1874 separately with those of the Bill.

ACT XI OF 1874.	BILL.	ACT XI OF 1874.	BILL.
1 ...	4, cl. (*s*) & (*t*), 28, 205, para. 1	23 ...	.....
		24, cl. 1 ...	.....
2 ...	4, para. 2, cl. 1	2 ...	415, *Expln.*
3 ...	380, para. 1	25 ...	559
4 ...	7, para. 1, cl. 2, para. 3	26 ...	Om., see secs. 421, 423
		27 ...	422, cl. 2
5 ...	14, para. 3	28 ...	423
6 ...	193, para. 1, 539, para. 1	29, cl. 1 ...	436, cl. 1
		2 ...	*Proviso* 2
7 ...	.....	30 ...	439
8 ...	505	31 ...	437
9 ...	179, *Proviso*	32 ...	383, 390
10 ...	.....	33 ...	391, para. 2, 394
11 ...	538	34, cl. 1 ...	401, para. 1
12 ...	447, para. 2, 448	2 ...	4
13 ...	340	3 ...	.....
14 ...	210	35 ...	514, para. 1, 515, 517
15 ...	219, cl. 1	36 ...	166, para. 4
16 ...	255	37 ...	525, para. 5
17 ...	261, cl. (*i*)	38 ...	528, para. 1 & *Expln.*
18 ...	194, para. 1	39 ...	465, para. 2
19 ...	287	40 ...	233, *Ill.*
20 ...	289	41 ...	371, para. 1, 548
21 ...	307, para. 1, 308	42 ...	4, last para.
22, cl. 1 ...	410	43 ...	Chapter IX
2 ...	418, 423, *Proviso* 2	44 ...	525, para. 4
3 ...	371, para. 3	45 ...	138, para. 2
4 ...	.....		
5 ...	378, 429		

Table shewing correspondence of the section-numbers of the High Courts Act (X of 1875) with those of the Bill.

ACT X OF 1875.	BILL.	ACT X OF 1875.	BILL.
1 ...	...	31 ...	340
2 ...	2	32 ...	268
3 ...	4, 267	33 ...	275, 277, 277
4 ...	334	34 ...	273
5 ...	335	35 ...	451
6 ...	5	36 ...	452
7 ..	227	37 ...	452
8 ...	227	38 ...	277
9 ...	228	39 ...	311
10 ...	228	40 ...	312
11 ...	229	41 ...	312
12 ...	230	42 ...	313
13 ...	211, 559	43 ...	313
14 ...	271, 403	44 ...	314
15 ...	232	45 ...	315
16 ...	231	46 ...	318
17 ...	234	47 ...	278, 279
18 ...	235	48 ...	280
19 ...	236	49 ...	277
20 ...	237	50 ...	316
21 ...	238	51 ...	317
22 ...	239	52 ...	.....
23 ...	240	53 ...	278
24 ...	226	54 ...	279
25 ...	543	55 ...	280
26 ...	221	56 ...	280
27 ...	336	57 ...	279
28 ...	272	58 ...	281
29 ...	272	59 ...	287
30 ..	273	60 ...	288

ACT X OF 1875.	BILL.	ACT X OF 1875.	BILL.
61 ...	342	92 ...	301
62 ...	290, 291	93 ...	300
63 ...	293	94 ...	302
64 ...	294	95 ...	304
65 ...	297	96 ...	303
66 ...	344	97 ...	306
67 ...	296	98 ...	306
68 ...	365	99 ...	284
69 ...	295	100 ...	309
70 ...	554	101 ...	434
71 ...	519	102 ...	241
72 ...	520	103 ...	384
73 ...	.....	104 ...	384, 385
74 ...	523	105 ...	386, 387
75 ...	289	106 ...	556, 557
76 ...	513, 514, 515, 517	107 ...	.....
77 ...	338	108 ...	392, 394, 395
78 ...	339	109 ...	35
79 ...	.....	110 ...	396
80 ...	551	111 ...	397
81 ...	91	112 ...	399
82 ...	88	113 ...	368
83 ...	90	114 ...	382
84 ...	91	115 ...	528
85 ...	292	116 ...	555
86 ...	95	117 ...	403
87 ...	97	118 ...	222
88 ...	105	119 ...	522
89 ...	485	120 ...	465
90 ...	298	121 ...	466
91 ...	299	122 ...	467

ACT X OF 1875.	BILL.	ACT X OF 1875.	BILL.
123 ...	468	139 ...	524
124 ...	470	140 ...	107
125 ...	471	141 ...	107
126 ...	473	142 ...	533
127 ...	472	143 ...	1
128 ...	474	144 ...	.....
129 ...	475	145 ...	195
130 ...	341	146 ...	338
131 ...	197	147 ...	537
132 ...	198	148 ...	501
133 ...	196	149 ...	550
134 ...	196	150 ...	352
135 ...	476	151 ...	345
136 ...	508	152 ...	25
137 ...	525	153 ...	.....
138 ...	525, 527		

Table shewing correspondence of the section numbers of the Presidency Magistrates' Act (IV of 1877) with those of the Bill.

ACT IV OF 1877.	BILL.	ACT IV OF 1877.	BILL.
1 ...	.....	31 ...	548
2 ...	.....	32 ...	204
3 ...	1	33 ...	205
4 ...	.....	34 ...	91, 205
5 ...	342, 568	35 ...	205
6 ...	4	36 ...	91
7 ...	.....	37 ...	206
8 ...	7, 18, 19, 20, 25	38 ...	197
9 ...	18, 20, 21	39 ...	198
10 ...	3	40 ...	196
11 ...	32	41 ...	196
12 ...	33	42 ...	196
13 ...	35	43 ...	196
14 ...	5	44 ...	476
15 ...	64	45 ...	200
16 ...	165	46 ...	196, 197, 198
17 ...	562	47 ...	68
18 ...	178	48 ...	69
19 ...	180	49 ...	70
20 ...	181	50 ...	73
21 ...	183	51 ...	74
22 ...	182	52 ...	94
23 ...	186	53 ...	91
24 ...	542	54 ...	187
25 ...	192	55 ...	187
26 ...	.....	56 ...	75, 77
27 ...	205	57 ...	.....
28 ...	192	58 ...	76
29 ...	199	59 ...	77
30 ...	201	60 ...	80

ACT IV OF 1877.	BILL.	ACT IV OF 1877.	BILL.
61 ...	.....	92 ...	217
62 ...	65	93 ...	218
63 ...	83	94 ...	222, 222
64 ...	84, 85	95 ...	223
65 ...	86, 87	96 ...	224
66 ...	.....	97 ...	565
67 ...	88	98 ...	226
68 ...	89	99 ...	228
69 ...	90	100 ...	228
70 ...	63, 506	101 ...	229
71 ...	507	102 ...	230
72 ...	509	103 ...	232
73 ...	510	104 ...	231
74 ...	506	105 ...	234
75 ...	511	106 ...	235
76 ...	512	107 ...	236
77 ...	525	108 ...	237
78 ...	525	109 ...	238
79 ...	525	110 ...	239
80 ...	524	111 ...	240
81 ...	208	112 ...	241
82 ...	209	113 ...	403
83 ...	209, 353	114 ...	242, 370
84 ...	364	115 ...	362
85 ...	551	116 ...	255
86 ...	344	117 ...	247, 548
87 ...	210	118 ...	248, 260
88 ...	211	119 ...	243
89 ...	211, 214, 221	120 ...	244, 256
90 ...	211	121 ...	245, 257
91 ...	212, 213, 214, 220, 292	122 ...	255, 256
		123 ...	364

ACT IV OF 1877.	BILL.	ACT IV OF 1877.	BILL.
124 ...	93, 344	155 ...	523
125 ...	249	156 ...	350
126 ...	246, 259, 370	157 ...	513
127 ...	347	158 ...	513
128 ...	348	159 ...	97
129 ...	505	160 ...	99
130 ...	340	161 ...	102
131 ...	341	162 ...	103
132 ...	352	163 ...	108
133 ...	260, 345	164 ...	103
134 ...	551	165 ...	104
135 ...	91	166 ...	52
136 ...	91	167 ...	411, 412
137 ...	88, 89	168 ...	417, 427
138 ...	90	169 ...	419
139 ...	553	170 ...	559
140 ...	92	171 ...	420
141 ...	485	172 ...	421
142 ...	245	173 ...	422
143 ...	253, 258	174 ...	423
144 ...	95	175 ...	426
145 ...	97	176 ...	428
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STATEMENT OF OBJECTS AND REASONS.

No less than three Codes of Criminal Procedure are now in operation in British India: Act X of 1872, amended by Act XI of 1874, which is in force throughout the Mufassal; the High Courts' Act, X of 1875, which is in force in the Presidency-towns, Allahabad and Lahore; and the Presidency Magistrates' Act, IV of 1877, also in force in the Presidency-towns.

Many of the provisions of these Codes merely repeat one another; many of their rules, though dealing with the same subjects, unnecessarily vary in language; and the result is that the bulk of the Indian Statute-book is far greater than need be and that the Courts when construing one Code are often deprived of the guidance of prior decisions on another.

The primary object of this Bill, which has been framed at the suggestion of the Secretary of State, is to recast the Code of 1872, combining with it the substance of the High Courts' Act and the Presidency Magistrates' Act, and incorporating in it the numerous reported decisions on its wording, and thus at last give to India a single and complete Code of Criminal Procedure, and carry out, so far, the policy of providing a simple and uniform system of law for this country. The language and arrangement of Act X of 1872 have, for obvious reasons, been departed from only so far as is necessary for the main purpose of the Bill.

2. Though many of the outlying Acts and Regulations dealing with Criminal Procedure were repealed and re-enacted by Act X of 1872, many more are still untouched, and the secondary object of the present Bill is to consolidate these enactments, which are twelve in number:—

Acts.

XXIII of 1840 (Execution of process).
XXXIV of 1850 (State-Prisoners).
III of 1858 (State Prisoners).
V of 1861, sections 6, 24, 37 to 40 inclusive, part of section 55 (Police).
XVIII of 1862 (Administration of Criminal Justice in the High Courts).
II of 1869 (Justices of the Peace).
XXII of 1870, sections 2 and 4 (Application to European British subjects of Acts giving summary jurisdiction).
XXI of 1879, Chapter III (Inquiries in British India into crimes committed abroad by British subjects).

Regulations.

Bengal Regulation III, 1818 (State-Prisoners).
Bengal Regulation XX, 1825 (Jurisdiction of Courts Martial).
Madras Regulation II, 1819 (State-Prisoners).
Bombay Regulation XXV, 1827 (State-Prisoners).

3. The result of consolidating the Acts and Regulations above specified will be to substitute a single Act of 568 sections for fifteen enactments containing 1,055 unrepealed sections.

4. The present Bill is divided into nine Parts, the first containing the usual preliminary matter; the second dealing with the constitution and powers of the Criminal Courts and offices; the third containing some general provisions; the fourth treating of the prevention of offences; the fifth, of information to the Police and of their powers to investigate; the sixth, of proceedings in prosecutions; the seventh, of appeal, reference and revision; the eighth, of special proceedings; the ninth, of supplementary provisions.

I.—Preliminary.

5. Part I consists of a single chapter containing the usual preliminary matter. The wording of some of the definitions in Act X of 1872 has been amended, and definitions of 'to sign,' 'public prosecutor,' 'pleader,' 'offence,' 'chapter,' 'schedule,' 'place,' and 'police-station' have been added. The definition of 'complaint' has been amended so as to exclude the report of a Police-officer and information given to a Police-officer; and the definition of 'investigation' has been extended so as to comprise the proceedings of persons authorized by a Magistrate under section 160 or 203 to make local investigations. The definition of 'cognizable offence' has been amended so as to connect it with the second schedule. A clause has been added to the definition of 'High Court' so as to enable the Governor General in Council to appoint in outlying territories where no such Court is established by law, an officer to perform its functions under the Code. Words such as 'special law,' 'local law,' defined in the Penal Code will have the meanings attached to them respectively by that Code. On the other hand, the definitions of 'inquired into,' 'trial,' 'Magistrate's case,' have been omitted as not needed in the Code in its revised form.

II.—Criminal Courts.

6. Part II (constitution and powers of the Criminal Courts and offices) consists of two chapters, of which the first deals (*a*) with the classes of Criminal Courts, (*b*) with territorial divisions, (*c*) with Courts outside the Presidency-towns, (*d*) with the Courts of the Presidency Magistrates, (*e*) with Justices of the Peace and (*f*) with the suspension and removal of Judges, Magistrates and Justices of the Peace. The provisions of the Police Act (V of 1861), section 6, have been incorporated in this chapter, section 14. The Local Government has been empowered (section 16) to make rules for the guidance of Magistrates' Benches. This will result in uniformity of practice wherever such uniformity is desirable. Assistant Sessions Judges have been declared (section 17) subordinate to the Sessions Judge in whose Court they exercise jurisdiction. This will preclude a doubt which has been raised on the subject.

The second chapter treats of the powers of Judges and Magistrates, the description of offences cognizable by each Court, the sentences which may be passed by Courts of various classes, and the mode of conferring powers on the latter. The changes of the law here made are little more than verbal, save in the following cases. Magistrates of the first class are forbidden (section 29) to try offences under special or local laws which are punishable with imprisonment for more than seven years: such grave cases should be tried by a higher Court. All Magistrates of the first and second classes, and all Magistrates of the third class when specially empowered, are to have the powers of an officer in charge of a Police-station (section 38). It is desirable that the police powers which Magistrates can exercise in investigating offences should be clearly defined. In section 40 (= Act X of 1872, section 56), as to the continuance of powers of an officer transferred to another local area, words have been introduced to shew that powers conferred by one Local Government do not accompany an officer, when he is transferred to a province under another Local Government.

In connection with section 33, as to power to sentence to imprisonment in default of payment of fine, it will be necessary to pass simultaneously with the Bill a short Act amending section 67 of the Penal Code, by inserting a declaration that such imprisonment shall be simple.

Section 35 declares, in accordance with a decision of the Bombay High Court, that, for the purpose of confirmation or appeal, a combined sentence, in case of simultaneous convictions for several offences, shall be deemed to be a single sentence.

III.—General Provisions.

7. Part III contains certain general provisions which it seems convenient to group together and which, to avoid forward references, must stand near the beginning of the Code. They relate to the following matters: aid and information to the Magistrates, the Police and persons making arrests: arrest, escape and retaking: processes to compel appearance and production of documents, and processes for the discovery of persons wrongfully confined. Here, again, the changes in the law are little more than verbal. But to the offences which the public are bound to assist in preventing, have been added (section 42) attempts to injure public property, railways and canals: the public (section 42) must assist in cases of fire dangerous to human life or valuable property: the section (45) requiring village-headmen, &c., to report, has, for obvious reasons, been extended to escaped convicts and proclaimed offenders, and (to provide for villages in hill-passes through which bands of dacoits habitually proceed), also to cases where the criminal merely goes through the village: the section (46) authorizing, in the case of forcible resistance, the use of necessary means to effect arrests, has been extended to meet the case of attempts to evade them: power has been given (section 49) to break open the doors of a house for the purpose of liberating persons who have lawfully entered for the purpose of making arrests therein: persons making arrests have been expressly empowered (section 53) to take from the person arrested any offensive weapons which he may have about him: the police have been authorized (section 54) to arrest, without warrant, deserters from the Navy; and sections (66, 67) equivalent to Act XXV of 1861, section 112, have been inserted to provide for the retaking of persons escaping or rescued from lawful custody.

The wording of section 178 of the present Code, which empowers the police to use "all means necessary to effect the arrest" of a person forcibly resisting or attempting to escape, appears dangerously wide. The Bill accordingly explains that this power does not give the right to cause the death of an arrested person who is not accused of a capital offence. The Bill here follows the law of Scotland, which, in Mr. Mayne's opinion, is in India the safer rule.

8. Under the present Code (Act X of 1872, section 153), summonses issued by Magistrates are ordinarily served "through a Police-officer:" the Bill (section 68) provides that (subject to rules to be made by the Local Government) they may also be served by an officer of the Court. Provision is made (sections 73, 74) for the service of a summons outside the local jurisdiction of the Magistrate who issues it, and for the proof of such service.

9. Section 75 requires that all warrants of arrest, whether issued in the Presidency-towns or the Mufassal, shall be sealed. Act IV of 1877, section 56, does not in such cases require a seal. Warrants of arrest issued by a Bench of Magistrates may be signed by any member of the Bench. This will legalise what probably is the practice at present.

Sub-divisional Magistrates have been empowered (section 78) to direct warrants to landholders, &c., for the arrest of escaped convicts. This extension is in harmony with the large powers generally possessed by Magistrates in charge of sub-divisions.

10. Section 88 clears up a doubt as to the commencement of the period provided in the corresponding section (171) of Act X of 1872, for the appearance of a person absconding against whom a warrant has been issued.

11. On the other hand, the power to arrest without warrant persons against whom a hue and cry has been raised is omitted, as that obsolete common-law process is unknown in India; and the section authorizing masters and mates to arrest deserters from ships is omitted, as the matter is sufficiently provided for by the Merchant Shipping Act.

12. The present Code does not provide how attachment of debts and other moveable property is to be effected. Provision has, therefore, been made (section 89) for this purpose; and the powers, duties and liabilities of receivers have been declared by reference to the Code of Civil Procedure.

13. A person required merely to produce a document will (as under the Civil Procedure Code, section 164) be deemed to have complied with the requisition, if he causes the document to be produced instead of attending personally to produce it (section 95).

14. Section 99 of the Bill has been retained pending the opinion of Local Governments as to the expediency of its retention. It seems to be rendered superfluous by section 97.

Provision is made (section 104) for making a list (signed by witnesses) of things found in execution of a search-warrant beyond the jurisdiction of the Court issuing it. It is believed that the necessity of obtaining the signature of the witnesses will be of use as a check upon the irregularities which, it is said, sometimes occur in the course of searches. Criticism of this proposed change in the law is solicited.

15. A clause (section 101) has been inserted giving Presidency Magistrates, Magistrates of the first class, and Sub-divisional Magistrates, power to issue warrants to search for persons wrongfully confined. No such power, though needed, is supposed to exist in India, except, of course, in the Presidency-towns, where the High Courts issue, under Act X of 1875, directions of the nature of a *habeas corpus*.

IV.—Prevention of Offences.

16. Part IV, which relates to the prevention of offences, comes, it is considered, properly before Part VI, which relates to their prosecution. It comprises six chapters dealing respectively with security for keeping the peace and for good behaviour; the dispersion of unlawful assemblies; suppression of nuisances; disputes as to immoveable property; and, lastly, the preventive action of the Police.

17. In the chapter relating to security for keeping the peace, and for good behaviour, the section (107) dealing with security for keeping the peace on conviction has been extended to cases in which the accused is convicted of criminal intimidation by threatening injury to person or property. This is an offence of the same nature as taking unlawful measures with the intention of committing a breach of the peace, and should, therefore, as regards the taking of security, be placed on the same footing. When the conviction is set aside on appeal or otherwise, the bond will become void. On this the present law is silent.

In section 111 (=sections 505, 506 of the present Code) the words which give the Magistrate power to demand security from persons of notoriously bad livelihood or of a "dangerous character" have been omitted. It has been objected that these words are vague, and that the powers which they place in the hands of the police are liable to great abuse.

The Magistrate is empowered (section 113) to make an order as to the character and class of the sureties required. This, it is hoped, will prevent certain persons making a trade of becoming sureties. The object of the law (as will be seen from section 399 of the present Code) is not merely to provide a money-security, but also to obtain respectable persons as guarantees for the good behaviour of the criminal concerned.

For the purposes of the section (118) as to enquiring into the truth of the information upon which a Magistrate has acted under this chapter, the fact that a person is an habitual offender may be proved by evidence of general repute.

The Bill contains no provision corresponding to sections 499 of the present Code and 211 of the Presidency Magistrates' Act. If, before the expiration of the term of the original bond, it appears to the Magistrate unsafe to release the obligor at the end of that term, in justice to the obligor fresh proceedings should be instituted.

Some change has been made (section 118) in the manner of conducting inquiries regarding security for good behaviour. They will under the Bill be made as in warrant-cases, instead of as in summons-cases, which is now the practice. Where the person who would otherwise be

ordered to give security is a minor, the bond (section 119) will be executed only by his sureties. It has been made clear in section 127 that a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and Magistrate of the first class can cancel a bond on the application of a surety. Sub-divisional Magistrates are empowered (section 110) to require security for good behaviour.

18. In the chapter (IX) on dispersion of unlawful assemblies, volunteers enrolled under the Indian Volunteers Act, 1869, are placed on the same footing as soldiers of Her Majesty's Army.

19. In Chapter X, section 134 has been extended to cases of keeping goods or merchandise injurious to the public health, and of carrying on occupations offensive to the religious feelings of any considerable section of the community. Criticism is invited on the latter alteration, which is intended to meet such cases as that of a butcher exercising his trade in a Hindú town, so as to cause risk of breach of the peace.

The power conferred by section 518 of the present Code is intended to be exercised only in urgent cases where a speedy remedy is desirable. The Bill (section 145) provides that no orders under Chapter XI shall remain in force for more than two months, unless in case of danger to human life, health or safety, or a riot or affray, the Local Government directs otherwise. Where time allows the procedure must be under Chapter X.

20. Chapter XII, on disputes as to immoveable property, has been expressly restricted to cases in which the dispute is as to the right to *physical* possession.

Doubts have been raised as to whether the report of the person deputed (under section 149) to make a local inquiry may be read as evidence in the case. The Bill now settles this in the affirmative.

V.—Information to the Police, and their power to investigate.

21. Part V consists of a single chapter relating to information to the Police and their power to investigate. It corresponds with Chapter X of Act X of 1872, and sections 379 and 380 of the same Act.

22. The words "or that immediate arrest is not necessary," which are to be found in section 117 of Act X of 1872, have been omitted from section 158 of the Bill, as it is not apparent why a Police-officer should be debarred from investigating a case of a cognizable offence because he does not at starting feel himself justified in arresting any person.

23. Section 165 makes it clear that confessions to Magistrates shall not only be "taken," but signed and certified, like examinations of accused persons. In the form of memorandum relating to confessions words have been introduced to show that the confession was taken in the Magistrate's presence and hearing, and that it contains a full and true account of the statement.

24. The sections (166 and 167) dealing with searches by the police have been amended so as to meet difficulties which have arisen in practice. Section 168 has also been amended. On the one hand, there is strong objection to allowing an accused person to be detained at a Police-station longer than is necessary, and, on the other, to insist on his being forwarded to the Magistrate, when his presence on the spot may be indispensable for tracking out crime or recovering property, might be a serious impediment to justice. Under proper precautions, the retention of the accused for sufficient reasons will, as now, be allowed, but the period of detention has been limited to fifteen days in the whole.

25. Power resembling that conferred on Coroners by Act IV of 1871, section 11, has been given (section 177) to Magistrates authorized to hold inquests, to disinter and examine corpses in order to discover the cause of death.

VI.—Proceedings in Prosecutions.

26. Part VI treats of proceedings in prosecutions up to appeal, and is divided into sixteen chapters, arranged as follows:—

XV. Jurisdiction of Criminal Courts in Inquiries and Trials.
XVI. Complaints to Magistrates.
XVII. Commencement of Proceedings before Magistrates.
XVIII. Inquiry into cases triable by the Court of Session or High Court.
XIX. The Charge.
XX. Trial of Summons-Cases by Magistrates.
XXI. Trial of Warrant-Cases by Magistrates.
XXII. Summary Trials.
XXIII. Trials before High Courts and Courts of Session.
XXIV. General Provisions as to Inquiries and Trials.
XXV. Evidence.
XXVI. The Judgment.
XXVII. Submission of Sentences for Confirmation.
XXVIII. Execution.
XXIX. Suspensions, Remissions and Commutations of Sentences.
XXX. Previous Acquittals or Convictions.

It will be seen that the above-mentioned chapters are arranged, as nearly as may be, according to the chronological order of the events in a prosecution.

27. Chapter XV (as to the jurisdiction of the Courts in inquiries and trials) deals, first, with the place of inquiry or trial: and, secondly, with the conditions requisite for the initiation of proceedings.

Sections 9 and 10 of the Foreign Jurisdiction Act (XXI of 1879), which deal respectively with the liability of British subjects for offences committed out of British India, and with the reception in evidence of depositions made before Political Agents, have been transferred to this part of the Code (sections 189 and 190), which is obviously their proper place.

28. To the provisions contained in the existing law regarding the transfer of cases, there has been added a clause, providing that, when any Magistrate of the first class, specially empowered in this behalf by the Magistrate of a district, has taken cognizance of any case, he may transfer it for inquiry or trial to any other competent Magistrate in such district. This will enable such Magistrates to distribute the work in their Courts, when it is necessary to do so, with less delay than at present.

29. Section 196 requires that the sanction to entertain complaints of certain offences shall, so far as practicable, specify the place in which, and the occasion on which, the offence complained of was committed. Provision has been made for the revocation of the sanction by any authority to which the authority giving it is subordinate. And in order to remove doubts which have been felt on the point, it is declared that, for the purposes of this section, every Court shall be deemed to be subordinate to the Court to which appeals from the former Court ordinarily lie.

30. Chapter XVI, of complaints to Magistrates, corresponds to sections 144 to 147 of Act X of 1872, but adds (section 202) a provision that a complaint in writing made to a Magistrate not competent to entertain it shall be returned for presentation to the proper tribunal.

The Bill makes it clear that the power (section 203) to postpone the issue of process cannot be exercised by a Magistrate of the third class.

31. In Chapter XVIII, of inquiry into cases triable by the Court of Session or High Court, power is given (section 210) to the Magistrate to discharge the accused at any stage of the case if, for reasons to be recorded, the Magistrate considers the charge to be groundless.

32. Chapter XIX, of the charge, extends to the whole of British India the amendments in Act X of 1872, sections 439 to 459, made by Act X of 1875; and with reference to Mr. Justice West's observations in *Reg.* v. *Chand Hur*, 11 Bomb. 241, on the corresponding section (457) of Act X of 1872, section 239 of the Bill has been confined to offences consisting of several particulars, a combination of some only of which constitutes a complete minor offence.

From the section (236) relating to joinder of charges, corresponding with section 454 of the present Code, have been omitted all provisions as to the amount of punishment. They obviously belong to substantive law, not to procedure, and will find their proper place in the Penal Code. The illustrations have also been amended.

Provision has been made in section 239 for the case where a person charged with an offence proves circumstances which reduce it to a minor offence. He may then be convicted of the minor offence, though he is not charged with it.

33. Chapter XX, Trial of Summons-cases.—To the section (251) relating to frivolous and vexatious complaints, a clause has been added, providing that, when awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

34. In Chapter XXI, of trials of warrant-cases, as in Chapter XVIII, has been inserted a clause (section 254) authorizing the Magistrate to discharge the accused at any stage of the case if, for reasons to be recorded, the Magistrate considers the charge to be groundless. The provision (Act X of 1872, section 218) that the accused shall, while making his defence, be allowed to recall and cross-examine the witnesses for the prosecution, has been expressly confined (section 257) to cases where the witnesses are present in the Court or its precincts. The power to recall witnesses for the prosecution after they had left the Court is said to be often abused for the purpose of harassment and delay.

35. In Chapter XXII, summary trials, the Local Government has been authorized to confer on Benches invested with second or third class powers jurisdiction to try abetments of, and attempts to commit, the offences which they may now try summarily. The offences of retaining stolen property not exceeding Rs. 50 in value, and assisting in the concealment or disposal of stolen property not exceeding Rs. 50 in value, have been added to the list of those triable in a summary way; and the offence of receiving stolen property will not be so triable where its value exceeds that amount.

36. Chapter XXIII provides a common procedure for the High Court and the Court of Session, preserving, however, the special rules as to juries and their verdicts.

The power to stay proceedings on an unsustainable charge has been extended (section 274) to the Court of Session.

The power of directing how jurors shall be chosen by lot has been transferred to the High Court from the Local Government (section 277).

Where there are several accused persons and one of them has stated that he means to adduce evidence, the prosecutor (section 293) will be entitled to reply.

Where jurors or assessors have been taken to view the place in which the offence charged is alleged to have been committed, the Court has been empowered (section 294) to exempt them from being immediately brought back.

Where the Sessions Judge disagrees with a verdict of acquittal and submits the case to the High Court, he is required (section 308) to state the offence which he considers to have been committed, and the High Court is empowered to acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it. This, it is believed, is the intention of the corresponding clause of section 263 of Act X of 1872.

37. Chapter XXIV, General Provisions as to Inquiries and Trials.—At the instance of many authorities consulted, the power of tendering conditional pardons to accomplices, which is now exerciseable only in cases triable by the Sessions Court, has been extended (section 337) to all warrant-cases. This change, which has been advocated by many authorities, is an important one, and further opinions on its propriety are desirable.

38. Much doubt exists as to the offences which may lawfully be compounded. The Exception to section 214 of the Penal Code (in which the law on the subject is contained) is excessively obscure, and this obscurity is increased rather than diminished by the illustrations annexed to that section. The Bill repeals these illustrations; and section 345 declares in unmistakeable language that certain specified offences, and no others, may be compounded. These are—

Causing hurt (Penal Code, sections 323, 334, 337, 338).
Wrongfully restraining or confining (Penal Code, sections 341, 342).
Assault or use of criminal force (Penal Code, sections 352, 358).
Unlawful compulsory labour (Penal Code, section 374).
Mischief, when the loss or damage is caused to a private person (Penal Code, sections 426, 427).
Criminal trespass and house-trespass (Penal Code, sections 447, 448).
Criminal breach of contract of service (Penal Code, sections 490, 491, 492).
Adultery, and enticing, &c., a married woman (Penal Code, sections 497, 498).
Defamation (Penal Code, section 500).
Printing or engraving defamatory matter (Penal Code, section 501).
Sale of printed or engraved substance containing defamatory matter (Penal Code, section 502).
Insult intended to provoke a breach of the peace (Penal Code, section 504).
Criminal intimidation, except when the offence is punishable with imprisonment for seven years (Penal Code, section 506).

The offences of voluntarily causing hurt, voluntarily causing grievous hurt, and cheating, punishable under the Indian Penal Code, sections 324, 335 and 417, will be compoundable with the permission of the Court, and by the person to whom the hurt has been caused, or by the person cheated, as the case may be.

It will be necessary to pass simultaneously with the Bill a short Act declaring that, for the Exception to section 280 of the Penal Code, the following shall be substituted:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

39. In Chapter XXVI, as to judgment, section 367 allows the judgments of Mufassal Courts to be written in the mother-tongue of the presiding officer.

40. Chapter XXVIII, Execution.—In section 395 (= section 313 of the present Code) the imprisonment which may be inflicted in lieu of whipping has been limited to three months; but on the other hand, the proviso that the whole period of imprisonment to which the offender is sentenced shall not exceed that to which he was liable by law, or that which the Court is competent to award, has been cancelled, and the power to imprison is thus extended. Criticism is sought on this alteration.

41. There are no sections in this chapter corresponding with sections 319, 320 of Act X of 1872. The reason for this omission is that the matter with which they deal does not belong to criminal procedure, but falls within the scope of the Prisoners' Act, 1871; and it is proposed that, simultaneously with the passing of the present Bill, a short Act be passed, substituting for section 33 of the Prisoners' Act a section equivalent to Act X of 1872, sections 319, 320.

42. Chapter XXIX, Suspensions, Remissions and Commutations of Sentences.—Where application is made for the suspension or remission of a sentence, the Government is empowered (section 401) to require the presiding Judge of the Court before which the conviction was had to furnish a statement of the facts proved on the trial, and of any facts bearing on the propriety of granting or refusing the application.

The power of the Government to commute punishment (section 402) has been so worded as to authorize a sentence of rigorous, to be commuted to one of simple, imprisonment.

VII.—Appeal, Reference and Revision.

43. Part VII deals with appeals, references and the revisional jurisdiction of the High Court.

44. Chapter XXXI.—An appeal has been given (section 405) from orders rejecting applications for delivery of attached property.

45. Section 408 provides that the appeal from a District Magistrate exercising the enhanced powers conferred under section 34 shall lie to the Court of Session in cases in which the sentence has not been submitted to that Court for confirmation, and, when it has been so submitted, to the High Court. This puts the appeals in question on the same footing as appeals from an Assistant Sessions Judge. There seems to be no reason for making any distinction between the two.

46. Section 423, in accordance with a decision of the Madras High Court (I. L. R. 1 Mad. 54), declares that, when an Appellate Court enhances any punishment inflicted by the sentence appealed against, it may inflict punishment of a different kind.

47. In the case of an appeal from an acquittal, section 427 expressly authorizes the High Court to order the accused to be arrested and brought before it, and to commit him to prison pending the disposal of the appeal, or admit him to bail. In the absence of this power cases have occurred in which criminals, afraid of the result of the appeal, escaped, and made the appeal on behalf of the Government of no avail.

48. A section (431) suggested by a decision of the Bombay High Court (I. L. R. 2 Bomb. 564) provides that appeals by persons required to give security for good behaviour or by convicted persons abate on their death, and that appeals against acquittals abate on the death of the accused. The power of revision conferred by section 439 will enable the High Court, where justice to the family of the convicted person may so require, to alter his sentence even after the appeal has abated.

49. Chapter XXXII.—Sub-divisional Magistrates empowered by the Local Government in this behalf are authorized (section 435) to call for records of inferior Courts. This is in accordance with the powers of control in other respects which they exercise.

50. Where, in the opinion of the Court of Session or District Magistrate, an accused person has been improperly discharged by an inferior Court, the accused should not be committed without having had an opportunity of shewing cause why the committal should not be made (1 O'K. 98). Provision to this effect has been made by section 436.

51. When the Court of Session or District Magistrate reports for the orders of the High Court the results of examining any proceeding, and recommends that a sentence be reversed, the Court of Session or District Magistrate may order (section 438) its execution to be suspended, and the accused, if in confinement, to be released on bail or on his own bond.

52. Section 439 (corresponding with Act X of 1872, section 297) has been framed so as to allow the High Court, when exercising its revisional jurisdiction, to interfere with improper acquittals. There is reason to believe that this change is in accordance with the intention of the framers of Act X of 1872.

53. Where the High Court exercises its powers of revision, no order (section 440) will be made to the prejudice of the accused, unless he has had an opportunity of being heard.

VIII.—Special Proceedings.

54. Part VIII, as to special proceedings, deals with the procedure relating to the following matters:—criminal proceedings against Europeans and Americans: lunatics: contempts of Court and other offences affecting the administration of justice: maintenance of wives and children: State-prisoners: proceedings in the nature of *habeas corpus*.

55. Chapter XXXIII.—Section 451 removes some unnecessary differences which exist in the present law between the procedure of the High Courts and Courts of Session in cases in which European British subjects are concerned. In particular, it is provided that, in the Court of Session as well as in the High Court, the requisite moiety of the jury or assessors may be made up by Americans as well as Europeans. Under the present Code (section 78), the trial of a European British subject before the Court of Session need not be by jury. But under section 234 an European or American, not being a British subject, has an absolute right to be so tried. The Bill omits the latter provision.

56. Chapter XXXIV.—The power given by sections 433 and 434 of Act X of 1872, to discharge from custody or make over to his relative a person acquitted on the ground of insanity, has been extended, in sections 474 and 475, to the case of persons who, being found to be insane at the time of trial, are committed to custody.

57. Chapter XXXV.—This chapter (sections 476, 478, 479, 480, 482) has been expressly made applicable to Revenue Courts.

Section 477 has been framed so as to allow a Court of Session to charge a person for giving false evidence before itself,—a power of which such Courts were unintentionally deprived by section 472 of the present Code.

Where the Local Government so directs, Sub-Registrars will (section 483) be 'Civil Courts' within the meaning of section 480. The position and qualifications of Sub-Registrars vary in different provinces; but, in some parts of the country, they are believed to be fitted for the exercise of these powers.

Section 486 gives an appeal to the High Court from a conviction in a contempt case by a Court of Small Causes in a Presidency-town.

Section 487 has been redrawn so as to avoid the difficulty which is felt in determining the meaning of the words "offence committed in contempt of its own authority," which occur in the corresponding section (473) of Act X of 1872.

IX.—Supplementary Provisions.

58. Part IX contains certain provisions supplementary to the general rules of procedure contained in the Code. It deals, first, with the public prosecutor, bail, commissions for the examination of witnesses and special rules of evidence. It then contains certain provisions relating to bonds to keep the peace, for good behaviour, for appearance, &c.: the disposal of property regarding which an offence has been committed: the transfer of criminal cases: irregular proceedings; and, lastly, certain miscellaneous matters.

59. Chapter XXXIX, Public Prosecutor.—Power has been given to appoint as public prosecutor, in any case committed to the Session Court, a Police-officer not below the rank of Assistant District Superintendent. The entire exclusion of the police from such a function is, in the opinion of many authorities, inexpedient. With the limitation above described, there will be no fear of intimidation of witnesses or undue influence.

60. Section 505 exempts the Advocate General, Standing Counsel, Government Solicitor or other officer empowered by the Local Government from the necessity of obtaining permission to conduct prosecutions.

61. Chapter XL, Bail.—The powers here given to Police-officers have been expressly confined to officers in charge of Police-stations.

62. Chapter XLI, Commissions for Examination of Witnesses.—The provisions of the present law as to commissions for the examination of witnesses have been amended in four respects. Where the witness resides in a Native State, power has been given (section 513) to issue the commission to the Political Agent or other local officer representing the British Government. Section 515 requires that the interrogatories shall be thought relevant by the Magistrate or Court directing the commission. Where a Subordinate Magistrate wishes for a commission, he will (section 516) apply to the District Magistrate, and not (as at present) to the Sessions Judge: this will relieve the Court of Session of a duty which can be more conveniently performed by the District Magistrate. And power is expressly given (section 518) to stay the inquiry or trial for a specified time reasonably sufficient for the execution and return of the commission.

63. Chapter XLII, Special Rules as to Evidence.—In proving the existence of circumstances as a defence under the 2nd, 3rd, 5th, 6th, 7th, 8th, 9th or 10th Exception to section 499 of the Penal Code, section 521 of the Bill provides that good faith shall be presumed until the contrary appears. This is now the law in the Presidency-towns (Act XVIII of 1862, section 27) and may usefully be extended to the Mufassal.

64. Chapter XLIV, Disposal of property.—In accordance with a recent rule of the High Court at Bombay, section 528 declares that, when a High Court or Court of Session makes an order for the disposal of property, and cannot through its own officers conveniently deliver the property to the person entitled thereto, the Court may direct its order to be carried into effect by the committing Magistrate.

65. Orders under section 528 made in appealable cases will not be carried out until the time allowed for appealing has expired, or, if an appeal is presented in due time, until the appeal is dismissed.

66. Where an innocent purchaser buys stolen property and restores it to the lawful possessor, provision has been made (section 530) for payment of the price out of money found on the convicted thief. This is in accordance with 30 & 31 Vic., cap. 35, section 10.

67. Section 532 provides, in case of a conviction under the Penal Code, sections 292, 293, 501 or 502, for the destruction of the obscene books and defamatory matter in respect of which the conviction was had. It also provides for the destruction of adulterated or noxious food, drink or drugs in respect of which a conviction was had under sections 272—275 of the same Code.

68. Chapter XLV, Transfer of Criminal Cases.—Section 537 provides, in accordance with a Minute of Sir B. Peacock, cited I. L. R. 1 Calc. 223, that applications to the High Court for the transfer of cases shall be made by motion supported by affidavit or affirmation.

69. Chapter XLVI, Irregular Proceedings.—Tender of pardon under Chapter XXIV, and sale of property under section 535 or section 536, have been added to the list of proceedings which will not be set aside merely on the ground of the Magistrate not being duly empowered.

70. Chapter XLVII, Miscellaneous.—Power has been given (section 552) to the Local Government to fix places of imprisonment or custody. Moneys (other than fines) payable by virtue of any order made under the Code will be recoverable as if they were fines (section 558). The power to compel restoration of abducted females, which now exists only in the Presidency-towns, has been extended (section 562) to District Magistrates. Power has been given to the High Courts (section 564) to make rules for the inspection of the records of subordinate Courts. And as to miscellaneous criminal proceedings, if any doubt arise as to the procedure to be followed, the Court will be guided by such rules (consistent with the Code) as the High Court may make in this behalf (section 568). The Bill contains no clause equivalent to Act I of 1868, section 5, although similar provisions are contained in each of the Codes now consolidated (X of 1872, section 309, X of 1875, section 107, IV of 1877, section 12). The matter will be provided for by the Bill above-mentioned, to amend the Penal Code.

Schedules.

71. Schedules II and V, which correspond respectively with Schedules IV and II of Act X of 1872, have been altered so as to adapt them, not only to the Mufassal Courts, but to those of the Presidency Magistrates. The latter schedule now contains no less than 56 forms, which have stood the test of practice in the Presidency of Madras and the Panjáb.

The offence of voluntarily causing hurt has been made one for which the police may not arrest without a warrant. A like change has been made as to voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave it. The numerous investigations by the police into charges of "hurt," which the present law renders necessary, are said to distract the attention of the police-force from more important duties, and to result in little good to the public.

The offence of adultery has been made triable by a Presidency Magistrate and a Magistrate of the first class.

The paragraph relating to mischief by fire with intent to cause damage has been altered in accordance with a proposed amendment of section 435 of the Penal Code. This alteration has been made in order to check the offence, which is very common in some parts of the country, of setting fire to garnered crops. A cultivator may have the whole of his crop destroyed in this way, and yet if its value be less than Rs. 100 (as is often the case) he cannot obtain the aid of the police to arrest the offender without a warrant from a Magistrate.

The lists of powers contained in section 21 *et seq.* of Act X of 1872 have been thrown into Schedules III and IV of the Bill.

72. The Bill was published in the *Gazette of India* for the 5th, 12th and 19th April 1879, and circulated to the various Local Governments, with a request that it might be examined by selected local officers. This was done, and the result of the examination is contained in a thick folio volume. The Bill was then revised with reference to this mass of criticism, and to the cases reported since it was framed; and it may truly be said, in its present form, to be the work of the whole body of Indian Judges and Magistrates rather than of any individual or Department. The additions and changes (other than omissions) which have been made in this second revision are printed in italics. The chief omission is that of the sections relating to limitation, which, in deference to many high authorities, have been struck out as unsuited to India.

73. It is proposed that the measure shall not come into force till 1st January 1883,—ten years from the date on which the present Code came into force. This is five years after the date on which, according to Sir FitzJames Stephen, the Code should have been re-enacted. "I should say," he writes in his well-known Minute on the Administration of Justice in British India, "that this process ought to be repeated at least once in every five years for every important Act."

74. Excluding the special provisions of the Acts relating respectively to Coroners, European British vagrants and criminal tribes, the Bill is now, so far as Mr. Cockerell, Mr. Colvin, Mr. Fitzpatrick and myself have been able to make it, a complete body of criminal procedure. No pains have been spared to render its provisions plain and practical; and in return all competent persons are earnestly asked to point out the mistakes and omissions which, notwithstanding the careful and repeated revision it has undergone, they will doubtless discover in so large and complicated a work.

CALCUTTA;
The 25th February, 1881.

WHITLEY STOKES.

D. FITZPATRICK,
Secretary to the Government of India.

[Copy of an Index to the Criminal Procedure Consolidation Bill will be sent to all officers and other persons to whom the *Gazette of India* is supplied.]

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1881, and was referred to a Select Committee:—

No. 9 OF 1881.

A Bill to amend the Dekkhan Agriculturists' Relief Act, 1879, and for other purposes.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the Dekkhan Agriculturists' Relief Act, 1879, and to give effect to the registration of certain instruments executed before the said Act came into force and required to be registered under section 71 of the same Act; It is hereby enacted as follows:—

Preamble.

Short title. Commencement

1. This Act may be called "The Dekkhan Agriculturists' Relief Act, 1881:" and shall come into force at once.

"Section."

2. In this Act "section" means a section of the Dekkhan Agriculturists' Relief Act, 1879.

Repeal of last 14 words of section 2.

3. In section two the last fourteen words shall be repealed.

Amendment of section 19.

4. In section nineteen, first clause, for the words "there is no other claim against him," the words "the other debts (if any) due by him do not, taken together with such sum, amount to fifty rupees" shall be substituted; and to the same clause the words "of such sum" shall be added.

Addition to section 38.

5. To section thirty-eight, the following shall be added:—

"The expression 'officer of Police' in this section shall not be deemed to include a Police Patel appointed under Bombay Act No. VIII of 1867, (*for the Regulation of the Village Police in the Presidency of Bombay*)."

Amendment of section 48.

6. In section forty-eight after the word "suit" the words "or application" shall be inserted.

Addition to section 56.

7. To section fifty-six the following shall be added, namely,—

"or apply to any instrument which is not executed by an agriculturist otherwise than as a surety."

New section substituted for section 57.

8. For section fifty-seven the following section shall be substituted:—

"57. When any persons desire to execute any instrument to which section fifty-six applies, all the intending parties to such instrument shall appear before the Village Registrar appointed for the area in which the agriculturist, or when there are several agriculturists executing the instrument, any one of such agriculturists, resides, and such Registrar, after satisfying himself in such manner as he deems fit as to the identity of the intending executants and receiving from the intending parties the fee (if any) prescribed by the Local Government in this behalf, and the stamp (if any) which may be required by law, shall write the instrument, or cause the same to be written under his superintendence, and after reading the same aloud, or causing it to be so read in the hearing of the intending parties, shall require the intending executants to execute it in his presence.

Such instruments to be written by, or under the superintendence of, a Village Registrar and executed in his presence.

"Every instrument so written and executed shall at the time of execution be attested by the Village Registrar, and also, if any of the executants thereof is unable to read such instrument, by two respectable witnesses.

Attestation of such instruments.

"For the purposes of this section every executant of any such instrument shall appear in person before the Village Registrar, but every other party thereto may appear either in person or by any agent, being his relative, servant or dependent, whom he has duly furnished with a power of attorney authorizing him to appear and act on his behalf."

Amendment of section 58.

8. In section fifty-eight for the words "parties to any instrument have executed it," the words "intending executants have executed any instrument" shall be substituted.

New section substituted for section 71.

9. For section seventy-one the following section shall be substituted:—

"71. No instrument executed before the first day of November, 1879, and purporting to create any mortgage, lien or charge of, or upon, any immoveable property belonging to an agri-

All mortgages executed before the 1st November, 1879, to be produced before, and marked by, Village Registrar.

culturist, shall be received in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon by any such person or by any public officer unless such instrument has, before the first day of November, 1881, been produced before the Village Registrar appointed for the area in which the agriculturist, or where there are several such agriculturists, any one of the agriculturists, to whom such property belongs, resides, and been marked by such Registrar in such manner as the Local Government may by rule prescribe:

"Provided that nothing in this section shall—

"(*a*) apply to an instrument purporting to create a mortgage, lien or charge in favour of the Government or of any officer of the Government in his official capacity; or

"(*b*) prevent the admission of any instrument in evidence in any criminal proceeding."

Amendment of section 72.

10. In section seventy-two the words "against an agriculturist" shall be omitted, and in the same section after the word "money," the words "from a person who at the time when the cause of action arose was an agriculturist" shall be inserted.

New section substituted for section 75.

11. For section seventy-five the following section shall be substituted:—

Additional power to make rules.

"75. The Local Government may, from time to time, make rules:—

"(*a*) for defining more precisely what classes of persons shall be deemed to be agriculturists for the purposes of this Act;

"(*b*) generally for carrying out the provisions of this Act."

Certain instruments to be deemed produced before Village Registrar and marked under section 71.

12. Every instrument described in section seventy-one, as amended by this Act, which, before the passing of this Act, has been registered by a Village Registrar in accordance with rules prescribed in this behalf by the Inspector General of Registration, with the previous sanction of the Local Government, shall be deemed to have been duly produced before the Village Registrar and marked by him under the provisions of that section.

STATEMENT OF OBJECTS AND REASONS.

THE Bombay Government have brought to notice difficulties in the working of the Dekkhan Agriculturists' Relief Act, for the removal of which it appears necessary to make certain amendments in that Act, and to carry out those amendments this Bill has been prepared.

The first amendment provided for is in section 2 of the Act. That section enacts in effect that every agriculturist shall be deemed for the purposes of the Act to reside where he works as such. This rule is found to give rise to difficulty in the case of agriculturists holding land in more than one place, and it is accordingly proposed to repeal it altogether.

2. The first portion of section 19 of the Act confers on the Courts power to discharge an insolvent who owes a sum of less than fifty rupees under a decree, and against whom there is no other claim; but it makes no provision for the case of an insolvent judgment-debtor, against whom there are other claims, but of amounts so trifling that, taken with the amount of the decree, they do not amount to fifty rupees. There appears to be no reason why this latter case should not be treated on the same footing as the former, the insolvency chapter of the Bill being equally inapplicable to both, and the Bill accordingly amends the Act so as to give power to discharge the judgment-debtor from the balance due under the decree in either case.

3. Section 38 of the Act prohibits the appointment of "an officer of police" as a conciliator. A doubt has arisen as to whether a police patel is to be deemed an officer of police within the meaning of this provision, and at the instance of the local Government an explanation has been added to the section to show that he is not.

4. The amendment proposed in section 48 of the Act merely corrects an oversight in drafting.

5. The addition which it is proposed to make to section 56 of the Act, is intended to dispense with the necessity of having an instrument executed before the Village Registrar, merely because a party executing it *as a surety* is an agriculturist.

The changes made in sections 57 and 58 are intended merely to make the meaning clearer.

6. The new section, which it is proposed to substitute for section 71 of the Act, differs materially from the original one, though the object of both is the same, *viz.*, to prevent the fabrication of mortgage deeds purporting to have been executed before the Act came into force.

The section as it now stands in the Act aims at effecting this object by requiring all existing mortgage deeds to be registered before a certain date under the Indian Registration Act; but it has been found that the practical difficulties in the way of such registration are so great that it is necessary to abandon this procedure and substitute for it the simpler expedient proposed by the Bill, of requiring such deeds to be merely produced before and marked by the Village Registrar before a certain date.

7. Section 72 of the Act, which prescribes periods of limitation longer than the ordinary periods for certain suits against agriculturists, applies in every case in which the defendant is an agriculturist at the time the suit is instituted. This would, in some cases, where the defendant had become an agriculturist shortly before the institution of the suit, lead to anomalous results.

To prevent this the Bill amends the section, so that it will apply only when the defendant was an agriculturist at the time the cause of action arose.

8. Difficulties having arisen as to the construction of the definition of "agriculturist," section 75 of the Act, which gives the Local Government a power to make rules, has been recast so as to admit of rules being made, among other matters, to define more precisely what classes of persons shall be deemed to be agriculturists for the purposes of the Act.

9. Section 12 of the Bill is intended to put mortgage deeds, executed before the Act came into force, and registered under a system of questionable legality established by the Local Government, on the same footing as if they had been marked by the Registrar under the new section 71.

The 8th March, 1881.

J. GIBBS.
D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Acting Under Secretary to Government, Bombay, No. 7519, dated 9th November, 1880, and enclosures [Papers No. 1].
„ Chief Secretary to Government, Madras, No. 2624, dated 2nd November 1880, and enclosures [Papers No. 2].
„ Chief Secretary to Government, Madras, No. 2662, dated 17th November, 1880, and enclosure [Papers No. 3].
„ D. Sealy, Esq., Vakil, High Court, Bombay, dated 26th November, 1880 [Paper No. 4].
Note by Hon'ble J. Sewell White, Judge, High Court, Calcutta, dated 13th December, 1880 [Paper No. 5].
From Secretary to Government, Bengal, No. 67J., dated 7th January, 1881, and enclosures [Papers No. 6].
„ J. Crawford, Esq., Registrar, High Court, Calcutta, No. 970, dated 30th May, 1879 [Papers No. 7].
„ Ditto ditto, No. 279, dated 5th February, 1881 [Papers No. 7].
„ H. J. Stephen, Esq., Barrister-at-law, High Court, Calcutta, dated 10th February, 1881, and enclosure [Papers No. 8].

2. We have added a clause to section 6 of the Bill giving the High Courts the same powers over the Small Cause Courts as they have under the 15th section of the High Courts Act over Courts subject to their appellate jurisdiction.

3. We have altered the section (7) relating to the appointment of the Judges so as to provide that one-third at least of the Judges shall be advocates of a High Court. We think the professional members of the Court should be chosen from the advocates of the High Courts, who may be expected to have acquired some experience of the country.

4. The Bill as introduced made the rank and precedence of the Judges depend on the seniority of their appointment. This would not have answered, as it appears that each seat in the Court has a special rank and salary of its own, and the candidates for appointment are posted to particular seats in the Court with reference to their respective qualifications. The second Judge ought, therefore, always to rank above the third, the third above the fourth, and so on, without any reference to the dates of their appointment, and we have accordingly, in section 8, after providing that the Chief Judge shall be the first in rank, introduced words leaving it to the Local Government to fix the rank of the rest.

5. Another change we have made in the constitution of the Court established by the Bill as introduced, consists in the transfer to the Chief Judge of certain administrative powers (see section 13 and also sections 61 and 62), which, we think, would be more efficiently exercised by a single individual.

6. The only other amendment we need notice in this portion of the Bill is the insertion of a clause in section 13, providing for the appointment of a Registrar and a section (14) empowering the Local Government to invest him with jurisdiction to try suits up to the limit of Rs. 20 in value. This amendment has been made at the instance of the Government of Bengal, and there is a precedent for it in the Mufassal Small Cause Courts Act No. XI of 1865.

7. Turning now to the chapter relating to jurisdiction in respect of suits, the first change we have made will be found in section 18 of the amended Bill (= section 16 of the Bill as introduced). The reasons given for framing that section as it originally stood are thus given in the 7th paragraph of the Statement of Objects and Reasons:—

"Act IX of 1850, in conferring jurisdiction on the Courts up to a value of Rs. 500, confines its exercise to cases of defendants dwelling or carrying on business within the local limits. Act XXVI of 1864, on the other hand, in conferring jurisdiction between the values of Rs. 500 and Rs. 1,000, gives an alternative ground for its exercise, namely, the circumstance of the cause of action having arisen within the local limits. It has been urged by most of the

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authorities consulted that the basis of the jurisdiction should be the same in cases of all values. On the other hand, fears have been expressed by some that a power to institute a suit of the lower value against a defendant residing at a distance might be liable to abuse unless some limitation were imposed. The correct view of the matter seems to be that taken by the Judges of the Madras High Court and Mr. Busteed, namely, that in this particular no distinction should be made between the High Court and the Small Cause Court, and accordingly the Bill has been drawn so as to place the jurisdiction of the Small Cause Court in this respect on precisely the same footing as that on which the jurisdiction of the High Court is placed by the Letters Patent."

The objection to the power to institute a suit in the Small Cause Court against a defendant residing at a distance has been again urged, and it is one to which we feel compelled to yield. We have accordingly inserted words requiring the leave of the Court to be obtained when it is proposed to institute a suit against a defendant residing beyond the local limits of the jurisdiction, and we have made this provision applicable to all suits without regard to value. The original scheme of putting the Small Cause Court jurisdiction on the same footing in this particular as the jurisdiction of the High Court being thus broken in upon, we have thought it best to bring the remainder of the section into conformity with the corresponding provisions of the Code of Civil Procedure.

8. In the following section, which excludes certain classes of suits from the jurisdiction of the Small Cause Court, we have omitted the second clause, "suits against the Secretary of State in Council," as it appears to be generally objected to, and we have added the following:—

(1) suits for the specific performance or rescission of contracts generally (such suits are, as regards contracts relating to immoveable property, excluded by the Bill as introduced);
(2) suits for compensation for malicious prosecution;
(3) suits for the cancellation or rectification of instruments;
(4) suits relating to general average and to insurances on sea-going vessels;
(5) suits for compensation in respect of collisions at sea;
(6) suits for compensation for the infringement of a patent, copy-right or trade-mark;
(7) suits for a dissolution of partnership or for an account of partnership transations;
(8) suits for declaratory decrees;
(9) suits in which the plaintiff's claim depends on the decision of a question as to religious rites or ceremonies;
(10) suits for possession of a hereditary office;
(11) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States.

The reasons for excluding these suits are so obvious that it is unnecessary to state them.

9. We have struck out the second clause of section 21 (new numbering), which deprived a plaintiff of costs in certain cases if he elected to institute in the High Court a suit against an officer of the Small Cause Court for a wrong done by him under colour of its process. We think that in all such cases a plaintiff should be allowed a free choice.

10. We have also struck out the latter portion of section 22 (new numbering), which specified the grounds on which a Judge in other cases, in which suits cognizable in the Small Cause Court are instituted in the High Court, may certify for costs, as we think that in such a matter the Judge should be allowed a full discretion.

11. Proceeding next to chapter V relating to procedure in suits, we desire to state that we have most carefully considered the objections urged against the first section of that chapter which applies to the Small Cause Courts a large portion of the Code of Civil Procedure.

Those objections, in so far as they come from the public, proceed chiefly from those classes of persons who most frequently appear as plaintiffs in suits of a very simple description, and we can well understand the apprehension they feel that the application of so large portion of the ordinary procedure may, in suits of that class, give rise to complication and delay. But it must be remembered that the great bulk of the provisions so extended are of such a nature as to be applicable only in exceptional cases, and we think that any one who follows the thread of the provisions applicable to ordinary suits will find the procedure to be extremely simple. Moreover, we find that a considerable portion of the Code has been actually in force for some time past in the Madras Small Cause Court, where the statistics show the amount of work performed by each Judge to be as large as in the Small Cause Courts at Calcutta and Bombay, and we further find that the Judges of the Calcutta Small Cause Court themselves propose to apply with little variation the great bulk of the sections contained in the second schedule to this Bill.

12. We have, however, in deference to the apprehensions which have been expressed, gone through the schedule item by item, and have struck out some portions; among others those requiring copies of the plaint or concise statements to be filed with the plaint, those relating to discovery, those requiring judgments to be in writing, and the whole chapter relating to pauper suits.

We have, moreover, in order to relieve the Judges, inserted in the body of the Bill a section (35) based on section 637 of the Code, empowering the Court to direct that any non-judicial or quasi-judicial act which the Code requires to be done by a Judge shall be done by a ministerial officer, and we think that the procedure as now settled is as simple as it can safely be made, and as the majority of the litigants would desire it to be.

13. We have added a section providing that no decision passed under the Act shall be conclusive, except as to the right to the relief granted or the absence of a right to the relief withheld by it. This provision, which cuts away to a great extent the doctrine of *res judicata*, will no doubt leave it open to persistent parties to litigate a second time questions which may have been already carefully considered and well decided; but we think it better to take the risk of this than to take the risk of having difficult questions of title to property of large value and complicated issues governing extensive transactions finally decided under an Act like this in the first petty case in which they may chance to present themselves.

14. We have extended section 27 (new numbering) to cases in which the plaintiff does not altogether fail in his suit, but fails to recover the full amount of his claim and to cases in which unfounded objections are made to the attachment of property in execution of decree.

15. Section 30 is new. The law, as it at present stands in this country, would appear to be peculiarly indulgent to tenants in the matter of the right to remove what they may have attached to the soil, and yet the holder of a decree of the Small Cause Court is probably precluded (unless he chooses to resort to the High Court) from taking in execution of such decree even some such things as might be taken under a *fieri facias* in England. It has, at all events, been held that though tenants in Calcutta have a right to remove "tiled huts," such huts cannot be taken in execution of decrees of the Small Cause Court. The landlords complain of this as a hardship, and we think not without reason; but the remedy should not, in our opinion, be limited to this particular case, and we have accordingly provided that anything which the tenant would be entitled to remove during his tenancy may be taken in the execution of a decree against him as if it were a moveable.

16. We have at the instance of the Judges of the Calcutta Small Cause Court substituted for the latter portion of section 230 of the Code a section (28) providing that no decree of a Small Cause Court shall be executed after the lapse of three years from the date on which it is passed, unless the judgment-debtor by force or fraud has prevented its execution within the three years.

17. We have, in section 34 of the Bill, restored section 31 of Act IX of 1850, which allows minors to sue for a sum not exceeding Rs. 500 due for wages, or piece-work or for work as a servant, as if they were of full age, but we have, to prevent mistake, expressly limited it to cases where such money is due under section 70 of the Contract Act, the only law, as we believe, under which a minor can now acquire a right to such money.

18. The only other amendment we have to notice in the chapter relating to procedure is the insertion of certain sections (36 to 38) providing for the exercise of the jurisdiction which may be conferred on the Registrar under section 14.

19. We have introduced a new chapter (VI) to include the section providing for a new trial and certain additional sections establishing a mode of having a suit of a value above Rs. 500, re-heard in the High Court, as if it had been instituted in that court. These sections, which have been proposed by Mr. Kennedy, are based on the provisions enacted by the 14th & 15th Vic. c. 57, for the Irish Civil Bill Courts, and they have in our opinion this advantage, that they provide, in cases where there has been a failure of justice, a substitute for an appeal without entailing the necessity of any elaborate record of evidence being kept by the Court below.

20. We have omitted the chapters which would have conferred on the Small Cause Courts jurisdiction in certain classes of insolvency and probate business, as we believe that unless the Court were to hear cases which, owing to their intricacy and difficulty, ought to be removed into the High Court, the saving of time to the High Court would be altogether unimportant. There is no doubt that the High Courts at present dispose of much petty business of these classes, but it is done for the most part in the offices of the Court, and costs the Judges little time or labour.

We may add that, so far as the grant of probates and letters of administration is concerned, we believe that the object in view will be better secured by the extension of the certificate system effected by Act No. IX of 1881.

21. We have confined section 59, which prevents the fees of a legal practitioner being recovered as costs unless his employment is held to be reasonable, to cases where the amount or value in dispute is less than Rs. 20. We do not see why in cases where a larger amount is at stake the ordinary rules as to allowing costs should not apply.

22. Lastly, we have inserted a section (72) to determine the functions of legal practitioners in the Small Cause Court. Its first clause provides that no persons other than advocates, attorneys and vakíls of the High Court and *persons who are now pleaders of the Small Cause Court* shall appear, plead or act in the Small Cause Court. We do not think it desirable to admit an inferior class of legal practitioners, whose business would be confined to the Small Cause Courts, and, accordingly, while we would save the rights of pleaders already admitted, we would bar the admission of any others.

The second clause of the section confines the right to conduct as counsel a suit at the hearing, in the extended jurisdiction now for the first time conferred on the Court, to advocates and vakíls of the High Court, and requires that a barrister so conducting a suit shall be instructed by an attorney or vakíl, or by a pleader of the Small Cause Court. The reasons for this latter requirement are obvious.

The section, it need hardly be mentioned, saves the right of parties to conduct their own cases, and appear for one another, and also the rights of recognized agents.

23. The publication of the Bill, with its Statement of Objects and Reasons, in English, has been reported by the Governments of Madras, Bombay and Bengal. We consider that the changes now made are such as to render its re-publication desirable; and we have accordingly altered the date on which it should come into force to the 1st January, 1882, and recommend that it now be re-published.

The 4th March, 1881.

WHITLEY STOKES.
J. GIBBS.
G. C. PAUL.
JOTÍNDRA MOHAN TAGORE.

I THINK that the limit in section 22 ought to be reduced from Rs. 2,000 to 1,000. In other respects I agree in the report.

J. PITT KENNEDY.

No. II.

THE PRESIDENCY SMALL CAUSE COURTS BILL, 1880.

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No. II.

A Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

Short title. **Commencement.** 1. This Act may be called "The Presidency Small Cause Courts Act, 1881"; and it shall come into force on the first day of January, 1882.

But nothing herein contained shall affect the provisions of the Army Discipline and Regulation Act, 1879, section 144.

Repeal of enactments. 2. On and from the day on which this Act comes into force, the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted and appointments made under any of the said enactments shall, as far as may be, be deemed to have been respectively constituted and made under this Act.

References in previous Acts. All references to any enactment hereby repealed made in Acts passed prior to the day on which this Act comes into force shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

Amendment of Acts. 3. In Act No. XXIII of 1850 (*for securing the Land-Revenue of Calcutta*), section 3, the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for recovery of small debts referred to in the said Act" and "the said Commissioners," the words "the Judges of the Court of Small Causes at Calcutta" shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "chapter XXXIX," the words and figures "and by the Presidency Small Cause Courts Act, 1881," shall be inserted.

"Small Cause Court" defined. 4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established. 5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court, to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

New. See 8 Bom. H. C. Rep. (O. C. J.) 59 and sec. 652 of Act X of 1877.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure; and the High Court shall have, in respect of the Small Cause Court, the same powers as it has under the 24th & 25th of Vic., chapter 104, section 15, in respect of Courts subject to its appellate jurisdiction.

Court to be deemed under superintendence, &c., of High Court.

See Act XXVI of 1864, s. 12: Act IX of 1850, s. 5.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint a person to be Chief Judge, and so many other persons as it thinks fit to be Judges of the Small Cause Court: Provided that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts.

Appointment, suspension and removal of Judges.

Act IX of 1850, s. 10.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed.

See Act XXVI of 1864, s. 14.

8. The Chief Judge shall be the first of the Judges in rank and precedence.

Rank and precedence of Judges.

Act XVII of 1877, s. 6.

The other Judges shall have rank and precedence as the Local Government may, from time to time, direct.

Act XVII of 1877, s. 119. (Cf. Act IX of 1850, s. 23.)

9. Except as otherwise provided by this or any other law for the time being in force, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force.

Delegation of powers of Court to its members.

Act XXVI of 1864, s. 14.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

Chief Judge to distribute business of Court.

Act XI of 1869, s. 33.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question, the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the Judge first in rank and precedence of the Judges so differing, shall have the casting voice.

Procedure in case of difference of opinion.

Act XVII of 1875, s. 10(b). (Cf. Act IX of 1850, s. 24.)

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

Seal to be used.

Act IX of 1850, ss. 13-15.

13. The Local Government may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the chief ministerial officer of the Court;

and the Chief Judge may, from time to time, subject to the control of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

Appointment of Registrar and ministerial officers.

The Registrar and other officers so appointed shall exercise such powers, and discharge such duties, of a ministerial nature as the Chief Judge (subject to the control of the High Court) may, from time to time, by rule, direct.

Cf. Act IX 1850, ss. 14 16: Act XVII 1877, s. 22.

Powers and duties of such officers.

The Chief Judge may suspend or remove any Registrar or other officer so appointed; but the removal of any Registrar or officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Act XVII 1875, s. 70.

New.

14. The Local Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject-matter does not exceed twenty rupees. And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

Registrar may be invested with powers of a Judge in suits not exceeding twenty rupees.

Act IX of 1850, ss. 9 and 17.

15. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an Advocate, Attorney, Vakíl or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Judge or other officer not to practise or trade.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian Legislature.

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

Cf. Act XV of 1876. See s. 37 of Act IX of 1850.

16. All questions other than questions relating to procedure or practice which arise in suits or other proceedings under this Act in the Small Cause Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

Act IX of 1850, s. 5.

17. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Local limits of jurisdiction of Court.

Act IX of 1850, ss. 25 and 32: Cf. Act X of 1877, s. 11.

19 & 20 Vic., c. 106, s. 24.

Letters Patent of 1865, s. 12.

18. Subject to the exceptions in section nineteen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature—

Suits in which Court has jurisdiction.

when the amount or value of the subject-matter does not exceed two thousand rupees: and

(*a*) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons to be recorded by it in writing, been given before the institution of the suit; or

(*b*) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business, or personally work for gain within such local limits; or

(*c*) any of the defendants, at the time of the institution of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, within such local limits: and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Act IX of 1850, s. 25.

Suits in which Court has no jurisdiction.

19. The Small Cause Court shall have no jurisdiction in—

(*a*) suits concerning the assessment or collection of the revenue;

(*b*) suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or the Local Government;

(*c*) suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or judicial officer;

(*d*) suits for the recovery of immoveable property;

(*e*) suits for the partition of immoveable property;

(*f*) suits for the foreclosure or redemption of a mortgage of immoveable property;

(*g*) suits for the determination of any other right to or interest in immoveable property;

(*h*) suits for the specific performance or rescission of contracts;

(*i*) suits to obtain an injunction;

(*j*) suits for the cancellation or rectification of instruments;

(*k*) suits to enforce a trust;

(*l*) suits relating to general average and to insurances on sea-going vessels;

(*m*) suits for compensation in respect of collisions at sea;

(*n*) suits for compensation for the infringement of a patent, copy-right or trade-mark;

(*o*) suits for a dissolution of partnership or for an account of partnership-transactions;

(*p*) suits for an account of property and its due administration under the decree of the Court;

(*q*) suits for compensation for libel, slander, malicious prosecution, adultery or breach of promise of marriage;

(*r*) suits for the restitution of conjugal rights, for the recovery of a wife, or for a divorce;

(*s*) suits for declaratory decrees;

(*t*) suits in which the plaintiff's claim depends on the decision of a question as to religious rites or ceremonies;

(*u*) suits for possession of a hereditary office;

(*v*) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;

(*w*) suits on any judgment of a High Court; 19 & 20 Vic., c. 108, s. 22.

(*x*) suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Act XXVI of 1864, s. 1.

20. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Acts XXIII of 1853, s. 11, and XIV of 1859, s. 1.

21. All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff as if this Act had not been passed.

Suits by and against officers of Court.

Act XXVI of 1864, s. 16, and Act XIV of 1867, s. 10.

22. If any suit cognizable by the Small Cause Court, other than a suit to which in section twenty-one [illegible] applies, is instituted in the High Court, and if in such suit the plaintiff obtains, in the case of a suit founded on contract, a decree for any matter of an amount or value less than two thousand rupees, and in the case of any other suit a decree for any matter of an amount or value of less than three hundred rupees, no costs shall be allowed to the plaintiff;

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

The foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

CHAPTER V.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

23. The chapters and sections of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend, and shall, so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act.

Res judicata.

24. Notwithstanding anything contained in section 13 of the Code of Civil Procedure, no decision passed under the provisions of this Act shall be conclusive as to anything except the right at the time of such decision to the relief granted thereby, or the absence of a right at such time to any relief claimed by the plaintiff and withheld by such decision.

Illustrations.

(*a*). A sues B in the Small Cause Court for compensation for damage done by B to a house which A alleges to be his own. B denies that the house is A's. The Court decides that the house is A's, and that he is entitled to Rs. 100 compensation. The decision is conclusive as to A's right to the compensation, but not as to his title to the house, and, if A subsequently sues B for further damage done to the same house, B is not precluded from again questioning A's title.

(*b*). A sues B in the Small Cause Court for an instalment alleged to be due on a bond purporting to be executed by B. B denies the execution of the bond. The Court finds the execution proved, and gives A a decree for the amount of the instalment. A subsequently sues B for a later instalment on the same bond; B is not precluded from again denying the execution.

(*c*). A sues B as in illustration (*b*). B denies the execution of the bond, and the Court, finding that B's signature was forged, dismisses the suit. This does not preclude A from suing again on the bond.

(*d*). A sues B in the Small Cause Court for possession of a horse which A alleges to be his property, and to have been lent to B to use during A's pleasure. B denies that the horse is A's. The Court finds that the horse is A's, and gives him a decree for possession, and A recovers possession of the horse. B, subsequently alleging that the horse is his, sues A for possession of it. The decision in the former suit is no bar to B.

No written statement except in cases of set-off.

25. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Return of documents admitted in evidence.

26. When a period of eight days from the decision of a suit has expired without any application for a new trial or re-hearing of such suit having been made, or, when any such application has been made within such period and such application has been refused, or the new trial or re-hearing (as the case may be) has ended, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 143 of the Code of Civil Procedure, be entitled to receive back the same:

Provided that a document may be returned at any time before any of such events if the person applying for such return delivers to the proper officer a certified copy of such document to be substituted for the original. Provided also that no document shall be returned which by force of the decree has become void or useless.

On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving it, in a receipt-book to be kept for the purpose.

Compensation payable by plaintiff to defendant in certain cases.

Act IX of 1850, s. 42.

27. In any suit in which the defendant appears and does not admit the claim, and the plaintiff does not obtain a decree for the full amount of his claim, the Small Cause Court may in its discretion order the plaintiff to pay to the defendant, by way of satisfaction for his trouble and attendance, such sum as it thinks fit.

When any claim preferred, or objection made, under section 278 of the Code of Civil Procedure, is disallowed, the Small Cause Court may in its discretion order the person preferring or making such claim or objection to pay to the decree-holder, or to the judgment-debtor, or to both, by way of satisfaction as aforesaid, such sum or sums as it thinks fit.

Any order under this section may, in default of payment of the amount payable there-under, be enforced by the person in whose favour it is made against the person against whom it is made as if it were a decree of the Court.

Bar to applications for execution of decrees.

28. No application to execute a decree passed under this Act shall be received after the expiration of three years from the date of such decree, unless the judgment-debtor has, within the three years following such date, by force or fraud prevented the execution of such decree.

Decree-holder to accompany officer executing warrant.

29. Whenever the Small Cause Court issues a warrant for the arrest of a judgment-debtor or the attachment of his property, the decree-holder, or some other person on his behalf, shall accompany the officer of the Court entrusted with the execution of such warrant, and shall point out to such officer the judgment-debtor or the property to be attached, as the case may be.

Things attached to immoveable property and removeable by tenant to be deemed moveable in execution.

30. When the judgment-debtor under any decree of the Small Cause Court, is a tenant of immoveable property, anything attached to such property, and which he might before the termination of his tenancy lawfully remove without the permission of his landlord, shall, for the purpose of the execution of such decree, be deemed to be moveable property, and may, if sold in such execution, be severed by the purchaser, but shall not be removed by him from the property until he has done to the property whatever the judgment-debtor would have been bound to do to it if he had removed such thing.

Discharge of judgment-debtor on sufficient security.

Act IX of 1850, s. 68.

31. Whenever any judgment-debtor, who has been arrested in execution of a decree of the Small Cause Court, offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged.

Act IX of 1850, s. 71. (See I.L.R. 5 Calc., p. 294.)

Court may in certain cases suspend execution of decree.

32. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time, for such time and upon such terms as it thinks fit, suspend the execution of such decree.

Act XI of 1865, s. 20.

Execution of decree of Small Cause Court by other Courts.

33. If the judgment-debtor under any decree of the Small Cause Court has not, within the local limits of its jurisdiction, moveable property sufficient to satisfy the decree, the Court may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within the local limits of whose jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Act IX of 1850 s. 81.

Minors may sue in certain cases as if of full age.

34. Notwithstanding anything contained in the Code of Civil Procedure as applied by this Act, any minor may institute a suit for any sum of money, not exceeding five hundred rupees, which may be due to him under section seventy of the Indian Contract Act, 1872, for wages or piece-work or for work as a servant, in the same manner as if he were of full age.

Act X of 1877, s. 637.

Power to delegate non-judicial duties.

35. Any non-judicial or quasi-judicial act which the Code of Civil Procedure as applied by this Act requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code as so applied, may be done by the Registrar of the Small Cause Court or by such other officer of that Court as that Court may, from time to time, appoint in this behalf.

The High Court may, from time to time, by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Registrar to hear and determine suits like a Judge.

36. The suits cognizable by the Registrar under section fourteen shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Proviso.

Provided that, subject to the orders of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

Registrar may execute all decrees with the same powers as a Judge.

37. The Registrar may receive applications for the execution of decrees of any value passed by the Court, and may commit and discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

Decrees and orders of Registrar to be subject to new trial as if made by a Judge.

38. Every decree and order made by the Registrar in any suit or proceeding shall be subject to the same provisions in regard to new trial as if made by a Judge of the Court.

CHAPTER VI.

NEW TRIALS AND REHEARING.

Judgments and orders of Court final.

(Cf. Act XI of 1865, s. 21.) Cls., rule 23.

39. Save as is herein specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive; but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit (not being a decree passed under section 522 of the Code of Civil Procedure) order a new trial to be held upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

Power to order new trial in Small Cause Court.

Application for re-hearing in High Court.

40. Any party may, within eight days after the judgment in any suit in which the amount or value of the subject-matter exceeds five hundred rupees, apply to the High Court for an order that such suit may be re-heard.

Such application shall be supported by affidavits, and, in case the applicant has appeared by advocate, vakil or attorney, by a certificate from the leading Counsel at the hearing that in his opinion there are good grounds for re-hearing the suit, and, if on hearing such application, the High Court is of opinion that there has been a miscarriage or failure of justice, or that there are other good grounds for such re-hearing, the Court shall make an order *ex parte*, on such terms as it thinks fit, for such re-hearing and fix a day for the same, whereof notice shall be given to the opposite party.

The rules contained in sections 545, 546 and 547 of the Code of Civil Procedure relating to staying and executing decrees under appeal, shall apply in the case of applications under this section as if such applications were appeals from the decisions of the Small Cause Court.

Procedure at re-hearing.

Mr. Kennedy's draft, s. 37.

41. On the day fixed under section forty or on any other day to which the hearing may be adjourned, the High Court, or some Judge thereof, shall proceed to hear and determine the case as if the same were a suit brought in such High Court in its ordinary original civil jurisdiction, in which the plaintiff in the Small Cause Court was plaintiff, and the defendant in such Court was defendant, and in which written statements had not been ordered to be filed; and, except as herein otherwise provided, all the practice and procedure of such High Court in respect of suits brought in its ordinary original civil jurisdiction, shall be followed in suits re-heard under this section: Provided that there shall not be any appeal from any judgment, decree, or order under this section.

Execution of decree of High Court.

Mr. Kennedy's draft, s. 37.

42. Every decree or order made by any High Court upon any such rehearing may either be executed by such High Court in the same manner as other

decrees or orders of such Court or may, in the discretion of the High Court, be remitted to the Small Cause Court for execution.

CHAPTER VII.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

Act IX of 1850, s. 91. 19 & 20 Vic., c. 108, s. 50.

43. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission of, another person, or of some person through whom such other person claims,

Summons against person occupying property without leave.

and such tenancy or permission has been determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him, (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Act IX of 1850, s. 94.

44. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Service of summons.

Act IX of 1850, ss. 92, 93. 19 & 20 Vic., c. 108, s. 50.

45. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section forty-three, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Order for possession.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Act IX of 1850, s. 93.

46. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant: and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Such order to justify bailiff entering on property and giving possession.

Act IX of 1850, s. 95.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

47. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity:

Act IX of 1850, s. 96.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings.

Occupant may sue for compensation.

when no such damage is proved, the suit shall be dismissed; and when such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the case certifies that in his opinion full costs should be awarded to the plaintiff.

48. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Act IX of 1850, s. 98.

Liabilty of applicant obtaining order when not entitled.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Act IX of 1850, s. 97.

Application for order in such case an act of trespass.

49. Whenever on an application being made under section forty-three the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court against the applicant for compensation for trespass, and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

Act IX of 1850, s. 97.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section forty-five.

Nothing contained in section twenty-two shall apply to suits under this section.

50. In all proceedings under this chapter, the Small Cause Court shall, as far as may be and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

New.

Proceedings to be regulated by the Code of Civil Procedure.

51. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

Act IX of 1850, s. 98.

Recovery of possession no bar to suit to try title.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

Act XI of 1865, s. 32.

52. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under chapter VII of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits,

Reference when compulsory.

Act XXVI of 1864, s. 7.

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires,

(Ordinary references provided for by s. XLVI, C. P. Code.)

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion.

Act XXVI of 1864, s. 8.

53. When judgment is given under section fifty-two contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment:

Security to be furnished on such reference by party against whom contingent judgment given.

Act XXVI of 1864, s. 9. See 16 B. L. R., p. 183.

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into Court, and the same has been paid accordingly.

Act IX of 1880, ss. 19 & 20. Act XXVI of 1864, s. 11.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

If no such security given, party to be deemed to have submitted to judgment.

CHAPTER IX.

FEES AND COSTS.

Act IX of 1850, s. 80. See Kennedy's Act, s. 26.

Institution-fee.

54. A fee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees—the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees—the sum of sixty-two rupees eight annas, and one anna in the rupee on the excess of such amount or value, over five hundred rupees,

shall be paid on the plaint in every suit, and every application under section forty or section forty-three; and no such plaint or application shall be received until such fee has been paid.

A fee of ten rupees shall be paid on the filing of every agreement under chapter XXXVIII of the Code of Civil Procedure.

55. The fees specified in the third and fourth columns of the third Schedule hereto annexed shall be paid previous to the issue in any suit or in any proceeding under chapter VII of this Act of the processes, to which the said columns respectively relate, by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule.

Fees for processes.

56. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Act IX of 1850, s. 20.

Repayment of half fees on settlement before hearing.

57. The Small Cause Court may, whenever it thinks fit, receive and register suits instituted, and applications under section forty-three made, by poor persons, and may issue processes on behalf of such persons, without payment of the fees mentioned in sections fifty-four and fifty-five, or on a part-payment of such fees.

Act IX of 1850, s. 20.

Fees and costs of poor persons.

58. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under sections fifty-four and fifty-five:

Act IX of 1850 s. 2

Power to vary fees.

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

59. The expense of employing an advocate, vakíl, attorney or other legal practitioner incurred by any party shall not be allowed as costs in any suit or in any proceeding under chapter VII of this Act, in the Small Cause Court, in which the amount or value of the subject-matter does not exceed twenty rupees, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

Act XXVI of 1864, s. 13.

Expense of employing legal practitioners.

60. Nothing contained in this chapter shall affect the provisions of sections 3, 5 and 25 of the Court Fees Act, 1870.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

CHAPTER X.

MISCONDUCT OF INFERIOR MINISTERIAL OFFICERS.

61. The Chief Judge may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other inferior ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Act XVII of 1875, s. 70; Act XVII of 1877, s. 36; Act IX of 1850, s. 86.

Power to fine officers.

62. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, represents the amount of the damage sustained by such person thereby.

Act IX of 1850, s. 85.

Default of bailiff or other officer in execution of order or warrant.

63. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him

Act IX of 1850, s. 86.

Extortion or default of officers.

under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

64. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Act IX of 1850, s. 35.

Enforcement of order.

65. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XI.

CONTEMPT OF COURT.

Act X of 1872, s. 485. Act IV of 1877, s. 205. Cf. also draft Code of Criminal Procedure, s. 480.

Procedure of Court in certain cases of contempt.

66. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and sentence the offender to fine not exceeding two hundred rupees, and in default of payment to imprisonment in the civil Jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

67. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X of 1872, s. 486. Act IV of 1877, s. 206. Cf. draft Code of Criminal Procedure, s. 488.

Procedure where Court considers that the case should not be dealt with under section 66.

68. If the Court considers that a person accused of any offence referred to in section sixty-six and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section sixty-six, the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment as provided in the section of the Indian Penal Code under which he is charged.

Act X of 1872, s. 437. Act IV of 1877, s. 207. Cf. draft Code of Criminal Procedure, s. 484.

Discharge of offender on submission or apology.

69. When the Court has, under section sixty-six or section sixty-eight, sentenced an offender to punishment, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender, or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Act X of 1872, ss. 356-364. Act X of 1875, s. 89. Act IV of 1877, s. 141. Cf. draft Code of Criminal Procedure, s. 485. (Also see Act IX of 1850, s. 49.)

Imprisonment or committal of person refusing to answer or produce document.

70. If any witness before the Small Cause Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section sixty-six or sixty-eight.

Draft Code of Criminal Procedure, s. 287.

Appeal from orders under sections 66 and 70.

71. Any person deeming himself aggrieved by an order under section sixty-six or section seventy may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals shall, so far as may be, apply to appeals under this section.

CHAPTER XII.

MISCELLANEOUS.

Who may appear, &c.

72. No person other than an advocate, vakíl or attorney of the High Court, or a person who is at the time this Act comes into force a pleader of the Small Cause Court, shall appear, plead or act in any suit or proceeding in the Small Cause Court under this Act, and

no person other than—

(*a*) an advocate of the High Court instructed by a vakíl or attorney of such Court or by a pleader of the Small Cause Court, or

(*b*) a vakíl of the High Court,

shall address the Court or examine witnesses at the hearing of any such suit in which the amount or value of the subject-matter exceeds one thousand rupees.

Nothing in this section shall affect the right of any party to conduct his own case or that of any other party to the suit, or the right of any recognized agent of a party under the Code of Civil Procedure as applied by this Act.

Act X of 1877 s. 634.

Persons by whom process may be served.

73. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by such persons as the Court, from time to time, appoints in this behalf.

Act XVII of 1875, s. 99.

Registers and returns.

74. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may,

subject to the approval of the Local Government, be prescribed by the High Court.

Act XI of 1855, s. 53. Letters Patent, s. 43.

Court to furnish records, &c., called for by Local Government or High Court.

75. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Act XVII of 1875, s. 71. (Cf. Act IX of 1850, s. 23.)

Holidays and vacations.

76. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Act IX of 1850, s. 35.

Certain persons exempt from arrest by Court.

77. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the 24th & 25th of Victoria, chapter 104, shall not be liable to arrest by order of the Small Cause Court.

I. L. R. 5, Calc. p. 224.

No suit to lie upon decree of Court.

78. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

79. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Act IX of 1850, s. 111.

Tender in suit for anything done under Act.

80. If any person against whom any suit is brought for anything purporting to be done by him under this Act, has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Act IX of 1850, s. 111.

Limitation of prosecutions.

81. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence is committed.

THE FIRST SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

THE FIRST SCHEDULE—*contd.*

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24 and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearances Applications and Acts, except section 37, clause (*b*) and the last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*e*), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65, 66 and 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

THE SECOND SCHEDULE—*contd.*

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents, sections 128 to 133 (both inclusive), section 135, section 136 (except so far as it relates to interrogatories), section 137 (except the second clause), section 138, section 139 (except the last sentence), section 140 (except the proviso and the last six words), sections 141, 142, 143 and 145.

CHAPTER XI.—Settlement of issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207, and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government, or public officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXV.—Interlocutory orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 651 (both inclusive).

THE THIRD SCHEDULE.

(*See Section 55.*)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	6	0	10	8	0
1,100	1,200	3	8	0	11	0	0
1,200	1,300	3	10	0	11	8	0
1,300	1,400	3	12	0	12	0	0
1,400	1,500	3	14	0	12	8	0
1,500	1,600	4	0	0	13	0	0
1,600	1,700	4	2	0	13	8	0
1,700	1,800	4	4	0	14	0	0
1,800	1,900	4	6	0	14	8	0
1,900	2,000	4	8	0	15	0	0

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following third Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to the Transfer of Property was referred, have the honour to state that the Report of the Indian Law Commissioners, 1879, was duly communicated to us. We have carefully considered so much of it as relates to that Bill, as well as the papers specified in the annexed list; and, in compliance with the wish of the Secretary of State for India, as expressed in his despatch (Legislative) No. 37, dated 7th October, 1880, we have now the honour to present this our third Report.

We agree generally in the enlargement of the Bill effected by the Law Commissioners, and we shall in this Report refer to the Bill as settled by them, and published in the *Gazette of India* for the 17th and 24th January, 1880.

CHAPTER I.—PRELIMINARY.

We have rendered the definition of "attached to the earth" inapplicable to objects which merely rest upon the earth. And we have amended the definition of "notice" by making it apply expressly to a case where a person wilfully abstains from a search in a register which he ought to have made.

CHAPTER II.—TRANSFERS OF PROPERTY BY ACT OF PARTIES.

This chapter, after declaring what rights are inalienable and by what persons transfers may be made, proceeds to declare restrictions of the transfer of property called for in the interests of society. These restrictions are in substance identical with those contained in the Indian Succession Act, and rights and liabilities arising out of customs or personal laws are sufficiently saved by section 2, clause (*a*).

We have amended section 6 (as to what may be transferred) in these respects:—*First*, we have in the first clause substituted "Act" for "section." The effect will be to place Hindús on the same footing as Europeans as regards the power to make settlements, on marriage or otherwise, on persons not in existence at the date of the transfer. Although, no doubt, it has been laid down that the general principle of the Hindú law is that a donee must be in existence at the time of the gift, such settlements are in accordance with Native usage.

Secondly, we have re-drawn clause (*a*) thus:—

"(*a*) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of the same nature, cannot be transferred: the chance of a Hindú heir succeeding to property in the possession of a Hindú female cannot be transferred to any one except the present or future owner or co-owner of the property affected thereby."

Thirdly, we have made clause (*c*) run thus:—

"(*c*) An easement cannot be transferred apart from the dominant heritage."

Fourthly, we have extended clause (*e*) to rights to sue for harm illegally caused to property.

We think that the power to transfer property to or for the benefit of women, so that they shall not be able, during their marriage, to transfer or charge the same should be confined, as it is now, to women not being Hindús, Muhammadans or Buddhists; and we have altered section 10 accordingly.

It cannot be denied that one school of Muhammadan law does, as stated in the books, permit a settlement on a person, his children and their offspring in perpetuity. But in practice this form of settlement is obsolete, and, if made, the Courts would now refuse to recognise it as valid. We think, therefore, that section 14, which prohibits this kind of perpetuity, may stand unaltered. Baillie, p. 571

We have shortened and simplified the sections (33, 34) which deal respectively with conditions that a transferee shall perform an act at or before a specified time, and like conditions wherein no such time is specified.

We do not think that the proposition laid down in section 40, as to a Hindú's right to receive maintenance from the profits of immoveable property, can be said to be authoritatively settled, and there are good grounds for questioning it.

We have therefore re-drawn the first clause of section 40 thus:—

"40. Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such property is transferred with the intention of defeating the right, such right may be enforced against a transferee with notice of such intention, or a gratuitous transferee of the property affected by the right, but not against a transferee for consideration and without notice of the right, nor against such property in his hands."

The remainder of section 40, though suggested by English cases, is, in our opinion, founded on general principles of equity applicable to India, and may, therefore, fitly be left unaltered in the Bill.

Section 41 has been amended so as to bring a benámídár clearly within its operation.

We have confined section 42 to cases of transfers for consideration by persons having authority to revoke the transfer.

To the section (44) dealing with transfer by one co-owner we have added a clause declaring that, when the transferee of a share of a dwelling-house belonging to an undivided family is a stranger, nothing in this section shall be deemed to entitle him to joint possession or other common or part enjoyment of the house.

We have confined section 53 to cases of fraudulent transfer. To provide, as it now does, for fraudulent forfeitures would involve a change in the law the consequences of which cannot easily be foreseen.

CHAPTER III.—SALES OF IMMOVEABLE PROPERTY.

We agree with Sir Henry Maine as to the desirability of rendering the system of transfer of immoveable property a system of public transfer; and we are inclined to go a little further in this direction than seemed good to the Law Commissioners. Thus, we think that in the case of a reversion or other intangible thing, though its value may be less than Rs. 100, the transfer should be made only by registered assurance; and we have altered section 54 accordingly.

As to the duties of the seller, we think that, except where the property is sold subject to incumbrances, he should be bound to discharge all incumbrances on the property existing at the date of the sale; that he should not be bound to deliver the title-deeds till the whole of the purchase-money has been paid. We also think that the Bill may reasonably declare, as it does, that, in the absence of a stipulation to the contrary, the seller shall be deemed to contract that the interest which he assumes to transfer subsists and that he has power to make the transfer; but where he sells in a fiduciary character, we would follow the present practice, and declare simply that he shall be deemed to contract that he has done no act whereby the property is incumbered, or he is hindered from transferring it. We have altered section 55, clauses (*a*) (7), (8), (9), accordingly.

The proposition laid down in clause (*c*) (1), that a purchaser is bound to disclose any fact unknown to the vendor which increases his *interest* in the property, *e. g.*, the actual or imminent death of a prior life-tenant, has been questioned by a high authority. It appears to us in exact accordance with the rule laid down in *Turner* v. *Harvey*, Jac. 169; *Ellard* v. *Lord Llandaff*, 1 Ball & B. 241; and (on the sale of a life-policy) *Jones* v. *Keene*, 2 Moo. & R. 348. We have, however, made a verbal amendment in this clause.

As to the duties of the buyer, we have struck out the clause requiring him to retransfer the property sold, where the ownership has passed before payment of the purchase-money and he fails to pay or tender it. In such case the seller's lien is, we think, sufficient.

As to the buyer's rights, we think that his lien as against the seller for purchase-money paid in anticipation should be available against all persons claiming under the seller with notice of the payment. We have altered the section accordingly.

Where two properties are subject to a common charge and one is sold, the buyer's right as against the seller to have the charge satisfied out of the other property does not depend on whether or not the buyer had notice of the charge. We have, therefore, struck out of section 56 the words relating to notice.

CHAPTER IV.—MORTGAGES.

We think that in the definition of simple mortgage the expression "makes it a collateral security" is likely to give rise to difficulties. We also think that a transaction may be a "mortgage by conditional sale" although accompanied by possession, and in the definition of usufructuary mortgage the words "or agrees to deliver" and "actual" seem unnecessary. We have therefore amended these definitions as follows:—

Simple Mortgage.

"Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money and agrees expressly or impliedly that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of what may be due to him on the mortgage, the transaction is called a simple mortgage and the mortgagee a simple mortgagee."

Mortgage by Conditional Sale.

"Where the mortgagor ostensibly sells the mortgaged property on condition that in default of payment of the mortgage-money on a certain date the sale shall become absolute, or

"on condition that on such payment being made, the sale shall become void, or

"on condition that on such payment being made, the buyer shall re-transfer the property to the seller,

"the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale."

Usufructuary Mortgage.

"Where the mortgagor delivers possession of the property to the mortgagee and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest or in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee."

We agree with the Law Commissioners that the requirement of registration will not only discourage fraud and facilitate investigations of title, but that it will also preclude some difficult question of priority. A majority of us, however, think that, where the principal money secured is less than Rs. 100, the assurance need not be registered. And we have altered the Bill accordingly. Our colleague Mr. Stokes dissents from this alteration, as, in his opinion, all incumbrances should appear on the register: those who mortgage their property for small amounts, as a rule, require protection from fraud more than those who mortgage for large amounts, and the changes impending in the working of the law will deprive the requirement of registration of all hardship even in the pettiest cases.

A majority of us are of opinion that equitable mortgages by deposit of title-deeds should be valid when they are made in Calcutta, Madras, Bombay, Rangoon and Karáchí. The practice of raising money on such securities has long been established in those towns, and any attempt to disturb it would cause much inconvenience. Here, again, Mr. Stokes dissents on the grounds (*a*) that such mortgages are opposed to the policy of the registration-law; (*b*) that they lead to evasions of the stamp-duty; (*c*) that they are at variance with the principle of making the system of transfer of immoveable property, as far as possible, a system of public transfer; and (*d*) that, when the amount secured is Rs. 100 or upwards, they would be inconsistent with the general rule in section 58 requiring a written instrument.

We think, with Mr. Justice West, that nothing in the section (59) declaring the mortgagor's right to redeem should invalidate any provision to the effect that, if the time fixed for payment of the principal money has been allowed to pass, or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment or tender of such money. In like manner, we think that nothing in section 82 or 83 should deprive the mortgagee of his right to interest where there exists a contract that he shall be entitled to such notice.

We concur with the Law Commissioners in the solution which they have proposed (section 68) of the moot question as to whether a power of sale conferred on the mortgagee is invalid, and as there is no prospect of the High Courts or the Privy Council making an authoritative declaration on the subject, we think it desirable to settle the matter by legislation as soon as possible.

For the section (98) as to the abandonment of his security where a mortgagee attaches and sells the mortgaged property, we have substituted the following:—

"98. Where a mortgagee, in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches the mortgaged property, he shall not be entitled to bring such property to sale otherwise than by instituting a suit under section 66."

We think that the High Court should have power to make rules for carrying out the provisions of this chapter.

CHAPTER V.—LEASES.

This chapter will, in our opinion, be of practical use in the case of leases of buildings, gardens and mines. We agree with the Law Commissioners that it should not of itself apply to the relations between zamíndár and raiyat, and we think that the power given to the Local Government by section 115 (now 116) to extend any of the provisions of the chapter to agricultural leases should only be exercised with the sanction of the Governor General in Council, and that the requisite notification should not take effect until the expiry of six months from the date of its publication.

The rule laid down in section 106, clause (*i*), as to the removeability of tenants' fixtures, has been objected to as not in accordance with the laws in force in this country. But it will operate only in the absence of a contract or local usage to the contrary, and will not in practice apply to tenants in husbandry. Moreover, it is impossible to say with certainty what the law of India on the subject really is. The Courts would, therefore, turn for guidance to the Civil law and the law of England. The Civil law permits a tenant to remove all fixtures where this can be effected without material injury to the property, and the strictness of the law of England has been relaxed where the fixtures have been annexed for the purposes of trade or manufacture, ornament, furniture and domestic use or convenience. The clause in question seems to us to represent with reasonable accuracy the rules of the Civil and the English law.

CHAPTER VI.—GIFTS.

We agree with the Law Commissioners that registration should be required in the case of gifts of immoveable property of whatever value. Such gifts are, as a rule, made by a written instrument, and as, under the Registration Act (III of 1877, section 17, clause (*a*)), the registration of such instruments is compulsory, the change of the existing law here proposed is almost nominal.

We have struck out the clause in section 121 (now 122) which is founded on the rule in the Succession Act as to bequests to attesting witnesses. It is, we think, inapplicable to a transaction *inter vivos*, where the donor can give evidence of his intention.

We have also struck out the section (120) which declares that the donor is not bound to warranty. It seems to the majority of us useless as denying what no one in this country would ever assert. Our colleague Mr. Stokes would retain it as precluding a doubt which may reasonably be felt by the Courts (see Burge II, 145).

We have made verbal and other unimportant amendments in sections 11, 25, 36, 37, 51, 59, 61, 64, 80, 81, 90, 91, 99, 101, 106, 126, 133.

The Bill as now settled seems to us a systematic and useful arrangement of the existing law. But we agree with the Law Commissioners that, when the body of substantive civil law enacted for India is recast in a more compact and convenient form than that of a series of fragmentary portions from time to time passed by the legislature, the chapters on Sale, Mortgage, Lease and Exchange contained in the present Bill will probably be placed in close connection with the rules contained in the Contract Act. Till then they may fitly be left in a law containing what the Contract Act does not contain, namely, general rules regulating the transmission of property between living persons.

We do not think that these rules, as now amended, will substantially alter or add to the existing law, or that they will invade or displace the functions of the Judges of the existing Courts. We, therefore, recommend that the Bill be passed. Drawn originally in England by the former Indian Law Commissioners, it was revised by Sir A. Hobhouse and introduced into the Council of the Governor General in June, 1877. It has since been twice circulated to the Local Governments for opinion and publication, and twice reported on by Select Committees, in February, 1878, and February, 1879. It was then carefully revised by the late Indian Law Commission. It has now been again revised by us. We think, therefore, of this Bill, as of the Bill dealing with negotiable instruments, that it is not now likely to be improved without the experience to be gained from its actual working. We recommend, however, that it should be republished in the *Gazette of India* with this Report; and, in obedience to the orders of the Secretary of State, it must also be sent home to him, published in the local Gazettes, and translated into the vernacular languages.

Our hon'ble colleagues Messrs. Grant and Paul have not been able to attend our meetings, and do not, therefore, sign this report.

WHITLEY STOKES.
J. PITT KENNEDY.
B. W. COLVIN.
JOTÍNDRA MOHAN TAGORE.

The 11th March, 1881.

LIST OF PAPERS.

From Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Department of Revenue, Agriculture and Commerce, No. 722A, dated 8th October, 1878, and enclosure [Papers No. 34].
„ Acting Chief Secretary to Government, Madras, No. 467, dated 7th March, 1879, and enclosures [Papers No. 35].
„ Hon'ble H. S. Cunningham, dated 31st March, 1879 [Paper No. 36].
„ Registrar, High Court, Calcutta, No. 494, dated 24th March, 1879 [Paper No. 37].
„ Secretary for Birár to Resident, Haidarábád, No. 1, dated 8th April, 1879 [Paper No. 38].
„ Hon'ble G. H. P. Evans, dated 11th April, 1879 [Paper No. 39].
„ Officiating Secretary to Government, Bengal, No. 1947, dated 21st April, 1879, and enclosures [Papers No. 40].
„ Acting Under Secretary to Government, Bombay, No. 2348, dated 18th April, 1879, and enclosures [Papers No. 41].
„ Secretary to Government, Panjáb, No. 1705, dated 1st May, 1879, and enclosures [Papers No. 42].
„ Secretary for Birár to Resident, Haidarábád, No. 4, dated 30th April, 1879, and enclosure (Papers No. 43].
„ Officiating Secretary to Chief Commissioner, Mysore, No. 1086—3J, dated 5th May, 1879, and enclosures [Papers No. 44].
„ Officiating Secretary to Chief Commissioner, Central Provinces, No. 2044—98, dated 9th May, 1879, and enclosures [Papers No. 45].
„ Officiating First Assistant Resident, Haidarábád, No. 2P, dated 10th May, 1879 [Paper No. 46].
„ Secretary to Government, North-Western Provinces and Oudh, No. 367, dated 10th May, 1879, and enclosures [Papers No. 47].
„ Secretary to Government, North-Western Provinces and Oudh, No. 416, dated 21st May, 1879, and enclosures [Papers No. 48].
Memorandum by Pandit Lákhsmí Náráyana, Pleader, High Court, North-Western Provinces, dated 29th May, 1879 [Paper No. 49].

From Chief Commissioner, Ajmer-Merwára, No. 403, dated 29th May, 1879, and enclosures [Papers No. 50].
„ Secretary to Chief Commissioner, Assam, No. 643, dated 19th April, 1879, and enclosures [Papers No. 51].
„ Secretary to Government, Panjáb, No. 255C, dated 20th June, 1879, and enclosures [Papers No. 52].
„ Acting Chief Secretary to Government, Madras, No. 1320, dated 6th June, 1879, and enclosures [Papers No. 53].
„ Acting Under Secretary to Government, Bombay, No. 3720, dated 25th June, 1879, and enclosures [Papers No. 54].
„ R. Kristnaswamy Ráo, Acting Subordinate Judge, Madura, dated 28th June, 1879 [Paper No. 55].
„ J. Crawfurd, Esq., Registrar, High Court, Calcutta, No. 1123, dated 27th June, 1879 [Paper No. 56].
„ Acting Chief Secretary to Government, Madras, No. 1558, dated 2nd July, 1879, and enclosures [Papers No. 57].
„ Secretary to Government, North-Western Provinces and Oudh, No. 857, dated 23rd October, 1879, and enclosures [Papers No. 58].
„ Officiating Secretary to Chief Commissioner, British Burma, No. 4389—111, dated 20th December, 1879, and enclosures [Papers No. 59].
Note by Hon'ble Whitley Stokes, dated 8th December, 1880.

No. V.

TRANSFER OF PROPERTY BILL, 1881.

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THE SCHEDULE.

No. V.

A Bill to amend the law relating to the Transfer of Property by act of Parties.

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Transfer of Property Act, 1881": Short title. Bill, s. 1. Bill II, s. 1. Bill III, s. 1.
It extends to the whole of British India; Extent.
and it shall come into force on the first day of *March*, 1882. Commencement.

2. On and from that day the enactments specified in the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof. But nothing herein contained shall be deemed to affect— Repeal of Acts. Bill, s. 2. Bill II, s. 2. Bill III, s. 2.

(*a*) the provisions of any enactment not hereby expressly repealed: Saving of certain enactments, incidents, rights, liabilities, &c. Act IX of 1872, s. 1.

(*b*) any terms or incidents of any contract or constitution of property which are consistent with the provisions of this Act, and are allowed by the law for the time being in force:

(*c*) any right or liability arising out of a custom or personal law consistent with this Act, or out of a legal relation constituted before this Act comes into force, or any relief in respect of any such right or liability: 4 Beng. L. R. 219.

(*d*) any transfer by operation of law or by decree or order of a Court of competent jurisdiction. 1. L. R. 6 Bom. 241.

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause. Bill, s. 3. Bill II, s. 3. Bill III, s. 3. Report, s. 3. N. Y. Code, para. 1(9).

the "ownership" of a thing is the right of one or more persons to possess and use it to the exclusion of others. Such ownership is either absolute or qualified. The thing of which there may be ownership is called "property.": "ownership": "property":

"assurance" means any non-testamentary instrument which purports or operates to create, transfer or otherwise dispose of, whether in present or in future, any right, title or interest to or in immoveable property: "assurance": Act III of 1877, s. 3, cl. (*b*).

"registered" means registered in British India under the law for the time being in force regulating the registration of documents:

"registered":

"attached to the earth":

"attached to the earth" means—

(*a*) rooted in the earth, as in the case of trees and shrubs;

See ss. 8, 107.

(*b*) imbedded in the earth, as in the case of walls or buildings; or

(*c*) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached:

See Contract Act, s. 229, as to agent: 4 Cal. 212: p., 11 Beng. 54 P. C.

"notice":

and a person is said to have "notice" of a fact when he actually knows that fact, or when but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, section 229.

Bill III, s. 4.

4. The chapters and sections of this Act which relate to contracts shall be taken as part of the Indian Contract Act, 1872.

Enactments relating to contracts to be taken as part of Act IX of 1872.

CHAPTER II.

OF TRANSFERS OF PROPERTY BY ACT OF PARTIES.

(*A*).—*Transfer of Property, whether moveable or immoveable.*

5. In the following sections "transfer" means an act by which one living person conveys to another, or to himself and another, in present or in future, the ownership of property or an interest therein, and "to transfer" is to perform such act.

"Transfer" defined.

6. The ownership of property of any kind may be transferred, except as otherwise provided by this Act or by any other law for the time being in force:—

What may be transferred.

Darlow v. Langton, 3 Mer.: Cf. Act X of 1877, s. 266, clause (*b*).

(*a*) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of a like nature, cannot be transferred. The chance of a Hindú heir succeeding to property in the possession of a Hindú female cannot be transferred to any one except the present or future owner or co-owner of the property affected thereby.

Smith v. Packhurst, 3 Atk. 139.

(*b*) A mere right of re-entry for breach of a condition subsequent cannot be transferred to any one except the owner of the property affected thereby.

(*c*) An easement cannot be transferred apart from the dominant heritage.

(*d*) An interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.

(*e*) A mere right to sue for compensation for a fraud or for harm illegally caused cannot be transferred.

(*f*) A public office cannot be transferred, nor can the salary of a public officer whether before or after it has become payable.

Cf. 11 & 12 Vic., c. 21, s. 27.

(*g*) Stipends allowed to military and civil pensioners of Government and political pensions cannot be transferred.

(*h*) No transfer can be made (1) in so far as it is opposed to the nature of the interest affected thereby, or (2) for an illegal purpose, or (3) to a person legally disqualified to be transferree.

7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property not his own, is competent to transfer such property either wholly or in part and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law for the time being in force.

Persons competent to transfer.

Bill, s. 4: Bill III, s. 5: Report, s. 4.

8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in such property, and in the legal incidents thereof.

Operation of transfer.

Bill, s. 10: Bill III, s. 6: Report, s. 10: s. last clause: Report, s. 8: 2 W. R. 125 (buildings): 14 W. R. 379: N.-W. P., 1870, p. 351: 24 W. R. 380 (trees), "everything grown on it," Morley N. S. 389.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the moveable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor, but not arrears of interest accrued before the transfer;

and, where the property is money or other property yielding income, the interest or income thereof accruing after the ownership passes.

9. A transfer may be made without writing in every case in which a writing is not expressly required by law.

Oral transfer.

7 Exch., s. 581.

10. Where a transfer is subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property transferred, the condition or limitation is void except in the case of a lease where the condition is for the benefit of the lessor or those claiming under him: provided that property may be transferred to or for the benefit of a woman (not being a Hindú, Muhammadan or Buddhist), so that she shall not have power during her marriage to transfer or charge the same or her beneficial interest therein.

Condition restraining alienation.

Report, s. L. R. 5 Chan. D. 148, 156.

Act X of 1865, s. 125.

11. Where on a transfer of property an interest is created absolutely in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed in a particular manner, he shall be entitled to receive and dispose of such interest as if there were no such direction.

Restriction repugnant to interest created.

Nothing in this section shall be deemed to affect the right to restrain for the beneficial enjoyment of one piece of immoveable property, the enjoyment of another piece of such property, or to compel the enjoyment thereof in a particular manner.

Report, s. 48: See Act X of 1865, s. 107.

12. Where property is transferred subject to a condition or limitation making any interest therein reserved or given to or for the benefit of any person to cease on his becoming insolvent or endeavouring to transfer or dispose of the same, such condition or limitation is void.

Condition making interest determinable on insolvency or attempted alienation.

Nothing in this section applies to a condition in a lease for the benefit of the lessor or those claiming under him.

Act X of 1865, s. 100. Report, s. 49.

13. Where on a transfer of property an interest is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect, unless it extends to the whole of the remaining interest of the transferor in the property.

Transfer for benefit of person not in existence at date of transfer, subject to prior transfer.

Illustration.

A transfers property of which he is the owner to B in trust for A and his intended wife successively for their lives, and after the death of the survivor for the eldest son of the intended marriage for life, and after his death for his second son. The interest so created for the benefit of the eldest son does not take effect, because it does not extend to the whole of A's remaining interest in the property.

Report, s. 50, Succession Act, s. 101.

14. No transfer can operate to create an interest which is to take effect after the life-time of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong.

Rule against perpetuity.

Report, s. 51: Ex parte Duke of Portland, 7 Chan. D. 693.

15. If on a transfer of property an interest is created for the benefit of a class of persons with regard to some of whom such interest fails by reason of any of the rules contained in sections thirteen and fourteen, such interest fails as regards the whole class.

Transfer to class some of whom come under sections 13 and 14.

Report, s. 52.

16. Where an interest fails by reason of any of the rules contained in sections thirteen, fourteen and fifteen, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

Transfer to take effect on failure of prior transfer.

17. The restrictions in sections fourteen, fifteen and sixteen shall not apply to property transferred for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety or any other object beneficial to mankind.

Transfer in perpetuity for benefit of public.

Act X of 1865, s. 104: Report, s. 53.

18. Where the terms of a transfer of property direct that the income arising therefrom shall be accumulated, such direction shall be void, and the property shall be disposed of as if no accumulation had been directed.

Direction for accumulation.

Donaldson v. Donaldson, I. R. 3 Chan. Div. 743.

Exception.—Where the property is immoveable or where accumulation is directed to be made from the date of the transfer, the direction shall be valid in respect only of the income arising from the property within one year next following such date; and at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

Report, ss. 56, 57, altered.

19. Where, on a transfer of property, an interest is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect, forthwith or on the happening of an event which must happen, such interest is vested, unless a contrary intention appears from the terms of the transfer.

Vested interest.

A vested interest is not defeated by the death of the transferee before he obtains possession.

Explanation.—An intention that an interest shall not be vested is not to be inferred merely from a provision whereby the enjoyment thereof is postponed, or whereby a prior interest in the same property is given or reserved to some other person, or whereby income arising from the property is directed to be accumulated until the time of enjoyment arrives, or from a provision that if a particular event shall happen the interest shall pass to another person.

Report, s. 53 altered.

20. Where, on a transfer of property, an interest is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention appear from the terms of the transfer, a vested interest, although he may not be entitled to the enjoyment thereof immediately on his birth.

Transfer for benefit of person not then living.

Act X of 1865, s. 107: Report, s. 50: IX, 72-33.

21. Where, on a transfer of property, an interest is created in favour of a person to take effect only on the happening of a specified uncertain event, or if a specified uncertain event shall not happen, such person thereby acquires a contingent interest in the property. Such interest becomes a vested interest, in the former case, on the happening of the event, in the latter, when the happening of the event becomes impossible.

Contingent interest.

Exception.—Where under a transfer a person becomes entitled to an interest in property upon attaining a particular age, and the transferor also gives to him absolutely the income to arise from

such interest before he reaches that age, or directs the income or so much thereof as may be necessary to be applied for his benefit, such interest is not contingent.

Act X of 1865, s. 108: Report, s. 60.

Transfer to members of a class who attain a particular age.

22. Where, on a transfer of property, an interest is created in favour of such members only of a class as shall attain a particular age, such interest does not vest in any member of the class who has not attained that age.

Act X of 1865, s. 111: Report, s. 61.

Transfer contingent on happening of specified uncertain event.

23. Where, on a transfer of property, an interest therein is to accrue to a specified person if a specified uncertain event shall happen, and no time is mentioned for the occurrence of that event, the interest fails unless such event happens before, or at the same time as, the intermediate or precedent interest ceases to exist.

Act X of 1865, s. 112.

Transfer to such of certain persons as survive at some period not specified.

24. Where, on a transfer of property, an interest therein is to accrue to such of certain persons as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent interest ceases to exist, unless a contrary intention appears from the terms of the transfer.

Illustration.

A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. At B's death the property passes to D.

Act X of 1865, s. 113: Act X of 1865, s. 114, expanded with reference to Act IX of 1872, s. 23.

Conditional transfer.

25. An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that if permitted, it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as immoral or opposed to pubic policy.

Illustrations.

(*a*). A lets a farm to B on condition that he shall walk a hundred miles in an hour. The lease is void.

(*b*). A gives Rs. 500 to B on condition that he shall marry A's daughter, C. At the date of the transfer C was dead. The transfer is void.

(*c*). A transfers Rs. 500 to B on condition that she shall murder C. The transfer is void.

(*d*). A transfers Rs. 500 to his niece C if she will desert her husband. The transfer is void.

Act X of 1865, s. 115.

Fulfilment of condition precedent.

26. Where the terms of a transfer of property impose a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled if it has been substantially complied with.

Illustrations.

(*a*). A transfers Rs. 5,000 to B on condition that he shal marry with the consent of C, D and E. E dies. B marries with the consent of C and D. B has fulfilled the condition.

(*b*). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. B has not fulfilled the condition.

Conditional transfer to one person coupled with transfer to another on failure of prior transfer.

Act X of 1865, s. 116.

27. Where, on a transfer of propery, an interest is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another if the prior interest under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

But where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner.

Act X of 1865, s. 117.

Illustrations.

(*a*). A transfers Rs. 500 to B on condition that he shall execute a certain lease within three months after A's death, and if he should neglect to do so, to C. B dies in A's life. time. The transfer to C takes effect.

(*b*). A transfers property to his wife; but in case she should die in his life time, transfers to B that which he had transferred to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The transfer to B does not take effect.

Ulterior transfer conditional on happening or not happening of specified event.

Act X of 1865, s. 118.

28. On a transfer of property an interest may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen, such interest shall pass to another person; or that in case a specified uncertain event shall not happen, such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections ten, twelve, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-seven.

Fulfilment of condition subsequent.

Act X of 1865, s. 119.

29. An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Illustration.

A transfers Rs. 500 to B, to be paid to him on his attaining his majority or marrying, with a proviso that, if B dies a minor or marries without C's consent, the Rs. 500 shall go to D. B marries when only 17 years of age, without C's consent. The transfer to D takes effect.

Prior disposition not affected by invalidity of ulterior disposition.

Act X of 1865, s. 120.

30. If the ulterior disposition is not valid, the prior disposition is not affected by it.

Illustration.

A transfers a farm to B for her life, and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen.

Act X of 1865, s. 121.

31. Subject to the provisions of section twelve, on a transfer of property an interest may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Illustrations.

(*a*). A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood, the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(*b*). A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. A does not go to England within the term prescribed. His interest in the farm ceases.

Act X of 1865, s. 122.

Such condition must not be invalid.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Act X of 1865, s. 124.

Condition that transferee shall perform act at or before specified time.

33. Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act at or before a specified time, and the transferor has at the time of creating the interest made an ulterior disposition thereof in favour of himself or of another, if the act be not performed within such time, the prior disposition ceases to have effect if the act is not performed within such time, or if the person benefited by the prior disposition renders the performance of the act impossible within the time specified. But where the transferor has not made any such ulterior disposition thereof, the transfer is, at the option of the transferor, voidable so far as regards such interest, if time is of the essence of the condition; but if it is not of the essence of the contract, the transfer shall not be so voidable.

When such intention is apparent, the circumstance that the interest has actually been enjoyed under the prior disposition does not affect the operation of the condition.

Transfer conditional on performance of act, no time being specified for performance.

34. Where, on a transfer of property, an interest is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, the condition is broken when he renders impossible, permanently or for an indefinite period, the performance of the condition.

Transfer conditional on performance of act, time being specified.

35. Where an act is to be performed by a person either as a condition to be fulfilled before an interest created on a transfer is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay caused by such fraud. But if no time is specified for the performance of the act, then if its performance is, by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election.

Draft, s. 62 added to.

Election when necessary.

36. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it; and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representative as if it had not been disposed of,

Act X of 1865 s. 168.

subject nevertheless,

where the transfer is gratuitous and the transferor has before the election died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustration.

The farm of Sultánpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

Act X of 1865, s. 169.

The rule in the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

Act X of 1865 s. 171.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

Act X of 1865 s. 172.

A person who in his one capacity takes a benefit under the transaction may in another dissent therefrom.

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer expressed to be in lieu of that property, if such owner claim that he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Act X of 1865 s. 173.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he is aware of his duty to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances.

Act X of 1865 s. 174.

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed it for two years without doing any act to express dissent.

Act X of 1865 s. 175.

Such knowledge or waiver may be inferred from any act of his which renders it impossible to

place the persons interested in the property professed to be transferred in the same condition as if such act had not been done.

Illustration.

A transfers to B an estate to which to C is entitled, and to C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the transfer of the estate to B.

Act X of 1865, s. 176. If he does not within one year after the date of the transfer signify to the transferor or his representatives his intention to confirm or to dissent from the transfer, the transferor or his representatives may, upon the expiration of that period, require him to make his election; and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the transfer.

Act X of 1865, s. 167. In case of disability, the election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Apportionment.

Draft, s. 64: Bill III, s. 86. **37.** In the absence of a contract to the contrary, all rents, annuities, pensions, dividends and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive such payments, be deemed, as between the transferor and the transferee, to accrue due from day to day, and to be apportionable accordingly, but to be payable on the days appointed for the payment thereof.

Apportionment of periodical payments on determination of interest of person entitled.

Severance of Obligation relating to property.

38. When in consequence of a transfer property is divided and held in several shares, and thereupon the benefit of any obligation relating to the property as a whole passes from one to several owners of the property, the corresponding duty shall, in the absence of a contract to the contrary amongst the owners, be performed in favour of each of such owners in proportion to the value of his share in the property, provided that the duty can be severed and that the severance does not substantially increase the burden of the obligation; but if the duty cannot be severed, or if the severance would substantially increase the burden of the obligation, the duty shall be performed for the benefit of such one of the several owners as they shall jointly designate for that purpose:

Satisfaction of right arising in favour of several persons in consequence of a transfer.

Provided that no person on whom the burden of the obligation lies shall be answerable for failure to discharge it in manner provided by this section, unless and until he has had reasonable notice of the severance.

Illustrations.

(*a*). A sells to B, C and D land situate in a village and leased to E at an annual rent of Rs. 30 and delivery of one fat sheep, B having provided half the purchase-money and C and D one quarter each. E having notice of this must pay Rs. 15 to B, Rs. 7½ to C and Rs 7½ to D, and must deliver the sheep according to the joint direction of B, C and D.

(*b*). Each house in the village being bound to provide ten days' labour each year on a dyke to prevent inundation, E had agreed as a term of his lease to perform this work for A. B, C and D severally require E to perform the ten days' work due on account of the house of each. E is not bound to do more than ten days' work in all, according to such directions as B, C and D may join in giving.

B.—Transfer of Immoveable Property.

Bill III, s. 7. **39.** Where any person authorized only under circumstances in their nature variable to dispose of immoveable property transfers such property for consideration, alleging the existence of such circumstances, they shall, as between the transferee on the one part and the transferor and other persons (if any) affected by the transfer on the other part, be deemed to have existed, if the transferee, after using reasonable care to ascertain the existence of such circumstances, has acted in good faith.

Transfer by person authorized only under certain circumstances to transfer.

Illustration.

A, a Hindú widow, whose husband has left collateral heirs, agrees, for purposes neither religious nor charitable, to sell a field, part of the property held by her as such, to B. B satisfies himself by reasonable enquiry that the income of the property is in sufficient for A's maintenance, and that the sale of the field is necessary, and, acting in good faith, buys the field. As between B on the one part and A and the collateral heirs on the other part, a necessity for the sale shall be deemed to have existed.

Wilson *v.* Hare, L. R. 1 Ch. Richards *v.* Revell, 7 Ch. Div. 224. Maclean *v.* Mackay, L. R. 5 P. (32). S. A. 185 of 1877. **40.** Where a third person has a right to receive maintenance or a provision for advancement or marriage from the profits of immoveable property, and such property is transferred with the intention of defeating such right, the right may be enforced against the transferee, if he has notice of such intention or if the transfer is gratuitous; but not against a transferee for consideration and without notice of the right, nor against such property in his hands.

Transfer of land where third person is entitled to maintenance,

Illustrations.

(*a*). A, a Hindú, transfers Sultánpur to his sister-in-law B, in lieu of her claim against him for maintenance in virtue of his having succeeded to her deceased husband's property, and agrees with her that if she is dispossessed of Sultánpur, A will transfer to her an equal area out of such of several other specified villages in his possession as she may elect. A sells the specified villages to C, who buys in good faith, without notice of the agreement. B is dispossessed of Sultánpur. She has no claim on the villages transferred to C.

(*b*). A, a Hindú widow, is entitled to maintenance out of the share of her deceased husband in Basaoli, which has passed to his brother B. B sells Basaoli to C, who has notice that there is no other property to satisfy A's claim. A may claim maintenance out of Basaoli in the hands of C.

Where for the more beneficial enjoyment of his own immoveable property a third person has, independently of any interest in the immoveable property of another, a right to restrain the enjoyment of the latter property or to compel its enjoyment in a particular manner, or

or has a right to restrain its enjoyment,

where a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immoveable property, but not amounting to an interest therein or easement thereon,

or is entitled to benefit of obligation not amounting to interest or easement.

such right or obligation may be enforced against a transferee with notice thereof or a gratuitous transferee of the property affected thereby, but not against a transferee for consideration and without notice of the right or obligation, nor against such property in his hands.

Illustration.

A contracts to sell Sultánpur to B. While the contract is still in force he sells Sultánpur to C, who has notice of the contract. B may enforce the contract against C to the same extent as against A.

Bill III, s. 7: Act IX of 1872, s. 108, excepn. 2. **41.** Where with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

Transfer by ostensible owner.

Illustrations.

(*a*). A, one of two co-proprietors of village land, leaves his village, and with his consent the land is registered by the Revenue-officer in the name of B, the other co-proprietor. After ten years B sells a portion of the land to C, who takes reasonable care to ascertain that B had power to make the transfer and acts in good faith. A is not entitled to have the sale set aside.

(*b*). A buys land and causes it to be transferred to his servant B to hold on his behalf, and also causes it to be entered in the revenue register in B's name. C, having ascertained that B is the registered owner of the land and pays the revenue due in respect thereof, buys the land in good faith from B. A cannot impeach the sale.

Bill III, s. 10A, para. 2. **42.** Where a person having authority to revoke a transfer of any immoveable property, transfers the property for consideration, such transfer operates in favour of the transferee (subject to any condition attached to the exercise of the authority) as a revocation of the former transfer to the extent of the authority.

Transfer by person having authority to revoke transfer.

Illustration.

A lets a house to B and reserves power to revoke the lease if in the opinion of a specified surveyor B should make a use of it detrimental to its value. Afterwards A, thinking that such a use has been made, lets the house to C. This operates as a revocation of B's lease subject to the opinion of the surveyor as to B's use of the house having been detrimental to its value.

43. Where a person erroneously represents that he is authorized to transfer certain immoveable property, and assumes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may acquire in such property, at any time during which the contract of transfer subsists.

Transfer by unauthorized person who subsequently acquires interest in property transferred.

Nothing in this section shall impair the right of transferees in good faith for consideration without notice of the existence of the said option.

Illustration.

A, a Hindú who has separated from his father B, sells to C three fields, X, Y and Z. Of these Z does not belong to A, it having been retained by B on the partition; but on B's dying A obtains Z as heir. C, not having rescinded the contract of sale, may require A to deliver Z to him.

Bill III, s. 9 **44.** Where one of two or more co-owners of immoveable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee acquires as to such share or interest, and so far as is necessary to give effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting, at the date of the transfer, the share or interest so transferred.

Transfer by one co-owner.

Where the transferee of a share of a dwelling-house belonging to an undivided family is a stranger nothing in this section shall be deemed to entitle him to joint-possession or other common or part enjoyment of the house.

Bill III, s. 10. **45.** Where property is transferred for consideration to two or more persons, and such consideration is paid out of a fund belonging to them in common, they are in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled to the fund; and where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced.

Joint transfer for consideration.

In the absence of evidence as to the interests in the fund to which they were respectively entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

Illustration.

A and B are the sons and C the grandson of a Hindú who has died leaving property. C's father D has also died. A partition has been made after which A and B have reunited. C remains severed in interest, his share being one-third. The separate property of D is of the same value. The whole fund belonging to A, B and C is expended in buying an estate, X. A and B take one moiety of X as joint estate and C takes the other moiety as separate property.

46. Where a transfer of immoveable property is made for consideration by persons having distinct interests therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property transferred were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

Transfer for consideration by persons having distinct interests.

Illustrations.

(*a*). A, owing a moiety, and B and C, each a quarter share of mauza Sultánpur, exchange an eighth share of that mauza for a quarter share of mauza Lálpura. There being no agreement to the contrary, A is entitled to an eighth share in Lálpura, and B and C each to a sixteenth share in that mauza.

(*b*). A being entitled to a life interest in mauza Atrali and B and C to the reversion, sell the mauza for Rs. 1,000. A's life interest is ascertained to be worth Rs. 600, the reversion Rs. 400. A is entitled to receive Rs. 600 out of the purchase money, B and C to receive Rs. 400.

47. Where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particu'ar share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and where they were unequal, proportionately to the extent of such shares.

Transfer by co-owners of share in common property.

Illustration.

A, the owner of an eight annas share, and B and C, each the owner of a four annas share, in mauza Sultánpur, transfer a two-anna share in the mauza to D, without specifying from which of their several shares the transfer is made. To give effect to the transfer one anna share is taken from the share of A, and half an anna share from each of the shares of B and C.

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be subject to the rights previously created.

Priority of rights created by transfer.

Bill III, ss. 17, 36.

49. Where immoveable property is transferred for consideration, and such property or any part thereof is at the date of the transfer insured against loss or damage by fire, the transferee, in case of such loss or damage, may, in the absence of a contract to the contrary, require any money which the transferor actually receives under the policy, or so much thereof as may be necessary, to be applied in reinstating the property.

Transferee's right under policy.

Bill III, s. 8: Act X 1855, s. 1.

50. No person shall be chargeable with any rents or profits of any immoveable property, which he has in good faith paid or delivered to any person of whom he in good faith held such property, notwithstanding it may afterwards appear that the person to whom such payment or delivery was made had no right to receive such rents or profits.

Rent *bonâ fide* paid to holder under defective title.

Illustration.

A lets a field to B at a rent of Rs. 50, and then transfers the field to C. B, having no notice of the transfer, in good faith pays the rent to A. B is not chargeable with the rent so paid.

Act XI of 1855, s. 2 2 Bom. 225.

51. When the transferee of immoveable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto, and he is subsequently evicted therefrom by any person having a better title, the transferee or his representative in interest has a right to require the person causing the eviction either to have the value of the improvement estimated and paid or secured to the transferee, or to sell his interest in the property to the transferee at the then market value thereof irrespective of the value of such improvement.

Improvements made by *bonâ fide* holders under defective titles.

The amount to be paid or secured in respect of such improvement shall be the estimated value thereof at the time of the eviction.

When under the circumstances aforesaid the transferee has planted or sown on the property crops which are growing when he is evicted therefrom, he is entitled to such crops and to free ingress and egress to gather and carry them.

52. During the active prosecution in any Court having authority in British India, or established beyond the limits of British India by the Governor General in Council, of a contentious suit or proceeding in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.

Transfer of property pending suit relating thereto.

Bill III, s. 10: 8 Beng. 478: 7 Mad. 111: 11 Bom. 24, 64, 139: N. W. P., 1867, p. 301: 10 W. R. 469: 7 W. R. 225: 15 W. R. 372: 23 W. R. 382: 2 Tayl. & Bell 113: 1 O'Kin. 303, 309: 5 W. R. P. C. 63: 8 Bom. A. C. J. 61:

53. Every transfer of immoveable property made with intent to defraud prior or subsequent transferees thereof for consideration, or co-owners or other persons having an interest in such property, or to defeat or delay the creditors of the transferor, is voidable at the option of any person so defrauded, defeated or delayed.

Fraudulent transfer.

Bill III, s. 10A: Cf. Act I of 1877, s. 35.

Where the effect of any transfer of immoveable property is to defraud, defeat or delay any such person, and such transfer is made gratuitously or for a grossly inadequate consideration, the transfer may be presumed to have been made with such intent as aforesaid.

Nothing contained in this section shall impair the rights of any transferee in good faith and for consideration.

CHAPTER III.

OF SALES OF IMMOVEABLE PROPERTY.

54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.

"Sale" defined.

Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered assurance.

Sale how made.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered assurance or by delivery of the property.

Delivery of tangible immoveable property takes place when the seller places the buyer, or such person as he directs, in possession of the property.

Bill III, s. 11: 14 Beng. 307, 312: N. W. P., 1866, p. 87. Consider 12 Suth. W. R. P., C. 6: as to delivery of assurance, W. R. 1864, p. 222: 5 W. R. 248: Morley N. S. 358.

A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties.

Right to redeem, N. W. P., 1868, p. 376.

Contract for sale.

Bill III, s. 14.

It does not, of itself, create any interest in or charge on such property.

55. In the absence of a contract to the contrary, the buyer and the seller of immoveable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following, or such of them as are applicable to the property sold:

Rights and liabilities of buyer and seller.

T[illegible], s. 11: Bill II, s. 11: Bill III, s. 12: Report, s. 14.

(*a*). The seller is bound—

Bill III, s. 13 (*a*).

(1) to disclose to the buyer any defect in the property of which the seller is, and the buyer is not, aware, and which the buyer could not with ordinary care discover;

Bill III, s. 12 (*a*).

(2) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power;

Bill III, s. 12 (*a*).

(3) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto;

Bill III, s. 12 (*a*).

(4) on payment or tender of the amount due in respect of the price, to execute a proper assurance of the property when the buyer tenders it to him for execution at a proper time and place, and, where the property is, or forms part of, a revenue-paying estate, to present an application to the proper officer for the requisite alteration of the revenue-register;

New.

(5) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in his possession, as an owner of ordinary prudence would take of such property and documents;

(6) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits;

Bill III, s. 12 (*a*).

(7) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date; and, except where the property is sold subject to incumbrances, to discharge all incumbrances on the property then existing; and

(8) and the seller shall be deemed to contract that the interest which he assumes to transfer to the buyer subsists and that he has power to transfer the same:

Bill III, s. 12 (*f*).

provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract that he has done no act whereby the property is incumbered or whereby he is hindered from transferring it.

(9) Where the whole of the purchase-money has been paid to the seller, he is also bound to deliver to the buyer all documents of title relating thereto which are in the seller's possession or power:

Bill III, s. 12 (*i*).

provided that (1), where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and (2), where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (1) the seller, and in case (2) the buyer of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, or by any person claiming under him, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof as he may require; and in the meantime, the seller or the buyer, as the case may be, of the lot of greatest value must keep the said documents safe, uncancelled and undefaced, unless prevented from so doing by fire or other inevitable accident;

(*b*) The seller is entitled—

(1) to the rents and profits of the property till the ownership thereof passes to the buyer;

Bill III, s. 12 (*b*).

(2) where the ownership of the property has passed to the buyer before payment of the whole of the purchase-money, to a charge upon the property in the hands of the buyer for the amount of the purchase-money, or any part thereof remaining unpaid, and for interest on such amount or part.

Bill III, s. 12 (*d*).

(*c*). The buyer is bound—

(1) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is aware, but of which he has reason to believe that the seller is not aware, and which increases the value of such interest;

Bill III, s. 12 (*b*).

(2) to pay or tender, at the time and place of completing the transfer, the purchase-money to the seller or such person as he directs: provided that, where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of the incumbrances on the property existing at the date of the transfer, and shall pay the amount so retained to the persons entitled thereto;

Bill III, s. 12 (*c*).

(3) where the ownership of the property has passed to the buyer, to bear any loss arising from

Bill III, s. 12 (*e*).

the destruction, injury or decrease in value of the property not caused by the seller;

Bill III, s. 15. (4) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on the incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(*d*). The buyer is entitled—

Bill III, s. 12 (c). (1) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof;

Bill III, s. 12 (e). (2) unless he has improperly declined to accept delivery of the property, to a charge on the property as against the seller and all persons claiming under him with notice of the payment, to the extent of the seller's interest on the property, for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount; and when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

Bill III, s. 13. An omission to make such disclosures as are mentioned in this section, paragraph (*a*), clause (1), and paragraph (*c*), clause (1), is fraudulent.

Bill III, s. 19. **56.** Where two properties are subject to a common charge, and one of the properties is sold, the buyer is, as against the seller, in the absence of a contract to the contrary, entitled to have the charge satisfied out of the other property, so far as such property will extend.

Sale of one of two properties subject to a common charge.

CHAPTER IV.

OF MORTGAGES OF IMMOVEABLE PROPERTY AND CHARGES.

Bill II, s. 25: Bill III, s. 21: Bill, s. 14: Act XXVIII of 1866, s. 19: 38 & 39 Vic., c. 145, s. 24.

57. (*a*). A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

"Mortgage," "mortgagor" and "mortgagee" defined.

The transferor is called a mortgagor, the transferee a mortgagee; the principal-money and interest of which payment is secured for the time being are called the mortgage-money, the interest transferred is called the mortgaged property, and the assurance (if any) by which the transfer is effected is called a mortgage-deed.

(*b*). Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.

Simple mortgage.

Moo. I. A. 275, 306. Colebs. Dig. B. i, c. III, t. 96.

(*c*). Where the mortgagor ostensibly sells the mortgaged property—

Mortgage by conditional sale.

on condition that on default of payment of the mortgage-money on a certain date the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

(*d*). Where the mortgagor delivers possession of the mortgaged property to the mortgagee and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest or in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

Usufructuary mortgage.

(*e*). Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a condition that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called an English mortgage.

English mortgage.

Macph. 8 12, 59: R. B. Ghose 218, 219: 2 Moo. I. A. 487.

58. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by registered assurance signed by the mortgagor and attested by at least two witnesses.

Mortgage when to be by assurance.

Bill II, s. 26: Bill III, s. 22: See Macph. 53: R. B. Ghose 64.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by assurance signed and attested as aforesaid or by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karáchí and Rangoon, by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

Rights and Liabilities of Mortgagor.

59. At any time after the principal money has become payable, the mortgagor, or, where there are more mortgagors than one, any of the mortgagors, has a right, on payment or tender, at a proper time and place, of

Right of mortgagor to redeem.

Bill II, s. 28: Bill, s. 15: 5 Beng. 450: 6 Beng. 562: 2 Mad. 420: 7 Mad. 395: In Cen. Provs.

13 Beng. 205: N. W. P., 1868, p. 204: Bomb., 237: no redemption before expiration of period named. Redemption after fixed time has expired, 9 Bom. 69. See 7 Ben. 136 (P.C.)

the mortgage-money, to require the mortgagee (*a*) to deliver the mortgage-deed, if any, (*b*) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (*c*) at the cost of the mortgagor either to re-transfer the mortgaged property to him or to such person as he may direct, or to execute and (where the mortgage has been effected by registered assurance) to have registered an acknowledgment in writing that any right in derogation of his ownership or other interest transferred to the mortgagee has been extinguished:

6 Bom. A. C. J. 265: N. W. P., 1869, p. 128.

provided that the right conferred by this section has not been extinguished by act of the parties or by order of a Court.

The right conferred by this section is called a right to redeem, and a suit to enforce it is called a suit for redemption.

Nothing in this section shall be deemed to render invalid any provision to the effect that, if the time fixed for payment of the principal money has been allowed to pass or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment or tender of such money.

N. W. P., 1867, p. 88: 20 W. R., 387: 22 W. R., 262: 24 W. R., 24: N. W. P., 1870, p. 4: N. W. P., 1872, p. 92: N. W. P., 1873, p. 148: R. B. Ghose 198: 15 Bengal 303.

Nothing in this section shall entitle a person interested in a share only of the mortgaged property to redeem his own share only, on payment of a proportionate part of the amount remaining due on the mortgage, except where a mortgagee, or, if there are more mortgagees than one, all such mortgagees, has or have acquired, in whole or in part, the share of a mortgagee.

Redemption of portion of mortgaged property.

Bill II, s. 33: Bill, s. 39: *Contra*, 6, Bom. A. C. J. 30. But see R. B. G. 230, 231.

60. If the owner of two or more properties makes separate mortgages on them by separate assurances, each mortgage may, in the absence of a contract to the contrary, be dealt with irrespectively of the other, though the mortgages are made in favour of the same mortgagee.

Right to redeem one of two properties separately mortgaged.

Illustration.

A, the owner of farms Z and Y, mortgages Z to B for Rs. 1,000. A afterwards mortgages Y to B for Rs. 1,000 making no stipulation as to any additional charge on Z. A may institute a suit for the redemption of the mortgage on Z alone.

Bill III, s. 23, clause (c).

61. In the case of a usufructuary mortgage, the mortgagor has a right to recover possession of the property—

Right of usufructuary mortgagor to recover possession.

(*a*) where the mortgagee is authorized to pay himself the mortgage-money from the rents and profits of the property,—when such money is paid;

(*b*) where the mortgagee is authorized to pay himself from such rents and profits the interest of the principal money,—when the term (if any) prescribed for the payment of the mortgage-money has expired and the mortgagor pays or tenders to the mortgagee the principal money or deposits it in Court as hereinafter provided.

Bill III, s. 25: N. W. P., 1867, p. 199. S. D. A., 1857, p. 1195; 1853, p. 575.

62. Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Accession to mortgaged property.

Bill III, s. 25: 10 Bom. 869; 11 Bomb. 32: I. L. R. 5 Calc. 198.

Where such accession has been acquired at the cost of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the cost of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable in the case of an acquisition necessary to preserve the property from destruction, forfeiture or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.

Accession acquired in virtue of transferred ownership.

In the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor.

Where the mortgage is usufructuary and the accession has been acquired at the cost of the mortgagee, the profits, if any, arising from the accession shall, in the absence of a contract to the contrary, be set off against interest, if any, payable on the money so expended.

Illustration.

A mortgages to B a field, the trees on which are the property of Government. B enters into possession of the field, and as occupant thereof buys the trees. A redeems the field. He is entitled to the trees on payment of their cost.

10 Bom. 869, 371, and see N. W. P. 1866, p. 281.

Bill II, s. 30.

63. Where the mortgaged property is a lease for a term of years, and the mortgagee obtains a renewal of the lease, the mortgagor, upon redemption, shall, in the absence of a contract by him to the contrary, have the benefit of the new lease.

Renewal of mortgaged lease.

Bill II, s. 29: N. W. P., 1867, p. 199.

64. In the absence of a contract to the contrary, the mortgagor shall be deemed to contract with the mortgagee,

Implied contracts by mortgagor.

(*a*) that the interest which the mortgagor assumes to transfer to the mortgagee subsists, and that the mortgagor has power to transfer the same;

(*b*) that the mortgagor will defend, or, if the mortgagee be in possession of the mortgaged property, enable him to defend, the mortgagor's title thereto;

(*c*) that the mortgagor will, so long as the mortgagee is not in possession of the mortgaged property, pay all public charges accruing due in respect of the property;

(*d*) and, where the mortgaged property is a lease for a term of years, that the rent payable under the lease, the conditions contained therein, and the contracts binding on the lessee have been

Effect of forfeiture of lease, N. W. P., 1869, 128.

paid, performed and observed down to the commencement of the mortgage; and that the mortgagor will, so long as the security exists and the mortgagee is not in possession of the mortgaged property, pay the rent reserved by the lease, or, if the lease be renewed, the renewed lease, perform the conditions contained therein and observe the contracts binding on the lessee, and indemnify the mortgagee against all claims sustained by reason of the non-payment of the said rent or the non-performance or non-observance of the said conditions and contracts;

(*e*) and, where the mortgage is a second or subsequent incumbrance on the property, that the mortgagor will pay the interest from time to time accruing due on each prior incumbrance as and when it becomes due, and will at the proper time discharge the principal money due on such prior incumbrance.

Nothing in clause (*c*), or in clause (*d*), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage.

Bill II, s. 31: *King* v. *Smith* 2 Hare 243.

65. A mortgagor in possession of the mortgaged property is not liable to the mortgagee for allowing the property to deteriorate; but he must not commit any act which is destructive or permanently injurious thereto, if the security is insufficient or will be rendered insufficient by such act.

Waste by mortgagor in possession.

Macph. 109: R. B. Ghose, 147.

Lewin on Trusts, p. 263.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

Rights and Liabilities of Mortgagee.

Bill II, s. 34: 2 Mad. 289 N. W. P., 1870, p. 311: No foreclosure before expiration of period named, 2 Bomb. 242: Mortgagee's right to sale, 7 Bomb. A. C. J. 146: 9 Bomb. 12.

66. In the absence of a contract to the contrary, the mortgagee has, at any time after the mortgage-money has become payable to him, and before a decree has been made for the redemption of the mortgaged property, or the mortgage-money has been paid or deposited as hereinafter provided, a right to obtain from the Court an order that the mortgagor shall be absolutely debarred of his right to redeem the property, or an order that the property be sold.

Right to foreclosure or sale.

A suit to obtain an order that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called a suit for foreclosure.

Nothing in this section shall be deemed—

Simple mortgagee, N. W. P., 1869, p. 184: Usufructuary, N. W. P., 1875, p. 55.

(*a*) to authorize a simple mortgagee as such to institute a suit for foreclosure, or an usufructuary mortgagee as such to institute a suit for foreclosure or sale, or a mortgagee by conditional sale as such to institute a suit for sale; or

Fishr 518, 757: Qy. as to conditional mortgagees.

(*b*) to authorize a mortgagor who holds the mortgagee's rights as his trustee or legal representative and who may sue for a sale of the property to institute a suit for foreclosure; or

(*c*) to authorize the mortgagee of a railway, canal or other work in the maintenance of which the public are interested to institute a suit for foreclosure or sale; or

(*d*) to authorize a person interested in part only of the mortgage-money to institute a suit relating only to a corresponding part of the mortgaged property: unless the mortgagees have, with the consent of the mortgagor, severed their interests under the mortgage.

Cases *contra*, Macph. 195, 196.

67. The mortgagee has a right to sue the mortgagor for the mortgage-money in the following cases only:—

Right to sue for mortgage-money.

Bill II, s. 38: Bill III, s. 34.

(*a*) where the mortgagor binds himself to repay the same:

6 W. R. 283.

(*b*) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor:

Macph. 233, Act XXX of 1871, 25 W. R. (partial deprivation).

(*c*) where the mortgagee being entitled to possession of the property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any other person.

4 Moo. I. A. 464: Marsh, 209: 7 S. D. A. 47: N. W. P., 1860, p. 28: So in the case of a Kánam mortgage, 2 Mad. 315: 6 W. R. 283 (power to usufructuary mortgagee).

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed, or the security is rendered insufficient as defined in section sixty-five, the mortgagee may require the mortgagor to give him within a reasonable time another sufficient security for his debt, and, if the mortgagor fails so to do, may sue him for the mortgage-money.

68. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling the mortgaged property, or any part thereof, is invalid, except where—

Power of sale when invalid.

Bill II, s. 39: Bill, s 24: 8 Bom. A. C. J. 142: Muhammadan law, Macph. 2.

(*a*) the principal money originally secured is five hundred rupees or upwards; or

(*b*) the mortgagee is the Secretary of State for India in Council; or

(*c*) the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karáchí or Rangoon.

Act No. XXVIII of 1866, section 6, is repealed so far as it is inconsistent with this section.

69. If, after the date of the mortgage, any accession is made to the mortgaged property, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to such accession.

Accession to mortgaged property.

Bill II, s. 41: 11 Bomb. 32: I. L. R. 5 Calc. 198.

Illustrations.

(*a*). A mortgages to B a certain field bordering on a river. The field is increased by alluvion. For the purposes of his security, B is entitled to the increase.

(*b*). A mortgages a certain plot of building land to B and afterwards erects a house on the plot. For the purposes of his security, B is entitled to the house as well as the plot.

Bill I I, s. 38.

70. When the mortgaged property is a lease for a term of years, and the mortgagor obtains a renewal of the lease, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to the new lease.

Renewal of mortgaged lease.

Bill II, s. 42: Bill, s. 16.

71. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

Rights of mortagagee in possession.

Macph. 109, 113, 252: 1 Bomb. 199, 203: 5 Bomb. A. C. J. 109, 116.

(*a*) for the due management of the property and the collection of the rents and profits thereof;

N. W. P., 1871, p. 187. 14 W. R. 133.

(*b*) for its preservation from destruction, forfeiture or sale;

(*c*) for supporting the mortgagor's title to the property;

(*d*) for making his own title thereto good against the mortgagor; and

11 Moo. I. A. 241.

(*e*) when the mortgaged property is a renewable leasehold, for the renewal of the lease;

and may, in the absence of a contract to the contrary, and such money to the principal-money, at the rate of interest payable on the principal, and where no such rate is fixed at the rate of nine per cent. per annum.

28 & 24 Vic, c. 145, s. 11: 2 Dav. 606.

Where the property is by its nature insurable at ordinary rates, the mortgagee may also, in the absence of a contract to the contrary, insure and keep insured against loss or damage by fire the whole or any part of such property, and add the premiums paid for any such insurance to the principal-money at the same rate of interest.

Bill II, s. 45: Bill III, s. 42: Macph. 113, 234: 1 W. R. 270: 16 W. R. 222.

72. Where mortgaged property is sold through failure to pay arrears of revenue or rent due in respect thereof, the mortgagee has a charge on the surplus, if any, of the proceeds, after payment thereout of the said arrears, for the amount remaining due on the mortgage, unless the sale has been occasioned by some default on his part.

Charge on proceeds of revenue-sale.

Bill II, s. 49: Bill III, s. 48: Bill, ss. 35, 36, 37: Report, ss. 31, 33.

73. Any second or other subsequent mortgagee may, at any time after the amount due on the next prior mortgage has become payable, tender such amount to the next prior mortgagee, and such mortgagee is bound to accept such tender and to give a receipt for such amount; and (subject to the provisions of the law for the time being in force regulating the registration of documents) the subsequent mortgagee shall, on obtaining such receipt, acquire, in respect of the property, all the rights and powers of the mortgagee, as such, to whom he has made such tender.

Right of subsequent mortgagee to pay off prior mortgagee.

Bill III, s. 58.

74. Every second or other subsequent mortgagee has, so far as regards redemption, foreclosure and sale of the mortgaged property, the same rights against the prior mortgagee or mortgagees as his mortgagor has against such prior mortgagee or mortgagees, and the same rights against the subsequent mortgagees (if any) as he has against his mortgagor.

Rights of mesne mortgagee against prior and subsequent mortgagees.

Bill III, s. 39.

75. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property,—

Liabilities of mortgagee in possession.

2 Bomb. 222: Act IX of 1872, s. 151: Fisher, s. 1530.

(*a*) he must manage the property as a person of ordinary prudence would manage it if it were his own;

8 Chan. Div. 427: N. W. P., 1875, p. 100.

(*b*) he must use his best endeavours to collect the rents and profits thereof;

2. Bomb. 231.

(*c*) he must, in the absence of a contract to the contrary, out of the income of the property, pay the Government-revenue, all other charges of a public nature accruing due in respect thereof during such possession and any arrears of rent of default of payment of which the property may be summarily sold;

Macph. 113, 119.

9 W. R. 488: 4 Y. & C. Appendix, 507: Fisher, s. 1530.

(*d*) he must, in the absence of a contract to the contrary, make such necessary repairs of the property as he can pay for out of the rents and profits thereof after deducting from such rents and profits the payments mentioned in clause (*c*) and the interest on the principal-money.

Bill II, s. 44: III, s. 41: Bill, s. 18 altered: Macph. 118, 119, citing 7 N. W. P. 436: 9 N. W. P. Act I of 1877, s. 61.

(*e*) he must not commit any act which is destructive or permanently injurious to the property;

(*f*) where he has insured the whole or any part of the property against loss or damage by fire, he must, in case of such loss or damage, apply any money which he actually receives under the policy, or so much thereof as may be necessary, in reinstating the property;

2 Beng. P. C. 55: 5 W. R. 53, 271, &c.: Macph. 119.

(*g*) he must keep clear, full and accurate accounts of all sums received and spent by him as mortgagee, and, at any time during the continuance of the mortgage, give the mortgagor, at his request and cost, true copies of such accounts and of the vouchers by which they are supported;

5 Bomb. A. C. J. 196: 12 Bomb. 88: 10 Beng. 388: N. W. P., 1866, p. 189: *ibid*, 1868, p. 153: When he cultivates, 7 W. R. 244: R. B. Ghose 262. 2 Moo. I. A. Ca. 1.

(*h*) his receipts from the mortgaged property, or, where such property is personally occupied by him, a fair occupation-rent in respect thereof, shall, after deducting the expenses mentioned in clauses (*c*), (*d*) and (*e*), and interest thereon, be debited against him in reduction of the amount (if any) from time to time due to him on account of interest on the mortgage-money and so far as such receipts exceed any interest due, in reduction or discharge of the mortgage-money; the surplus, if any, shall be paid to the mortgagor;

Macph. 159, 160;

time being due on the mortgage, the mortgagee must, notwithstanding the provisions in the other clauses of this section, account for his gross receipts from the mortgaged property from the date of the tender or from the earliest time when he could take such amount out of Court, as the case may be.

Bill II, s. 62.

Loss occasioned by his default.

If the mortgagee fail to perform any of the duties imposed upon him by this section, he may, when accounts are taken in pursuance of a decree made under this chapter, be debited with the loss, if any, occasioned by such failure.

Bill II, s. 43: Bill, s. 17: Sev. 333: See 10 Moo. I. A. 340.

Receipts in lieu of interest.

76. Nothing in section seventy-five, clauses (*b*), (*d*), (*g*) and (*h*), applies to cases where there is a contract between the mortgagee and the mortgagor that the receipts from the mortgaged property shall, so long as the mortgagee is in possession of the property, be taken in lieu of interest on the principal-money, or of such interest and defined portions of the principal.

Priority.

Bill II, s. 46; III, s. 44: Evidence Act, s. 115: N. W. P., 1868, p. 402: 4 Mad. 373: 2. Moo. I. A. 487: 11 W. R. 286: 8 Bom. A. C. J. 50, 55: *Secus* in Guzrat, 11 Bom. Bill II, s. 47; III, s. 25; Bill, s. 34: Report, s. 29.

Postponement of prior mortgagee.

77. Where, through the fraud, misrepresentation or gross neglect of a prior mortgagee, another person has been induced to advance money on the security of the mortgaged property, the prior mortgagee shall be postponed to the subsequent mortgagee.

Mortgage to secure uncertain amount when maximum is expressed.

78. If a mortgage made to secure future advances, the performance of an engagement or the balance of a running account expresses the maximum to be secured thereby, a subsequent mortgage of the same property shall, if made with notice of the prior mortgage, or if the instrument effecting the prior mortgage is registered, be postponed to the prior mortgage in respect of all advances or debits not exceeding the maximum, though made or allowed with notice of the subsequent mortgage.

Illustration.

A mortgages Sultánpur to his bankers, B & Co., to secure the balance of his account with them to the extent of Rs. 10,000. A then mortgages Sultánpur to C, to secure Rs. 10,000; and C gives notice thereof to B & Co. At the date of the second mortgage, the balance due to B & Co. does not exceed Rs. 5,000. B & Co. subsequently advance to A sums making the balance of the account against him exceed the sum of Rs. 10,000. B & Co. are entitled, to the extent of Rs. 10,000, to priority over C.

Bill II, s. 48: III, s. 46: Bill, s. 38: Report, s. 34: 2 Beng. App. 25: 5 Beng. 463: 11 W. R. 310.

Tacking abolished.

79. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security. And, except in the case provided for by section seventy-eight, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his security for such subsequent advance.

Marshalling and Contribution.

Fisher 704: Bill II, s. 50: III, s. 47: W. R. 1864, p. 374: 1 W. R. 353: 7 W. R. 483: 12 W. R. 114: Macph. 205. Macph. 186.

Marshalling securities.

80. If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has not notice of the former mortgage, the second mortgagee is, in the absence of a contract to the contrary, entitled to have the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee so far as such property will extend; but not so as to prejudice the rights of the first mortgagee or of any other person having acquired for valuable consideration an interest in either property.

Bill III, s. Fisher 700.

Contribution to mortgage-debt.

81. Where several properties, whether of one or several owners, are mortgaged to secure one debt, each property is, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, after deducting from the value of each property the amount of any other incumbrance to which it is subject at the date of the mortgage.

Where, of two properties belonging to the same owner, one is mortgaged to secure one debt and then both are mortgaged to secure another debt, and the former debt is paid out of the former property, each property is, in the absence of a contract to the contrary, liable to contribute rateably to the latter debt after deducting the amount of the former debt from the value of the property out of which it has been paid.

Nothing in this section applies to a property liable under section eighty to the claim of the second mortgagee.

Fisher 701.

Deposit in Court.

Bill III, s. 28: Beng. Reg. I of 1798, s. 2: Macph. 171.

Power to deposit in Court money due on mortgage.

82. At any time after the principal-money has become payable and before a suit for redemption of the mortgaged property is barred, the mortgagor, or any other person entitled to institute such suit, may deposit, in any Court in which he might have instituted such suit, to the account of the mortgagee, the amount remaining due on the mortgage.

Bill II, s. 35: III, s. 23: Bill, s. 15, clause (*e*): Beng. Reg. I of 1798, s. 2: Macph. 171.

Right to money deposited by mortgagor.

The Court shall thereupon cause written notice of the deposit to be served on the mortgagee, and the mortgagee may, on presenting a petition (verified in manner prescribed by law for the verification of plaints) stating the amount then due on the mortgage, and his willingness to accept the money so deposited in full discharge of such amount, and on depositing in the same Court the mortgage-deed if then in his possession or power, apply for and receive the money, and the mortgage-deed so deposited shall be delivered to the mortgagor or such other person as aforesaid.

9 N. W. P. 1: Macph. 159, 160 Bill III, s. 32.

Cessation of interest.

83. When the mortgagor or such other person as aforesaid has tendered or deposited in Court under section eighty-two the amount remaining due on the mortgage, interest on the principal-money shall cease from the date of the tender or as soon as the mortgagor or such other person as aforesaid has done all that has to be done by him to enable the mortgagee to take such amount out of court, as the case may be.

Nothing in this section or in section eighty-two shall be deemed to deprive the mortgagee of his right to interest when there exists a contract that he shall be entitled to reasonable notice before payment or tender of the mortgage-money.

Suits for Foreclosure, Sale or Redemption.

Bill II, s. 52: III, s. 49: 14 Moo. I. A. 101: 1 W. R. 176: 21 W. R. 428: explained by Macph. 146: Seton 1, 443, see Act X of 1877, s. 32: 5 Bomb. O. C. J. 76 (legal representative of deceased mortgagor): 8 Beng. 104 (purchaser from mortgagor): Marshall 292, claimants of right of redemption, N. W. P. 1868, p. 144.

Parties to suits for foreclosure, sale and redemption.

84. Subject to the provisions of the Code of Civil Procedure, section 437, all persons having an interest in the property comprised in a mortgage must be joined as parties to any suit under this chapter relating to such mortgage: provided that the plaintiff has notice of such interest.

Foreclosure and Sale.

Bill II, s. 53: III, s. 50: Bill, s. 19.

Decree in foreclosure-suit.

85. In a suit for foreclosure, if the plaintiff succeed, the Court shall make a decree, ordering that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree,

and ordering that, upon the defendant paying to the plaintiff or into Court the amount so due, on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall transfer the property to the defendant free from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims; and shall, if necessary, put the defendant into possession of the property; but

that, if the payment is not made on or before the day to be fixed by the Court, the defendant shall be absolutely debarred of all right to redeem the property.

Bill II, sec. 55.

Procedure in case of payment of amount due.

86. If payment is made of such amount and of such subsequent costs as are mentioned in section ninety-three, the defendant shall (if necessary) be put into possession of the mortgaged property.

If such payment is not so made, the plaintiff may apply to the Court for an order that the defendant and all persons claiming through or under him be debarred absolutely of all right to redeem the mortgaged property, and the Court shall then pass such order, and may, if necessary, deliver possession of the property to the plaintiff.

Order absolute for foreclosure.

W. R. 91.

Power to enlarge time.

Provided that the Court may, upon good cause shewn, and upon such terms, if any, as it thinks fit, from time to time postpone the day appointed for such payment.

On the passing of an order under the second paragraph of this section the debt secured by the mortgage shall be deemed to be discharged.

In the Code of Civil Procedure, schedule IV, No. 129, for the words "Final decree," the words "Decree absolute" shall be substituted.

Bill II, sec. 55.

Decree for sale.

87. In a suit for sale, if the plaintiff succeed, the Court shall pass a decree to the effect mentioned in the first and second paragraphs of section eighty-five, and also ordering that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is so found due to the plaintiff, and that the balance, if any, be paid to the defendant or other persons entitled to receive the same.

Power to decree sale at instance of mortgagee.

In a suit for foreclosure, if the plaintiff succeed, the Court may at his instance pass a like decree in lieu of a decree for foreclosure.

Bill, s. 21: 15 & 16 Vic., c. 86, s. 48.

Power to decree sale in foreclosure-suit at instance of mortgagor.

When the mortgagee sues only for foreclosure, and not for foreclosure or sale, if the Court consider that he will not be damnified by a sale and if the defendant furnishes such security as the Court thinks sufficient for the full and prompt payment of the balance due for the time being by him on the mortgage, the Court may, at the instance of the defendant, pass a like decree.

Bill II, s. 56.

Procedure when defendant pays amount due.

88. If in any case under section eighty-seven the defendant pays to the plaintiff or into court on the day fixed as aforesaid the amount due under the mortgage, the costs, if any, awarded to him and such subsequent costs as are mentioned in section ninety-three, the defendant shall (if necessary) be put in possession of the mortgaged property; but if such payment is not so made, the plaintiff or the defendant, as the case may be, may

apply to the Court for an order absolute for sale of the mortgaged property, and the Court shall then pass an order that such property, or a sufficient part thereof, be sold, and that the proceeds of the sale be dealt with as is mentioned in section eighty-seven; and thereupon the defendant's right to redeem and the security shall both be extinguished.

Order absolute for sale.

Bill III, s. 54: Bill, s. 23: Kent IV, 207.

89. When the nett proceeds of any such sale are insufficient to pay the amount due for the time being on the mortgage, the balance, if legally recoverable from the defendant otherwise than out of the property sold, may be recovered either (if the Court thinks fit) in the same suit in the same manner as under a decree for money, or by any other legal process open to the mortgagee.

Recovery of balance due on mortgage.

Redemption.

Bill II, s. 58: Bill III, s. 55.

90. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption of, the mortgaged property:—

Who may sue for redemption.

(*a*) any person (other than the mortgagee of the interest sought to be redeemed) having any interest in or charge upon the property;

3 W. R. 230: 6 W. R. 230, &c.: But see 17 W. R. 272.

(*b*) any person having any interest in, or charge upon, the right to redeem the property;

(*c*) any surety for the payment of the mortgage-debt or any part thereof;

(*d*) the guardian of the property of a minor mortgagor on behalf of such minor;

(*e*) the committee or other legal curator of a lunatic or idiot mortgagor on behalf of such lunatic or idiot;

(*f*) the judgment-creditor of the mortgagor, when he has obtained execution;

Fisher, 768.

(*g*) a creditor of the mortgagor who has, in a suit for the administration of his estate, obtained a decree for sale of the mortgaged property.

Bill II, s. 59: III, s. 56: Bill, s. 25: See Code, C. P., section 461. N. W. P., 1870, p, 207.

91. In a suit for redemption, if the plaintiff succeed, the Court shall pass a decree—

Decree in redemption-suit.

ordering that an account be taken of what will be due to the defendant for the mortgage-money and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree; and ordering that, upon the plaintiff paying to the defendant or into Court the amount so due on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the defendant shall deliver up to the plaintiff or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall re-transfer it to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him, or, when the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff into possession of the mortgaged property;

that if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage be simple or usufructuary) be absolutely debarred of all right to redeem the property, or (unless the mortgage be by conditional sale) that the property be sold.

92. If payment is made of such amount and of such subsequent costs as are mentioned in section ninety-three, the plaintiff shall, if necessary, be put into possession of the mortgaged property. Bill II, s. 60.

In case of redemption, possession.

If such payment is not so made, the defendant may (unless the mortgage is simple or usufructuary) apply to the Court for an order that the plaintiff and all persons claiming through or under him be debarred absolutely of all right to redeem, or (unless the mortgage is by conditional sale) for an order that the mortgaged property be sold.

In default, foreclosure or sale.

If he apply for the former order, the Court shall pass an order that the plaintiff and all persons claiming through or under him be absolutely debarred of all right to redeem the mortgaged property, and may, if necessary, deliver possession of the property to the defendant.

If he apply for the latter order, the Court shall pass an order that such property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance be paid to the plaintiff or other persons entitled to receive the same.

On the passing of any order under this section the plaintiff's right to redeem and the security shall, as regards the property affected by the order, both be extinguished:

Provided that the Court may, upon good cause shown, and upon such terms, if any, as it thinks fit, from time to time postpone the day fixed under section ninety-one for payment of the amount due.

Power to enlarge time.

93. In finally adjusting the amount to be paid to a mortgagee in case of a redemption or a sale by the Court under this chapter, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure, redemption or sale up to the time of actual payment. Bill II, s. 65: Bill, s. 30.

Costs of mortgagee subsequent to decree.

94. Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, he has a charge on the share of each of the other co-mortgagors in the property for his proportion of the costs properly incurred in so redeeming and obtaining possession. Macph. 145.

Charge of one of several co-mortgagors who redeems.

Sale of Property subject to prior Mortgage.

Bill II, s. 65: III, s. 60: Bill, s 32: Report, s. 25, altered: Act X of 1877, s 295.

95. If any property the sale of which is directed under this chapter is subject to a prior mortgage, the Court may, with the consent of the prior mortgagee, order that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.

Sale of property subject to prior mortgage.

Bill II, s. 66: III, s. 61: Bill, s 33: See Act X of 1877, s. 295.

96. Such proceeds shall be brought into Court and applied as follows:—

Application of proceeds.

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, if the property has been sold free from any prior mortgage, in payment of whatever is due on account of such mortgage;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

fifthly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or if there be more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

Anomalous Mortgages.

Bombay Reg. V of 1827, s. 15. 'No precise form is required for a mortgage,' 5 Beng. 272, per Couch, C. J.

97. In the case of a mortgage not being a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage, or an English mortgage, or a combination of the first and third, or the second and third, of such forms, the rights and liabilities of the parties shall be determined by their contract as evidenced in the mortgage-deed, and, so far as such contract does not extend, by local usage.

Mortgage not described in section 58, clauses (*b*), (*c*), (*d*) and (*e*).

Attachment of Mortgaged property.

98. Where a mortgagee in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches the mortgaged property, he shall not be entitled to bring such property to sale otherwise than by instituting a suit under section sixty-six.

Attachment of mortgaged propety.

Charges.

Bill II, s. 68: III, s. 63: Bill, s. 41.

99. Where immoveable property of one person is by act of parties or operation of law made security for the payment of money to another, and the transaction does not amount to a mortgage, the latter person is said to have a charge on the property; and all the provisions hereinbefore applied to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections eighty and eighty-one and all the provisions hereinbefore applied to a mortgagee instituting a suit for the sale of the mortgaged property shall, so far as may be, apply to the person having such charge.

Charges.

Nothing in this section applies to the charge of a trustee on the trust-property for expenses properly incurred in the execution of his trust.

Bill II, s. 69: III, s. 64: *Swinfen* v. *Swinfen*, 29 Beav. 199: *Adams* v. *Angell*, 5 Chan. D. 634, 645: 7 Mad. 231: 14 W. R. 491: 3 O'Kin. 184: 5 Beng. 463: 11 Bom. 41.

100. Where the owner of a charge or other incumbrance on immoveable property is or becomes absolutely entitled to that property, the charge or incumbrance shall be extinguished, unless he declares, by express words or necessary implication, that it shall continue to subsist, or such continuance would be for his benefit.

Extinguishment of charges.

Notice and Tender.

101. Where the person on or to whom any notice or tender is to be served or made under this chapter does not reside in the district in which the mortgaged property or some part thereof is situate, service or tender on or to an agent holding a general power-of-attorney from such person or otherwise duly authorized to accept such service or tender shall be deemed sufficient.

Service or tender on or to agent.

Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown to the person required to serve the notice, the latter person may apply to any Court in which a suit might be brought for redemption of the mortgaged property, and such Court shall direct in what manner such notice shall be served, and any notice served in compliance with such direction shall be deemed sufficient.

Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown to the person desiring to make the tender, the latter person may deposit in such Court as last aforesaid the amount sought to be tendered, and such deposit shall have the effect of a tender of such amount.

102. Where under the provisions of this chapter a notice is to be served on or by, or tender or deposit made or accepted or taken out of Court by, any person, incompetent to contract, such notice may be served or tender or deposit made accepted or taken by the legal curator of the property of such person; but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or tender or deposit made under the provisions of this chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian *ad litem* for the purpose of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of Court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract; and the provisions of chapter XXXI of the Code of Civil Procedure shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

Notice, &c., to or by person incompetent to contract.

103. The High Court may, from time to time, make rules consistent with this Act for carrying out the provisions contained in this chapter.

Power to make rules.

CHAPTER V.

OF LEASES OF IMMOVEABLE PROPERTY.

104. A lease of immoveable property is a transfer of a right to enjoy such property made for a certain time express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

Lease defined.

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent.

Lessor, lessee, premium and rent defined.

Bill II, s. 74: III, 68: Bill, s. 46: Report, s. 40: 5 Bomb. A. C. J. 179; 6 *ibid.* 31; 7 *ibid.* 111. and see 1 Beng. F. B. 25. 13 W. R. 190: I. L. R. 2 Calc. 146: 4 Bengal Appendix 86; 12 Beng. 263: N. W. P., 1873, p. 9., Perry 480.

105. In the absence of a contract or local law or usage to the contrary, a lease of immoveable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy; and a lease of immoveable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy.

Duration of certain leases in absence of written contract or local usage.

Every notice under this section must be in writing signed by or on behalf of the party giving it and tendered or delivered to the party who is intended to be bound by it, or affixed to a conspicuous part of the property.

Notice to determine lease.

106. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered assurance.

Leases how made.

Bill II, s. 71: Bill III, s. 65. All other leases of immoveable property may be made either by assurance or by oral agreement.

107. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immoveable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased:—

Rights and liabilities of lessor and lessee.

A.—Rights and liabilities of the Lessor.

Bill III, s, 66 6 W. R. 314. (*a*) the lessor is bound to disclose to the lessee any defect in the property, with reference to its intended use, of which the former is and the latter is not aware, and which the latter could not with ordinary care discover:

(*b*) the lessor is bound on the lessee's request to put him in possession of the property leased:

6 Beng. Appendix 41: 39 (3); 15 W. R. 230; 23 W. R. 121.

(*c*) the lessor shall be deemed to contract with the lessee that, if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property leased during the time limited by the lease without interruption:

(*d*) where an arrear of rent is due from any lessee, the lessor may, instead of suing for the arrear, recover the same by distress and sale of the goods found in or upon the property in respect of which the arrear is due or of the produce of such property, but subject to the local law, if any, for the time being in force relating to distresses.

39 (2) altered cf. IX of 1871, s. 93: 11 W. R. 278: 12 W. R. 140.

B.—Rights and liabilities of the Lessee.

(*e*) if during the continuance of the lease any accession is made to the property leased, such accession (subject to the law relating to alluvion for the time being in force) shall be deemed to be comprised in the lease:

8 Beng. 78: 5 Calc. L. R. 33.

(*f*) if by fire, tempest or flood, or violence of an army or of a mob, or other irresistible force, any material part of the property leased be wholly destroyed or rendered substantially and permanently unfit for the purposes for which it was let, the lease shall, at the option of the lessee, be void:

provided that, if the injury be occasioned by the wrongful act or default of the lessee, he shall not be entitled to avail himself of the benefit of this provision:

(*g*) if the lessor neglects to make, within a reasonable time after notice, repairs which he is bound to make to the property leased, the lessee may make the same himself, and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor:

(*h*) if the lessor neglects to make any payment which he is bound to make, and which, if not made by him, is recoverable from the lessee or against the property leased, the lessee may make such payment himself, and deduct it with interest from the rent, or otherwise recover it from the lessor:

(*i*) the lessee may remove, at any time during the continuance of the lease, all things which he has attached to the earth; provided he leaves the property leased in the state in which he received it:

Re Thakoor Chunder Paramanick, Beng. F. B. Rulings 595: 8 Beng. 237: 14 Beng. 201.

(*j*) when a lease of uncertain duration determines by any means except the fault of the lessee, he or his legal representative is entitled to all the crops planted or sown by the lessee and growing upon the property leased for the season current when the lease determines, and to free ingress and egress to gather and carry them:

cf. Act XIX of 1868, s. 46 Act XVIII of 1878, s. 42.

5 S. D. A. 205: 5 M ad. 120, 277. 7 Beng. 152: N. W. P., 1875, p. 181: 24 W. R. 451: 16 W. R. 112: 6 S. D. A. 67: 15 W. R. 449.

(*k*) the lessee may transfer absolutely or by way of mortgage or sub-lease the whole or any part of his interest in the property leased, and any transferee of such interest or part may again transfer it. The lessee shall not, by reason only of such transfer, cease to be subject to any of the liabilities attaching to the lease:

8 Beng. 239: 12 Beng. 82.

nothing in this clause shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards, to assign his interest as such tenant, farmer or lessee:

(*l*) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, of which the lessee is, and the lessor is not, aware, and which increases the value of such interest:

See 23 W. R. 34.

(*m*) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf:

(*n*) the lessee is bound to keep, and on the termination of the lease to restore, the property leased in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter into the property leased and inspect the condition thereof and give or leave notice of any defect in such condition, and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left:

(*o*) if the lessee becomes aware of any proceeding to recover the property leased or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor:

5 Beng. 401, 416: 8 Beng. Appendix 70: 10 Beng. App. 41. and v. 5 S. D. A. 205: 16 W. R. 260: 17 W. R. 415: 25 W. R. 209: [illegible]: 6 Ch. Div. 520: 8 Beng. 248: 14 & 15 Vic., c. 99, s. 6.

(*p*) the lessee may use the property leased and its products (if any) as a person of ordinary prudence would use them if they were his own; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or fell timber, pull down or damage buildings, work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto:

(*q*) he must not, without the lessor's consent, erect on the property leased any permanent structure, except for agricultural purposes:

(*r*) on the determination of the lease, the lessee is bound to put the lessor into possession of the property leased.

108. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights and, if the lessee so elects, be subject to all the liabilities of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not by reason only of such transfer cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him:

14 W. R. 83 24 W. R. 68.

Rights of lessor's transferee.

Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee pay rent to the lessor without having reason to believe that such transfer has been made, the lessee shall not be liable to pay such rent over again to the transferee.

Act XI of 1855, s. 1: 4 Anne, c. 16, s. 10.

Where only a part of the property leased is transferred by the lessor, he may (subject to the provisions of section thirty-eight) determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred.

Bill II, s. 72.

109. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no day of commencement is named, the time so limited begins from the making of the lease.

Bill II, s. 75: Bill, s. 43.

Exclusion of day on which term commences.

Where the time so limited is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day from which such time commences.

Duration of lease for a year.

Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable, the lessee, and not the lessor, shall have such option.

Option to determine lease.

110. A lease of immoveable property determines—

Determination of lease.

Bill II, s. 73. 7 W. R. [illegible]

(*a*) by efflux of the time limited thereby:

3 M. & [illegible] 261: 16 W. R. [illegible]

(*b*) where such time is limited conditionally on the happening of some event—by the happening of such event:

(*c*) where the interest of the lessor in the property leased terminates on, or his power to dispose of the same extends only to, the happening of any event—by the happening of such event:

Lease by [illegible] to widow. Marshall [illegible]

(*d*) in case the interests of the lessee and the lessor in the whole of the property leased become vested at the same time in one person in the same right:

3 O'Kin. [illegible] But see also Peacock, [illegible] 10 W. R. [illegible]

(*e*) by express surrender; that is to say, in case

Surrender of right to [illegible]

deem mortgaged lease, N. W. P., 1869, p. 45. Surrender by one of several joint lessees, 9 W. R. 147.

the lessee yields up his interest under the lease to the lessor, by mutual agreement between them:

Marshall 250: 16 W. R. 103: 25 W. R. 227.

(*f*) by implied surrender:

(*g*) by forfeiture; that is to say, (1) in case the lessee breaks an express condition which provides that, on breach thereof, the lessor may re-enter, or the lease shall become void; or (2) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself; and in either case the lessor or his transferee does some act showing his intention to determine the lease:

18 W. R. 465. But see 22 W. R. 448. 25 W. R. 147.

28 W. R. 238, 271.

(*h*) on the expiration of a notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other.

Illustration to clause (f).

A, the lessee, accepts from the lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is an implied surrender of the former lease, and such lease determines thereupon.

Bill II, s. 77, cl. 1: W. R. F. B. 10: Marshall 25.

111. A forfeiture under section one hundred and ten, clause (*g*), is waived by acceptance of rent which has become due since the forfeiture, or by distress for such rent, or by any other act on the part of the lessor showing an intention to treat the lease as subsisting:

Waiver of forfeiture.

Provided that the lessor is aware that the forfeiture has been incurred:

3 Bom. 78.

Provided also that, where rent is accepted after the institution of a suit to eject the lessee on the ground of forfeiture, such acceptance is not a waiver.

112. A notice given under section one hundred and ten, clause (*h*), is waived, with the express or implied consent of the person to whom it is given, by any act on the part of the person giving it showing an intention to treat the lease as subsisting.

Waiver of notice to quit.

Illustrations.

(*a*). A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires. B tenders, and A accepts, rent which has become due in respect of the property since the expiration of the notice. The notice is waived.

(*b*). A, the lessor, gives B the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. The first notice is waived.

Bill II, s. 77, cl. 2: N. W. P., 1867, Ex. o. c. 1, Thamaré Puranik v. Babiya Kupayonda, 2 Bom. 90: 9 W. R. 225, per Peacock, C.J.

113. Where a lease of immoveable property has determined by forfeiture for non-payment of rent, and the lessor sues to eject the lessee, if, at the hearing of the suit, the lessee pays or tenders to the lessor the rent in arrear, together with interest thereon and his full costs of the suit, or gives such security as the Court thinks sufficient for making such payment within fifteen days, the Court may, in lieu of making a decree for ejectment, pass an order relieving the lessee against the forfeiture; and thereupon the lessee shall hold the property leased as if the forfeiture had not occurred.

Relief against forfeiture for non-payment of rent.

Act XVIII of 1873, s. 34, cl. (*c*), para. 1.

114. The surrender, express or implied, of a lease of immoveable property does not prejudice an under-lease of the property or any part thereof previously granted by the lessee, on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease; but, unless the surrender is made for the purpose of obtaining a new lease, the rent payable by and the contracts binding on the under-lessee shall be respectively payable to and enforceable by the lessor.

Effect of surrender and forfeiture on under-leases.

10 W. R. 384. 13 W. R. 281. N. W. P., 1871, p. 63.

The forfeiture of such a lease annuls all such under-leases, except where such forfeiture has been procured by the lessor in fraud of the under-lessees.

115. If a lessee or under-lessee of property remains in possession thereof after the determination of the lease, and the lessor or his legal representative accepts rent from the lessee or under-lessee, or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year, or from month to month, according to the purpose for which the property is leased, as specified in section one hundred and seven.

Effect of holding over.

Bill II, s. 78: Bill, s. 47: Report, s. 41: 3 Bom, A. C. J. 27: 2 Beng. 263: N. W. P., 1870, p. 204: 7 W. R. 152: 16 W. R. 185: 22 W. R. 394: 548: 23 W. R. 271: 25 W. R. 234

Illustrations.

(*a*). A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. C's lease is renewed from month to month.

(*b*). A lets a farm to B for the life of C. C dies, but B continues in possession with A's assent. B's lease is renewed from year to year.

116. None of the provisions of this chapter apply to leases for agricultural purposes, except in so far as the local Government, with the previous sanction of the Governor General in Council, may by notification published in the official Gazette declare all or any of such provisions to be so applicable, together with, or subject to, those of the local law, if any, for the time being in force.

Exemption of leases for agricultural purposes.

Such notification shall not take effect until the expiry of six months from the date of its publication.

CHAPTER VI.

OF EXCHANGES.

117. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange."

"Exchange" defined.

Bill II, s. 21: Bill, s. 48: 1 Mad. 100.

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale.

Bill II, s. 22, cl. 2:

118. In the absence of a contract to the contrary, the party deprived of the thing or part thereof he has received in exchange by reason of any defect in the title of the other party is entitled at his option to compensation or to the return of the thing transferred by him.

Right of party evicted from thing received in exchange.

Bill II, s. 23: Bill, s. 48, para. 2.

119. Save as otherwise provided in this chapter, each party has the rights and is subject to the liabilities of a seller as to that which he gives, and has the rights and is subject to the liabilities of a buyer as to that which he takes.

Rights and liabilities of parties.

Bill II, s. 24: Bill, s. 48, para. 3: 1 Morl. 105.

120. On an exchange of money, each party thereby warrants the genuineness of the money given by him.

Exchange of money.

CHAPTER VII.

OF GIFTS.

121. "Gift" is the transfer of certain existing moveable or immoveable property made voluntarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.

"Gift" defined.

Such acceptance must be made during the lifetime of the donor and while he is still capable of giving.

Acceptance when to be made.

L. C. 1531.

If the donee dies before acceptance, the gift is void.

Act III of 1877, s. 17, cl. (*a*).

122. For the purpose of making a gift of immoveable property, the transfer must be effected by registered assurance signed by or on behalf of the donor, and attested by at least two witnesses.

Transfer how effected.

For the purpose of making a gift of moveable property, the transfer may be effected either by a non-testamentary instrument [registered and] signed as aforesaid or by delivery.

Act IX of 1872, s. 90.

Such delivery may be made in the same way as goods sold may be delivered.

123. A gift comprising both existing and future property is void as to the latter.

Gift of existing and future property.

Burge II, 144.

124. A gift of a divisible thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had he accepted.

Gift to several, of whom one does not accept.

125. The donor and donee may agree that on the happening of any specified event which does not depend on the will of the donor a gift shall be suspended or revoked; but a gift which the parties agree shall be revocable wholly or in part at the mere will of the donor is void wholly or in part, as the case may be.

When gift may be suspended or revoked.

A gift may also be revoked in any of the cases (save want or failure of consideration) in which, if it were a contract, it might be rescinded.

Save as aforesaid, a gift cannot be revoked.

1 L. R., 2 All. 432.

Nothing contained in this section shall be deemed to affect the rights of transferees for consideration without notice.

Illustrations.

(*a*). A gives a field to B, reserving to himself, with B's assent, the right to take back the field in case B and his descendants die before A. B dies without descendants in A's lifetime. A may take back the field.

(*b*). A gives a lákh of rupees to B, reserving to himself, with B's assent, the right to take back at pleasure Rs. 10,000 out of the lákh. The gift holds good as to Rs. 90,000, but is void as to Rs. 10,000, which continue to belong to A.

Act X of 1865, s. 109.

126. Where a gift is in the form of a single transfer to the same person of several things of which one is, and the others are not, burdened by an obligation, the donee can take nothing by the gift unless he accepts it fully.

Onerous gifts.

Act X of 1865, s. 110.

Where a gift is in the form of two or more separate and independent transfers to the same person of several things, the donee is at liberty to accept one of them and refuse the others, although the former may be beneficial and the latter onerous.

A donee not competent to contract and accepting property burdened by any obligation is not bound by his acceptance. But if, after becoming competent to contract and being aware of the obligation, he retains the property given, he becomes so bound.

Onerous gift to disqualified person.

Illustrations.

(*a*). A has shares in X, a prosperous joint stock company, and also shares in Y, a joint stock company in difficulties. Heavy calls are expected in respect of the shares in Y. A gives B all his shares in joint stock companies. B refuses to accept the shares in Y. He cannot take the shares in X.

(*b*). A, having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is more than the house can be let for, gives to B the lease, and also, as a separate and independent transaction, a sum of money. B refuses to accept the lease. He does not by this refusal forfeit the money.

127. Subject to the provisions of section one hundred and twenty-six, where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by the donor at the time of the gift to the extent of the property comprised therein.

Universal donee.

128. Nothing in this chapter relates to gifts of moveable property made in contemplation of death, or shall be deemed to affect any rule of Muhammadan law.

Saving of donations *mortis causâ* and Muhammadan law.

CHAPTER VIII.

OF TRANSFERS OF ACTIONABLE CLAIMS.

Actionable claim.

129. A claim is actionable when the civil Courts recognise it as a ground for relief, whether a suit for its enforcement is or is not actually pending or likely to become necessary.

Bill II, s. 136: Bill, s. 99: Report, s. 99: 36 & 37 Vic., c. 66, s. 25(*b*): 1 Mad. 150: See 5 W. R. 230: But see 10 N. W. P. 474, cited Macph. 122.

Transfer of debts.

130. No transfer of any debt or any beneficial interest in moveable property shall have any operation against the debtor or against the person in whom the property is vested, until express notice of the transfer is given to him, unless he is a party to such transfer; and every dealing by such debtor or person, not being a party to, and not having received express notice of, a transfer, with the debt or property shall be valid as against such transfer.

Illustrations.

(*a*). A owes money to B, who transfers the debt to C. B then demands the debt from A, who, having no notice of the transfer, pays B. The payment is valid, and C cannot sue A for the debt.

(*b*). A has jewels deposited with B, a jeweller. A mortgages them to C. A then executes an instrument transferring them to D, who takes it to B, and gets the jewels from him before he, B, has received any notice of C's mortgage. B is justified in handing the jewels to D, and C has no remedy against D.

Bill II, s. 137: Report, s. 100.

Notice to be in writing signed.

131. Every such notice must be in writing signed by the person making the transfer, or by his agent duly authorized in this behalf.

Bill II, s. 138: Fisher, 116: *Sichel* v. *Raphael* 10 Jur. N. S. 1165.

Debtor to give effect to transfer.

132. On receiving such notice, the debtor or person in whom the property is vested shall give effect to the transfer unless where the debtor resides, or the property is situate, in a foreign country and the title of the person in whose favour the transfer is made is not complete according to the law of such country.

Warranty of solvency of debtor.

133. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount or value of such consideration.

Discharge of person against whom claim is sold.

134. Where an actionable claim is sold, he is wholly discharged by paying to the buyer the price and incidental expenses of the sale, with interest on the price from the day that the buyer paid it.

Nothing in the former part of this section applies—

(*a*) where the sale is made to the co-heir or co-proprietor of the claim sold;

(*b*) where it is made to a creditor in payment of what is due to him;

(*c*) where it is made to the possessor of a property subject to the actionable claim;

(*d*) where the judgment of a competent Court has been delivered affirming the claim, or where the claim has been made clear by evidence and is ready for judgment.

Incapacity of officers connected with Courts of justice.

135. No judge, pleader, clerk, bailiff or other officer connected with Courts of justice can buy any actionable claim falling under the jurisdiction of the Court in which he exercises his functions.

Liability of transferee of debt.

136. The person to whom a debt or charge is transferred shall take it subject to all the liabilities to which the transferor was subject in respect thereof at the date of the transfer.

Bill II, s. 139: *Mangles* v. *Dixon*, 3 H. L. Ca. 702: Fisher, s. 1058.

Illustration.

A debenture is issued in fraud of a public company to A. A sells and transfers the debenture to B, who has no notice of the fraud. The debenture is invalid in the hands of B.

Mortgaged debt.

137. When a debt is transferred for the purpose of securing an existing or future debt, the original debt, if recovered by either the transferor or transferee, is applicable, first, in payment of the costs of such recovery; secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor.

Bill II, s. 67, para. 2: Dav. Conv. II, 691, 693.

Saving of negotiable instruments.

138. Save as provided by section one hundred and thirty-seven, nothing in this chapter applies to negotiable instruments.

Bill II, s. 140.

THE SCHEDULE.

(*a*). STATUTE.

Year and chapter.	Subject.	Extent of repeal.
27 Hen. VIII, c. 10.	Uses	The whole.
4 Wm. & Mary, c. 16.	Clandestine mortgages	The whole.

(*b*). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
XXIX of 1842	Lease and release ...	The whole.
XXXI of 1854	Modes of conveying land	Section 17.
XI of 1855	Mesne profits and improvements.	Section 1; and in the title and preamble, the words "to mesne profits and" and "to limit the liability for mesne profits and."
XXVII of 1866	Indian Trustee Act ...	Section 31.
IV of 1872	Panjáb Laws Act ...	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XX of 1875	Central Provinces Laws Act.	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XVIII of 1876	Oudh Laws Act ...	So far as it relates to Bengal Regulation XVII of 1806.
I of 1877	Specific Relief ...	In sections 35 and 36, the words "in writing."

(*c*). REGULATIONS.

Number and year.	Subject.	Extent of repeal.
Bengal Regulation I of 1798.	Conditional sales ...	The whole Regulation.
Bengal Regulation XVII of 1806.	Redemption ...	The whole Regulation.
Bombay Regulation V of 1827.	Mortgagees in possession	Section 15.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to alluvion, islands and abandoned river-beds was referred, have the honour to report that we have considered the Bill and the papers noted in the margin, together with the part of the report of the late Indian Law Commission which deals with the Bill as settled in March, 1879.

From Chief Secretary to Government, Bombay, No. 1635, dated 25th March, 1879 [Paper No. 22].
" J. W. Best, Esq., District and Sessions Judge, South Kanára, No. 8, dated 3rd April, 1879 [Paper No. 23].
" Officiating Secretary to Chief Commissioner, Mysore, No. 751—1I, dated 26th April, 1879 [Paper No. 24].
" Secretary for Birár to Resident Haidarábád, No. 6, dated 5th May, 1879 [Paper No. 25].
" Secretary to Chief Commissioner, Assam, No. 755, dated 2nd May, 1879 [Paper No. 26].
" Acting Chief Secretary to Government, Bombay, No. 2629, dated 19th May, 1879 [Paper No 27].
" Chief Commissioner, Ajmer and Merwára, No. 388, dated 21st May, 1879, and enclosure [Papers No. 28].
" Assistant Secretary to Chief Commissioner, Central Provinces, No. 2222—113, dated 19th May, 1879 [Paper No. 29].
Translation of Memorial from Dabí Pershád and others, zamíndárs, Raipur, No. 8, dated 3rd May, 1879 [Paper No. 30].
From Under Secretary to Government, Bengal, No. 1234—516 LR, dated 27th May, 1879; and enclosure [Papers No. 31].
" Secretary to Government, Panjáb, No. 160C, dated 19th June, 1879, and enclosures [Papers No. 32].
" Acting Chief Secretary to Government, Madras, No. 1322, dated 6th June, 1879, and enclosures [Papers No. 33].
" Certain inhabitants of Elás, Broach District, dated 15th June, 1879 [Paper No. 34].
" Acting Chief Secretary to Government, Madras, No. 1387, dated 13th June, 1879, and enclosures [Papers No. 35].
" Acting Chief Secretary to Government, Madras, No. 1401, dated 16th June, 1879, and enclosures [Papers No. 36].
" Acting Chief Secretary to Government, Madras, No. 1503, dated 26th June, 1879, and enclosures [Papers No. 37].
" Officiating Secretary to Chief Commissioner, British Burma, No. 310, dated 10th July, 1879 [Paper No. 38].
" Secretary to Government, North-Western Provinces and Oudh, No. 1709, dated 4th August, 1879, and enclosures [Papers No. 39].
Note by D. Fitzpatrick, Esq., Secretary to the Government of India, Legislative Department, dated 22nd January, 1881, and enclosures [Papers No. 40].

2. We have carefully considered the alternative drafts proposed by Sir C. Turner and Mr. Justice West, but we cannot recommend either of them for adoption. Sir C. Turner's has the advantage of simplifying the measure in certain respects, but this advantage is gained by leaving it to the Courts to decide questions of great importance and difficulty at their mere discretion and without any rules to guide them.

3. We think that the Bill submitted to the Law Commission will answer its purposes, subject only to two alterations in substance, namely, the substitution of one simple rule for the several rules originally proposed for determining the manner in which newly formed land, to which it is admitted the riparian owners are entitled, should be distributed among them, and a modification of the definition of frontage.

4. As regards the former, it seems to us that the rules laid down by the Bill as last settled for deciding disputes between competing riparian owners and dividing the new land between them would be likely to give rise to difficulties in practice.

These rules are different for rivers on the one hand, and the sea and lakes on the other; and again, for islands, for land formed on the bank and for abandoned river-beds. These distinctions not only make the law more complicated, but, further, may give rise to questions for the solution of which that Bill does not altogether provide. Again, in some instances (sections 4 and 6), they merely postpone the evil day by leaving important difficulties to be disposed of by rules to be made hereafter by the Local Governments. Further, they greatly complicate the question by making its solution depend on the "thread of the stream," a line or combination of lines which it would often be hard to determine, and which might, when determined, turn out to be of a very irregular shape; and, as regards the particular matter of the normals to be drawn under sections 7 and 9, it appears that cases would sometimes present themselves in practice in which no such normals could be drawn.

5. To avoid these difficulties we propose to substitute for the original provisions of the Bill on this point, two rules which will cover all cases in which two or more riparian owners may be conceived to have claims to a new formation. The first of these rules is intended to apply to all cases in which new land is formed on a bank by imperceptible increments; the second to all other formations to which riparian owners may have a claim.

6. The former class of cases appears to us to be simple enough. We conceive that, when land is formed by imperceptible degrees on a portion of the bank belonging to a single proprietor, he should take that land in whatever direction and to whatever extent it may grow. It is only when the formation, or any portion of it, springs from a nucleus at the point of junction of two frontages that any question can arise, and we have (section 4) provided that in this case the dividing line shall be the bisector of the angle between the two frontages.

7. The cases to be dealt with by the second rule, on the contrary, may present every variety of complication, but we think they may be provided for by a rule which is capable of being simply expressed, which would generally be easy to apply, and about the application of which there would never be any serious difficulty, and which, moreover, would make as fair a division of the new land as can be hoped for in a class of cases for which, in the absence of anything in the way of a definite principle to guide us, we must be content with a somewhat rough-and-ready rule.

The rule we propose (section 6) is that each particle of the new formation shall belong to that one of the riparian owners who can show a point in his frontage nearest to it; provided that, when the line dividing the portion of the land to which one owner is entitled from the portion to which another is entitled is an arc of a curve, the chord of such arc shall be substituted for the arc. The dividing line given by this rule will be different according to the relative positions of the two competing frontages, but it will be one which it will be always easy to draw.

In ordinary cases it will be the bisector of the angle between the frontages, or, in the case of holdings on opposite sides of a river with parallel frontages, a line parallel to the frontages and equidistant from both; in others it will be the perpendicular erected at the middle point of the line connecting the extremities of the frontages; and in others, again, it will be the chord of a parabola. As this last line might at first sight be supposed to present some difficulty, we think it well to explain that the chord can be drawn without describing the parabola, and by a person altogether ignorant of the nature and properties of that curve. It is, in fact, simply the right line connecting two points which could be fixed by any patwárí or amín without the slightest difficulty. We may add, as regards the substitution of the chord for the arc in this case, that it not only simplifies the problem, but also makes what we believe, would, by most persons be considered a fairer division of the land.

8. Coming now to the definition of "frontage," it has been pointed out to us by Mr. Elliot that the original definition would, under the Bill as last settled, sometimes lead to anomalous results, as, for example, when a riparian holding extended completely round the concave face of a sharp curve in a river, in which case the frontage might approach within a few yards of the opposite bank or even cut off a considerable portion of it. These anomalies would be increased rather than diminished under the new rule for the division of the land now adopted, and we have accordingly been compelled to seek for a new definition.

The object of introducing the "frontage" is to substitute right lines for the irregularly shaped bank of the river, and thus to simplify the application of our rules: the defect of the original definition is that, in requiring a single right line to be substituted for the entire riparian boundary of each holding, the artificial riparian boundaries thus obtained in some cases deviate too widely from the real boundaries; and the remedy appears to be to declare that in such cases, instead of the single line, a series of two, or, if necessary, more, lines following more closely the real line of the bank shall be adopted. For this we have attempted to provide in the directions given in schedule II for drawing a frontage.

9. We have struck out the definition of "owner," as we think that the Courts may be trusted to determine who in a given case is the riparian proprietor, and we have also omitted the definitions of "thread of the stream," as the expression does not occur in the body of the Bill as now settled.

10. We think that the Bill should save local customs not only in the Panjáb but in all other territories to which it is to apply. We have accordingly excluded the section effecting this saving to the whole of British India; but we have omitted the proviso annexed to it in the Bill, as settled by the Select Committee in March, 1879, as the matter to which it relates is one falling outside the scope of the present Bill.

11. The Bill, No. II, together with the Preliminary Report of the Select Committee, has been published in English in Bombay, the North-Western Provinces, the Panjáb, the Central Provinces and British Burma, and in vernacular in Bombay, the Panjáb and the Central Provinces. We do not propose that any further step should be taken in respect to the Bill until it has been published in the Gazette and circulated to Local Governments with a view to obtaining opinions on it in its new form. It must also, by order of the Secretary of State, be re-translated into the Native languages and sent home to him for consideration. In fact, having regard to the complication and difficulty of the subject, we should prefer to have our present proposals treated as suggestions thrown out for discussion rather than as furnishing a final solution of the questions at issue.

The 11th March, 1881.

WHITLEY STOKES.
RIVERS THOMPSON.
J. PITT KENNEDY.
G. C. PAUL.
B. W. COLVIN.

No. III.

A Bill to define and amend the law relating to alluvion, islands and abandoned river-beds.

WHEREAS it is expedient to define and amend the law relating to alluvion, islands and abandoned river-beds; It is hereby enacted as follows:— Preamble.

I.—Preliminary.

Short title. 1. This Act may be called "The Indian Alluvion Act, 1882:"

Local extent. It extends to the whole of British India;

Commencement. and it shall come into force on the *first* day of *March*, 1882.

Repeal of enactments. 2. The Acts, Regulation and Rules mentioned in the first schedule hereto annexed shall be repealed to the extent specified in the third column. References to the Regulation and Rules so repealed, in enactments passed subsequently thereto, shall be read as if made to this Act.

Interpretation-clause. 3. In this Act—

W. R. 291: 4 W. R. 41: 4 W. R. 352. "island" means land surrounded by water and capable of being employed for cultivation, pasture or other useful purpose. It includes such land arising in a river or lake, submerged in the wet season and visible only in the dry season; but it excludes land arising in tidal rivers, tidal lakes or the sea, submerged by the flow of ordinary tides throughout the year:

"frontage" used with reference to a holding means the line or lines determined for such holding in the manner prescribed in the second schedule hereto annexed:

3 W. R. 95: 6 Ben. 342. and a channel is said to be "fordable" when it does not exceed five feet in depth in the dry season next after the formation referred to and throughout the twenty-four hours.

II.—Alluvial Land and Abandoned River-beds.

Right to alluvial land formed on bank or shore. 4. Where from natural causes land is formed, by imperceptible degrees, on the bank or shore of a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, the owner of the bank or shore is entitled to the land so formed.

When the formation takes place at the junction of two holdings, each owner shall be entitled to so much of the formation as lies on his side of a line drawn through the point of junction and bisecting the angle between the two frontages at that point.

Ben. Act IV of 1868, s. 4. Right to islands where neither channel is fordable. 5. Where an island is formed, from natural causes, in a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, if the island is separated from each bank or shore by a channel not fordable at any point, the Government is entitled to such island.

Islands where one or both channels fordable. 6. Where an island is formed from natural causes in a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, and is separated from the bank or banks by a fordable channel or fordable channels:

and where from natural causes any land is formed, otherwise than by imperceptible degrees, on the bank of a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, Land formed by perceptible degrees.

and where a river suddenly abandons its bed, Suth. W. R. 1864, p. 103

each particle of the island or land so formed, or the river-bed so abandoned, shall belong to that one of the riparian owners who can show a point on the frontage of his holding nearest to such particle:

Provided that when the channel separating an island so formed in a river from one bank is fordable and the channel separating such island from the other bank is not fordable, the owners of the former bank shall alone be entitled as such to the island:

Provided also that when the line dividing the formation to which one owner is entitled under this section from the formation to which another owner is entitled under this section is an arc of a curve, the chord of such arc shall be substituted therefor.

III.—Miscellaneous.

Power to declare where tidal rivers end. 7. The Local Government may, from time to time, declare, with reference to any tidal river, where, for the purposes of this Act, the river shall be deemed to end and the sea to begin.

Every declaration made under this section shall be published in the official Gazette, and shall thereupon have the force of law. And no such declaration shall be cancelled or altered save with the previous sanction of the Governor General in Council.

Savings. 8. Nothing herein contained shall—

(*a*) affect any law relating to the assessment of land-revenue or to the enhancement or abatement of rent; or Reg. XI of 1825, s. 6

(*b*) confer on any owner of a bank or shore in respect of which he is hereby declared to be entitled to alluvial land, to an island, or to an abandoned river-bed, any title to such land, island or river-bed, better than that which he has to the bank or shore; or Reg. XI of 1825, s. 6

(*c*) enlarge any holding granted by Government, the area of which has been fixed by any sanad or other document executed under the authority of Government; or Bombay Regulation [illegible] s. 1[illegible] (2).

(*d*) authorize any acts of private persons done in order to divert currents or cause accretions; or

(*e*) authorize any encroachments by private persons on the banks, beds or channels of navigable rivers; or Ben. Reg. of 1825, s.

(*f*) prevent any officer duly empowered by the Local Government in this behalf from removing obstacles which appear to him to interfere with the safe and customary navigation of such rivers, or which obstruct the passage of boats by tracking on the banks of such rivers or otherwise; or Ben. Reg. of 1825, s.

(*g*) prevent any officer duly empowered by the Local Government in this behalf from regulating the direction and flow of such rivers and the preservation and distribution of their waters;

(*h*) affect the right of the Government or a private owner—

to land formed on a site which is proved to belong to the Government or such owner, or

to the ancient bed of a river which is proved to have belonged to the Government or such owner immediately before its abandonment.

Reg. XI of 1825, s. 2. 13 Moo. I.A. 1: *Contra* Oudh Taluqdárs Act, s. 3.

Local usage saved.

9. Nothing herein contained shall affect any definite and well-established local usage respecting the right to alluvial land, islands or abandoned river-beds; but (except in the cases provided for by the Panjáb Land-Revenue Act, 1871, section 16) the burden of proving such usage shall lie on the person alleging it.

E. g., islands not formed from natural causes.

Right of Crown to alluvial lands, &c., not hereinbefore provided for.

10. All land and islands formed, and all river-beds abandoned, as mentioned respectively in sections four and five, and not vesting under any of the provisions hereinbefore contained, shall vest in the Government.

THE FIRST SCHEDULE.

(*a*). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
IV of 1872...	Panjáb Laws Act ...	So much as relates to Bengal Regulation XI of 1825.
XX of 1875...	Central Provinces Laws Act	Ditto.
XVIII of 1876	Oudh Laws Act ...	Ditto.

(*b*). BENGAL REGULATION.

Number and year.	Subject.	Extent of repeal.
XI of 1825...	Alluvion	The whole.

(*c*). BENGAL ACT.

Number and year.	Subject.	Extent of repeal.
IV of 1868...	Amending Act IX of 1847	Sections 2 and 4.

(*d*). RULES.

Date.	Subject.	Extent of repeal.
22nd May 1852.	Alluvion and Diluvion in Sindh.	Paragraphs 1, 2, 3, 4, 5 and 20.

THE SECOND SCHEDULE.

Rules for determining the frontage of a holding.

DRAW a right line connecting the extreme points of the riparian boundary of the holding, and take that as the frontage except—

(*a*) where such line or any portion of it lies altogether outside the riparian boundary of the holding, and any point on such line or portion, measuring along a perpendicular to it erected at such point, is further from such boundary than from the riparian boundary of any other holding; or

(*b*) where such line or any portion of it lies altogether within the riparian boundary of the holding, and there is any point on the portion of such boundary cut off by it so situated that right lines drawn from it to the extremities of such line or portion, as the case may be, contain an angle of less than 160°,

in either of which cases the line or portion of the line, as the case may be, must be rejected, and other lines substituted for it as follows:—

2. When the line or any portion of it is rejected on the ground mentioned in paragraph (*a*), the lines to be substituted for it are to be determined as follows:—

Erect a perpendicular to it at its middle point: connect its extremities with the point where such perpendicular intersects the riparian boundary, and take those connecting lines as the frontage along that portion of the boundary, unless it should be found that there is a point on either of them which, measuring along the perpendicular to it erected at such point, is further from the riparian boundary of the holding than from the riparian boundary of any other holding, in which case that line must be rejected, a perpendicular to it erected at its middle point, and right lines drawn from its extremities to the point where that perpendicular intersects the riparian boundary of the holding, and so on, repeating the process, until such a series of right lines is obtained that no point on any one of them, measuring along the perpendicular erected to it at such point, will be further from the riparian boundary of the holding than from the riparian boundary of any other holding.

3. Where any line or portion of a line is rejected on the ground stated in paragraph (*b*), the lines to be substituted for it are to be determined as follows:—

Erect a perpendicular to it at its middle point: connect its extremities with the point where such perpendicular intersects the riparian boundary, and take those connecting lines as the frontage along that portion of the boundary, unless it should be found that right lines drawn from the extremities of either of them to any point on the portion of the boundary cut off by it contain an angle of less than 160°, in which case that connecting line must be rejected, a perpendicular erected at its middle point, its extremities connected with the point where such perpendicular intersects the boundary, and so on, repeating the process, until such a series of right lines is obtained that the right lines connecting the extremities of any one of them with any point on the portion of the boundary cut off by it will, in no case, be less than 160°.

D. FITZPATRICK,
Secretary to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 2, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1881:—

WE, the undersigned Members of the Select Committee to which the Bill to define and amend the law relating to alluvion, islands and abandoned river-beds was referred, have the honour to report that we have considered the Bill and the papers noted in the margin, together with the part of the report of the late Indian Law Commission which deals with the Bill as settled in March, 1879.

From Chief Secretary to Government, Bombay, No. 1635, dated 25th March, 1879 [Paper No. 22].
" J. W. Best, Esq., District and Sessions Judge, South Kanára, No. 8, dated 3rd April, 1879 [Paper No. 23].
" Officiating Secretary to Chief Commissioner, Mysore, No. 751—11, dated 26th April, 1879 [Paper No. 24].
" Secretary for Birár to Resident, Haidarábád No. 6, dated 5th May, 1879 [Paper No. 25].
" Secretary to Chief Commissioner, Assam, No. 755, dated 2nd May, 1879 [Paper No. 26].
" Acting Chief Secretary to Government, Bombay, No. 2629, dated 19th May, 1879 [Paper No 27].
" Chief Commissioner, Ajmer and Merwára, No. 388, dated 21st May, 1879, and enclosure [Papers No. 28].
" Assistant Secretary to Chief Commissioner, Central Provinces, No. 2222—113, dated 19th May, 1879 [Paper No. 29].
Translation of Memorial from Dabí Pershád and others, zamíndárs, Raipur, No. 8, dated 3rd May, 1879 [Paper No. 30].
From Under Secretary to Government, Bengal, No. 1234—516 LR, dated 27th May, 1879, and enclosure [Papers No. 31].
" Secretary to Government, Panjáb, No. 160C, dated 19th June, 1879, and enclosures [Papers No. 32].
" Acting Chief Secretary to Government, Madras, No. 1322, dated 6th June, 1879, and enclosures [Papers No. 33].
" Certain inhabitants of Elás, Broach District, dated 15th June, 1879 [Paper No. 34].
" Acting Chief Secretary to Government, Madras, No. 1387, dated 13th June, 1879, and enclosures [Papers No. 35].
" Acting Chief Secretary to Government, Madras, No. 1401, dated 16th June, 1879, and enclosures [Papers No. 36].
" Acting Chief Secretary to Government, Madras, No. 1503, dated 26th June, 1879, and enclosures [Papers No. 37].
" Officiating Secretary to Chief Commissioner, British Burma, No. 310, dated 10th July, 1879 [Paper No. 34].
" Secretary to Government, North-Western Provinces and Oudh, No. 1709, dated 4th August, 1879, and enclosures [Papers No. 39].
Note by D. Fitzpatrick, Esq., Secretary to the Government of India, Legislative Department, dated 22nd January, 1881, and enclosures [Papers No. 40].

2. We have carefully considered the alternative drafts proposed by Sir C. Turner and Mr. Justice West, but we cannot recommend either of them for adoption. Sir C. Turner's has the advantage of simplifying the measure in certain respects, but this advantage is gained by leaving it to the Courts to decide questions of great importance and difficulty at their mere discretion and without any rules to guide them.

3. We think that the Bill submitted to the Law Commission will answer its purposes, subject only to two alterations in substance, namely, the substitution of one simple rule for the several rules originally proposed for determining the manner in which newly formed land, to which it is admitted the riparian owners are entitled, should be distributed among them, and a modification of the definition of frontage.

4. As regards the former, it seems to us that the rules laid down by the Bill as last settled for deciding disputes between competing riparian owners and dividing the new land between them would be likely to give rise to difficulties in practice.

These rules are different for rivers on the one hand, and the sea and lakes on the other; and again, for islands, for land formed on the bank and for abandoned river-beds. These distinctions not only make the law more complicated, but, further, may give rise to questions for the solution of which that Bill does not altogether provide. Again, in some instances (sections 4 and 9), they merely postpone the evil day by leaving important difficulties to be disposed of by rules to be made hereafter by the Local Governments. Further, they greatly com-

plicate the question by making its solution depend on the "thread of the stream," a line or combination of lines which it would often be hard to determine, and which might, when determined, turn out to be of a very irregular shape; and, as regards the particular matter of the normals to be drawn under sections 7 and 9, it appears that cases would sometimes present themselves in practice in which no such normals could be drawn.

5. To avoid these difficulties we propose to substitute for the original provisions of the Bill on this point, two rules which will cover all cases in which two or more riparian owners may be conceived to have claims to a new formation. The first of these rules is intended to apply to all cases in which new land is formed on a bank by imperceptible increments; the second to all other formations to which riparian owners may have a claim.

6. The former class of cases appears to us to be simple enough. We conceive that, when land is formed by imperceptible degrees on a portion of the bank belonging to a single proprietor, he should take that land in whatever direction and to whatever extent it may grow. It is only when the formation, or any portion of it, springs from a nucleus at the point of junction of two frontages that any question can arise, and we have (section 4) provided that in this case the dividing line shall be the bisector of the angle between the two frontages.

7. The cases to be dealt with by the second rule, on the contrary, may present every variety of complication, but we think they may be provided for by a rule which is capable of being simply expressed, which would generally be easy to apply, and about the application of which there would never be any serious difficulty, and which, moreover, would make as fair a division of the new land as can be hoped for in a class of cases for which, in the absence of anything in the way of a definite principle to guide us, we must be content with a somewhat rough-and-ready rule.

The rule we propose (section 6) is that each particle of the new formation shall belong to that one of the riparian owners who can show a point in his frontage nearest to it; provided that, when the line dividing the portion of the land to which one owner is entitled from the portion to which another is entitled is an arc of a curve, the chord of such arc shall be substituted for the arc. The dividing line given by this rule will be different according to the relative positions of the two competing frontages, but it will be one which it will be always easy to draw.

In ordinary cases it will be the bisector of the angle between the frontages, or, in the case of holdings on opposite sides of a river with parallel frontages, a line parallel to the frontages and equidistant from both; in others it will be the perpendicular erected at the middle point of the line connecting the extremities of the frontages; and in others, again, it will be the chord of a parabola. As this last line might at first sight be supposed to present some difficulty, we think it well to explain that the chord can be drawn without describing the parabola, and by a person altogether ignorant of the nature and properties of that curve. It is, in fact, simply the right line connecting two points which could be fixed by any patwárí or amín without the slightest difficulty. We may add, as regards the substitution of the chord for the arc in this case, that it not only simplifies the problem, but also makes what we believe, would, by most persons be considered a fairer division of the land.

8. Coming now to the definition of "frontage," it has been pointed out to us by Mr. Elliot that the original definition would, under the Bill as last settled, sometimes lead to anomalous results, as, for example, when a riparian holding extended completely round the concave face of a sharp curve in a river, in which case the frontage might approach within a few yards of the opposite bank or even cut off a considerable portion of it. These anomalies would be increased rather than diminished under the new rule for the division of the land now adopted, and we have accordingly been compelled to seek for a new definition.

The object of introducing the "frontage" is to substitute right lines for the irregularly shaped bank of the river, and thus to simplify the application of our rules: the defect of the original definition is that, in requiring a single right line to be substituted for the entire riparian boundary of each holding, the artificial riparian boundaries thus obtained in some cases deviate too widely from the real boundaries; and the remedy appears to be to declare that in such cases, instead of the single line, a series of two, or, if necessary, more, lines following more closely the real line of the bank shall be adopted. For this we have attempted to provide in the directions given in schedule II for drawing a frontage.

9. We have struck out the definition of "owner," as we think that the Courts may be trusted to determine who in a given case is the riparian proprietor, and we have also omitted the definitions of "thread of the stream," as the expression does not occur in the body of the Bill as now settled.

10. We think that the Bill should save local customs not only in the Panjáb but in all other territories to which it is to apply. We have accordingly excluded the section effecting this saving to the whole of British India; but we have omitted the proviso annexed to it in the Bill, as settled by the Select Committee in March, 1879, as the matter to which it relates is one falling outside the scope of the present Bill.

11. The Bill, No. II, together with the Preliminary Report of the Select Committee, has been published in English in Bombay, the North-Western Provinces, the Panjáb, the Central Provinces and British Burma, and in vernacular in Bombay, the Panjáb and the Central Provinces. We do not propose that any further step should be taken in respect to the Bill until it has been published in the Gazette and circulated to Local Governments with a view to obtaining opinions on it in its new form. It must also, by order of the Secretary of State, be re-translated into the Native languages and sent home to him for consideration. In fact, having regard to the complication and difficulty of the subject, we should prefer to have our present proposals treated as suggestions thrown out for discussion rather than as furnishing a final solution of the questions at issue.

The 11th March, 1881.

WHITLEY STOKES.
RIVERS THOMPSON.
J. PITT KENNEDY.
G. C. PAUL.
B. W. COLVIN.

No. III.

A Bill to define and amend the law relating to alluvion, islands and abandoned river-beds.

WHEREAS it is expedient to define and amend the law relating to alluvion, islands and abandoned river-beds; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Alluvion Act, 1882:"

Local extent.

It extends to the whole of British India;

Commencement.

and it shall come into force on the *first* day of *March*, 1882.

Repeal of enactments.

2. The Acts, Regulation and Rules mentioned in the first schedule hereto annexed shall be repealed to the extent specified in the third column. References to the Regulation and Rules so repealed, in enactments passed subsequently thereto, shall be read as if made to this Act.

Interpretation-clause.

3. In this Act—

W. R. 231: 4 W. R. 41: 4 W. R. 352.

"island" means land surrounded by water and capable of being employed for cultivation, pasture or other useful purpose. It includes such land arising in a river or lake, submerged in the wet season and visible only in the dry season; but it excludes land arising in tidal rivers, tidal lakes or the sea, submerged by the flow of ordinary tides throughout the year:

"frontage" used with reference to a holding means the line or lines determined for such holding in the manner prescribed in the second schedule hereto annexed:

3 W. R. 95: 6 Ben. 343.

and a channel is said to be "fordable" when it does not exceed five feet in depth in the dry season next after the formation referred to and throughout the twenty-four hours.

II.—Alluvial Land and Abandoned River-beds.

Right to alluvial land formed on bank or shore.

4. Where from natural causes land is formed, by imperceptible degrees, on the bank or shore of a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, the owner of the bank or shore is entitled to the land so formed.

When the formation takes place at the junction of two holdings, each owner shall be entitled to so much of the formation as lies on his side of a line drawn through the point of junction and bisecting the angle between the two frontages at that point.

Ben. Act IV of 1868, s. 4.

Right to islands where neither channel is fordable.

5. Where an island is formed, from natural causes, in a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, if the island is separated from each bank or shore by a channel not fordable at any point, the Government is entitled to such island.

Islands where one or both channels fordable.

6. Where an island is formed from natural causes in a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake, and is separated from the bank or banks by a fordable channel or fordable channels:

Land formed by perceptible degrees.

and where from natural causes any land is formed, otherwise than by imperceptible degrees, on the bank of a river, the sea or a lake, either by accumulation of material or by recession of the river, sea or lake,

Suth. W. R. 1864, p. 103.

and where a river suddenly abandons its bed, each particle of the island or land so formed, or the river bed so abandoned, shall belong to that one of the riparian owners who can show a point on the frontage of his holding nearest to such particle:

Provided that when the channel separating an island so formed in a river from one bank is fordable and the channel separating such island from the other bank is not fordable, the owners of the former bank shall alone be entitled as such to the island:

Provided also that when the line dividing the formation to which one owner is entitled under this section from the formation to which another owner is entitled under this section is an arc of a curve, the chord of such arc shall be substituted therefor.

III.—Miscellaneous.

Power to declare where tidal rivers end.

7. The Local Government may, from time to time, declare, with reference to any tidal river, where, for the purposes of this Act, the river shall be deemed to end and the sea to begin.

Every declaration made under this section shall be published in the official Gazette, and shall thereupon have the force of law. And no such declaration shall be cancelled or altered save with the previous sanction of the Governor General in Council.

Savings.

8. Nothing herein contained shall—

(*a*) affect any law relating to the assessment of land-revenue or to the enhancement or abatement of rent; or — Reg. XI of 1825, s. 4.

(*b*) confer on any owner of a bank or shore in respect of which he is hereby declared to be entitled to alluvial land, to an island, or to an abandoned river-bed, any title to such land, island or river-bed, better than that which he has to the bank or shore; or — Reg. XI of 1825, s. 4.

(*c*) enlarge any holding granted by Government, the area of which has been fixed by any sanad or other document executed under the authority of Government; or — Bombay Revenue Code, s. 104, clause (3).

(*d*) authorize any acts of private persons done in order to divert currents or cause accretions; or

(*e*) authorize any encroachments by private persons on the banks, beds or chanuels of navigable rivers; or — Ben. Reg. XI of 1825, s. 5.

(*f*) prevent any officer duly empowered by the Local Government in this behalf from removing obstacles which appear to him to interfere with the safe and customary navigation of such rivers, or which obstruct the passage of boats by tracking on the banks of such rivers or otherwise; or — Ben. Reg. XI of 1825, s. 5.

(*g*) prevent any officer duly empowered by the Local Government in this behalf from regulating the direction and flow of such rivers and the preservation and distribution of their waters;

(*h*) affect the right of the Government or a private owner—

to land formed on a site which is proved to belong to the Government or such owner, or

to the ancient bed of a river which is proved to have belonged to the Government or such owner immediately before its abandonment.

Reg. XI of 1825, s. 2. 13 Moo. I.A. 1: *Contra* Oudh Taluqdárs No. 3.

9. Nothing herein contained shall affect any definite and well-established local usage respecting the right to alluvial land, islands or abandoned river-beds; but (except in the cases provided for by the Panjáb Land-Revenue Act, 1871, section 16) the burden of proving such usage shall lie on the person alleging it.

Local usage saved.

e. g., islands *not* formed from natural causes.

10. All land and islands formed, and all river-beds abandoned, as mentioned respectively in sections four and five, and not vesting under any of the provisions hereinbefore contained, shall vest in the Government.

Right of Crown to alluvial lands, &c., not hereinbefore provided for.

THE FIRST SCHEDULE.

(*a*). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
IV of 1872...	Panjáb Laws Act ...	So much as relates to Bengal Regulation XI of 1825.
XX of 1875...	Central Provinces Laws Act	Ditto.
XVIII of 1876	Oudh Laws Act ...	Ditto.

(*b*). BENGAL REGULATION.

Number and year.	Subject.	Extent of repeal.
XI of 1825...	Alluvion	The whole.

(*c*). BENGAL ACT.

Number and year.	Subject.	Extent of repeal.
IV of 1868...	Amending Act IX of 1847	Sections 2 and 4.

(*d*). RULES.

Date.	Subject.	Extent of repeal.
22nd May 1852.	Alluvion and Diluvion in Sindh.	Paragraphs 1, 2, 3, 4, 5 and 20.

THE SECOND SCHEDULE.

Rules for determining the frontage of a holding.

DRAW a right line connecting the extreme points of the riparian boundary of the holding, and take that as the frontage except—

(*a*) where such line or any portion of it lies altogether outside the riparian boundary of the holding, and any point on such line or portion, measuring along a perpendicular to it erected at such point, is further from such boundary than from the riparian boundary of any other holding; or

(*b*) where such line or any portion of it lies altogether within the riparian boundary of the holding, and there is any point on the portion of such boundary cut off by it so situated that right lines drawn from it to the extremities of such line or portion, as the case may be, contain an angle of less than 160°,

in either of which cases the line or portion of the line, as the case may be, must be rejected, and other lines substituted for it as follows:—

2. When the line or any portion of it is rejected on the ground mentioned in paragraph (*a*), the lines to be substituted for it are to be determined as follows:—

Erect a perpendicular to it at its middle point: connect its extremities with the point where such perpendicular intersects the riparian boundary, and take those connecting lines as the frontage along that portion of the boundary, unless it should be found that there is a point on either of them which, measuring along the perpendicular to it erected at such point, is further from the riparian boundary of the holding than from the riparian boundary of any other holding, in which case that line must be rejected, a perpendicular to it erected at its middle point, and right lines drawn from its extremities to the point where that perpendicular intersects the riparian boundary of the holding, and so on, repeating the process, until such a series of right lines is obtained that no point on any one of them, measuring along the perpendicular erected to it at such point, will be further from the riparian boundary of the holding than from the riparian boundary of any other holding.

3. Where any line or portion of a line is rejected on the ground stated in paragraph (*b*), the lines to be substituted for it are to be determined as follows:—

Erect a perpendicular to it at its middle point: connect its extremities with the point where such perpendicular intersects the riparian boundary, and take those connecting lines as the frontage along that portion of the boundary, unless it should be found that right lines drawn from the extremities of either of them to any point on the portion of the boundary cut off by it contain an angle of less than 160°, in which case that connecting line must be rejected, a perpendicular erected at its middle point, its extremities connected with the point where such perpendicular intersects the boundary, and so on, repeating the process, until such a series of right lines is obtained that the right lines connecting the extremities of any one of them with any point on the portion of the boundary cut off by it will, in no case, be less than 160°.

D. FITZPATRICK,
Secretary to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, APRIL 23, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 10 OF 1881.

Act No. III of 1871.

A Bill to amend the Indian Paper Currency Act, 1871.

WHEREAS it is expedient to amend the Indian Paper Currency Act, 1871, in manner hereinafter appearing; It is hereby enacted as follows:—

Act No. III of 1871.

Preamble.

1. In section four of the said Act, for the words "and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay," the words "and three other officers, called, respectively, the Commissioner of the Department of Issue at Madras, the Commissioner of the Department of Issue at Bombay and the Commissioner of the Department of Issue at Rangoon" shall be substituted.

Amendment of section 4.

2. In section five of the said Act, for the words "three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively," the words "four of which circles shall include the Towns of Calcutta, Madras, Bombay and Rangoon, respectively," shall be substituted; and for the words "any such town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order," the words "any such town (other than Calcutta, Madras, Bombay or Rangoon) shall be deemed to be situate within such Presidency or Province as is specified in the order," shall be substituted.

Amendment of section 5.

3. In sections six and nine of the said Act, for the words "and Bombay" the words "Bombay and Rangoon" shall be substituted.

Amendment of sections 6 and 9.

4. In section seven of the said Act, for the words "the Commissioners at Madras and Bombay," the words "the Commissioners at Madras, Bombay and Rangoon" shall be substituted; and for the last sentence the following shall be substituted (namely):—

Amendment of section 7.

"the Deputy Commissioners in the Presidencies of Fort Saint George and Bombay and in the Province of British Burma shall be subordinate to the Commissioners of Madras, Bombay and Rangoon, respectively."

5. In section ten of the said Act, for the words "of either of the Commissioners," the words "of one of the Commissioners" shall be substituted; and for the words "by either of the said Commissioners" the words "by one of the said Commissioners" shall be substituted.

Amendment of section 10.

6. In section twenty-four of the said Act, the words "indictments and in" shall be repealed.

Partial repeal of section 24.

STATEMENT OF OBJECTS AND REASONS.

THERE is at present no Paper Currency which is a legal tender in Burma. Notes of the Calcutta circle are used to a limited extent in the chief towns, and occasionally notes of other circles are used, but there is no circle of issue in Burma.

2. Great inconvenience has been felt by the mercantile classes in Burma from this want; and in the year 1872 the question of establishing a circle of issue in that Province was before the Government of India. The Indian Paper Currency Act of 1871, however, renders it necessary to declare every town (other than Calcutta, Madras or Bombay) in which there is an office of issue to be, for the purposes of the Act, situate within some Presidency. Had, therefore, a circle of issue been established in Burma, it would have been necessary to declare the place of issue to be situate within one of the Presidencies of Fort William, Fort St. George and Bombay. The result would have been that, under section 9 of the Act, the notes of the Burma circle would have been payable at the office or offices of issue in Burma, and also at the Presidency-town of the Presidency (probably Fort William) within which the town of issue had been declared, for the purposes of the Act, to be situate.

3. The nature of the commercial transactions between Burma and India is such that, under those circumstances, it would have been unwise to establish a circle of issue in Burma. At particular periods of the year large remittances of money are made between Calcutta and Rangoon, and if the Burmese notes were payable at Calcutta, the Government might be put to considerable inconvenience and expense in providing cash to meet the notes. The question was accordingly allowed to remain in abeyance.

4. The rapid increase of the trade of Burma has again caused the question to be brought before the Government of India. The best authorities are agreed that Burma can no longer do without a paper currency, but that the Burmese notes should be payable only at the office of issue and not at any Presidency-town. The public will thus enjoy most of the conveniences of a paper currency, while the Government will not be obliged to undertake the exchange business of British Burma.

5. The amendments in the Paper Currency Act proposed in the Bill have for their objects:—

1st—to create a Commissioner of the Department of Issue at Rangoon;

2ndly—to make the towns of issue in Burma independent of the Presidencies;

3rdly—to render the paper issued at any town in Burma payable only at the office of issue.

6. The first of these objects is attained by a slight alteration of the fourth section of the Act; the second, by amending section 5 so as to empower the Governor General in Council to declare a town to be situate for the purposes of the Act within a Province as well as a Presidency. The third will be effected by the amendment just described; for the town of issue in Burma can then be declared situate within the Province of British Burma, and Burmese notes will not then be payable at Calcutta or any other Presidency-town.

SIMLA:
The 8th April, 1881.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 11 OF 1881.

Act No. XIV of 1876. ***A Bill to amend the Sindh Incumbered Estates Act, 1876.***

WHEREAS it is expedient to extend the time within which applications under the Sindh Incum- Act No. XIV of 1876. bered Estates Act, 1876, section three, may be made, and otherwise to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

1. Applications under the said Act, section three, may be made at any time within six months after the passing of this Act. Time for making applications under Act XIV of 1876, section 3.

2. To the first sentence of section seven of the said Act, the following words shall be added (namely):— Amendment of section 7.
"or which may be incurred by the Manager receiving a loan from Government in the manner hereinafter provided."

3. To section ten of the said Act, the following shall be added (namely):— Amendment of section 10.
"and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act."

4. In section sixteen of the said Act, after the words "under section ten," the words "and for the repayment of the money (if any) which the Manager proposes to borrow from Government under this Act" shall be inserted. Amendment of section 16.

5. To section twenty-three of the said Act the following shall be added (namely):—"or (*c*) by borrowing money from Government at a fair rate of interest." Amendment of section 23.

6. In section twenty-five of the said Act, after the words "mentioned in the liquidation-scheme," the following shall be inserted (namely):—"and the amount of any loan received from Government under clause (*c*) of section twenty-three, together with the interest (if any) due thereon." Amendment of section 25.

STATEMENT OF OBJECTS AND REASONS.

IT has been the practice for the Manager, under the Sindh Encumbered Estates Act, to borrow, with the previous sanction of Government, from the Treasury and to pay off such creditors as agreed to enter into a compromise in consideration of obtaining speedy payment of their debts. The money so borrowed was repaid by the Manager, with or without interest, as Government directed, from the income of the indebted estate.

Hitherto the money thus borrowed has been regarded as a liability incurred to Government in respect of the property under management within the meaning of section 10 of the Act. This view, however, is based on an erroneous conception of the law, and, as the Act stands, the only way to secure advances made by Government is by mortgaging the indebted estate.

It is objected that as soon as the debts are paid off the estate is released from management, and that Government would then only have the security of an ordinary mortgage for the advance.

It is proposed, therefore, to amend the Act by enabling the Manager to borrow money from Government, and by providing that the estate shall not be released from management until the money so borrowed is repaid with interest.

This will be effected by slight additions to sections 23 and 25. By other amendments the management is made to extend to the debt which may be incurred to Government by the Manager borrowing money, and the Manager is directed, in submitting his liquidation-scheme, to show in it the amount which he proposes to borrow from Government and the way in which he proposes to repay it.

As the management cannot terminate till the whole advance is repaid, there is ample security for its repayment.

The Act allows applications under section three to be made within twelve months from the passing of the Act, and, at the suggestion of the Government of Bombay, it is now proposed to allow a further period of six months from the date of the passing of this amending Act.

SIMLA;
The 12th April, 1881.

J. GIBBS.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 12 OF 1881.

Act No. XIV of 1877. *A Bill to amend the Broach and Kaira Incumbered Estates Act, 1877.*

WHEREAS it is expedient to amend the Broach and Kaira Incumbered Estates Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

Act No. XIV of 1877.

1. To the first sentence of section eight of the said Act, the following words shall be added (namely):— Amendment of section 8.

"or which may be incurred by the manager receiving a loan from Government in the manner hereinafter provided."

2. To section eleven of the said Act, the following shall be added (namely):— Amendment of section 11.

"and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Act."

3. In section seventeen of the said Act, after the words and figures "under section 11," the words "and for the repayment of the money (if any) which the manager proposes to borrow from Government under this Act" shall be inserted. Amendment of section 17.

4. To section twenty-four of the said Act, the following shall be added (namely):— Amendment of section 24.

"or (*d*) by borrowing money from Government at a fair rate of interest."

5. In section twenty-six of the said Act, after the words "mentioned in the liquidation-scheme," the following shall be inserted (namely):— Amendment of section 26.

"and the amount of any loan received from Government under clause (*d*) of section 24, together with the interest (if any) due thereon."

STATEMENT OF OBJECTS AND REASONS.

THE object of the proposed Bill and the reasons for legislating are the same as those in the case of the Bill to amend the Sindh Incumbered Estates Act. It is also found expedient for the management of the Broach and Kaira Estates that the manager should be able to borrow money at a fair rate of interest from Government, and that the estate should be retained under management till the repayment of the amount so borrowed.

SIMLA; *The 12th April, 1881.* J. GIBBS.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 13 OF 1881.

THE EXCISE BILL, 1881.

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A Bill to consolidate and amend the law relating to the Excise-revenue in Northern India, British Burma and Coorg.

WHEREAS it is expedient to consolidate and amend the law in force in Northern India, British Burma and Coorg relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

Act X of 1871, s. 1.

1. This Act may be called "The Excise Act, 1881": Short title.

It extends to the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára; and Local extent.

it shall come into force on the first day of December, 1881. Commencement of Act.

2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act. Repeal of Act X of 1871.

Interpretation-clause.

3. In this Act—

"Chief Revenue-authority": (*a*) "Chief Revenue-authority" means—

in the territories administered by the Lieutenant-Governor of the North-Western Provinces—the Board of Revenue;

in the territories administered by the Lieutenant-Governor of the Panjáb—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára—the Chief Commissioner:

"Collector": (*b*) "Collector" includes any Revenue-officer in independent charge of a District and any officer appointed by the Local Government to discharge, throughout any local area, the functions of a Collector under this Act: Act X of 1871, ss. 3 and

"Commissioner of Revenue": "Commissioner of Revenue" includes any officer appointed by the Local Government to discharge, throughout any local area, the functions of a Commissioner of Revenue under this Act: See ss. 14 and 53.

"Magistrate": (*c*) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class or any Magistrate of the third class specially authorised in this behalf by the Magistrate of the District; Burma draft, s. 3.

"Place": "Place" includes also house and boat:

"Fermented liquor": (*d*) "Fermented liquor" means malt liquor, wine, pachwai and fermented tárí, and, in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, so directs, include any other fermented liquor,* and also tárí though it may not have perceptibly begun to ferment: Act X of 1871, ss. 16 and 17; and see s. 64: Burma draft, s. 3.

* Durbahra, *e.g.*—See correspondence, Financial Department, in 1872.

"Spirit": (*e*) "Spirit" means any liquor containing alcohol obtained by distillation:

"Country spirit" and "country fermented liquor": (*f*) "Country spirit" and "country fermented liquor" mean respectively any spirit and fermented liquor made in India by any Native process:

"Foreign spirit" and "foreign fermented liquor": (*g*) "Foreign spirit" and "foreign fermented liquor" mean respectively any spirit and fermented liquor made in India after a manner in which spirit and fermented liquor are respectively made in Europe, and any spirit and fermented liquor made at any place beyond the limits of India: Cf. Act X of 1871, s. 13.

"Intoxicating drugs": (*h*) The expression "intoxicating drugs" means gánja, bháng, charas, and every preparation and admixture of the same:

"Tola": (*i*) "Tola" means a weight of one hundred and eighty grains Troy:

"Ser": (*j*) "Ser" means a weight of eighty tolas:

Act X of 1871, s. 19: s. 14, para. 2.

"Retail": (*k*) The articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

Foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

country spirit, one ser;

country fermented liquor, four sers;

Correspondence with Central Provinces. gánja, bháng, or charas, or any preparation or admixture thereof, five tolas:

If sold in larger quantities they shall be deemed to be sold wholesale. "Wholesale."

Act X of 1871, s. 82.

4. Nothing herein contained shall affect Act No. XVI of 1863 (*to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*) or the Cantonments Act, 1880. Saving of Acts XVI of 1863 and III of 1880.

CHAPTER II.

PRODUCTION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 5, 9 and 11: Burma draft, s. 5: Correspondence with Central Provinces.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Collector and in accordance with the conditions (if any) contained therein. Manufacture of spirit and liquor without license prohibited.

Act X of 1871, s. 7.

6. The Collector may, with the sanction of the Chief Revenue-authority, from time to time, establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established. Power to establish distilleries for country spirit.

Correspondence with Central Provinces. When a distillery has been established under this section, the Collector may, from time to time, fix within his district limits within which no country spirit, except such as is made at such distillery, shall be introduced without a special pass from the Collector.

Act X of 1871, s. 21, cls. 1st, 2nd and 4th.

7. No spirit shall be removed from any distillery licensed under section five or established under section six, until the duty payable in respect of such spirit under the Indian Tariff Act, 1875, section eleven, has been paid, or a bond for such duty has been executed as provided by the Sea Customs Act, 1878. Duty on spirit.

Act X of 1871, s. 6; s. 21, cl. 3rd.

8. The Chief Revenue-authority may, from time to time, make rules as to— Power to make rules as to distilleries and breweries licensed under section 5.

(*a*) the granting of licenses for distilleries and breweries under section five;

(*b*) the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work;

(*c*) the size and description of the stills in such distillery;

(*d*) the storing and passing out of the spirit made in such distillery, and the contents of the passes;

(*e*) the inspection and examination of the distillery and warehouses, and of the spirit made and stored therein;

(*f*) the furnishing of statements of the spirit, and of the stills, coppers, casks and other utensils in the distillery.

Act X of 1871, s. 8.

9. The Chief Revenue-authority may, from time to time, make rules as to— And for distilleries established under section 6.

(*a*) the management of distilleries established under section six;

(*b*) the conditions on which spirit may be made in such distilleries; and

(*c*) the storing and passing out of the spirit so made, and the contents of the passes.

Act X of 1871, s. 10.

10. Except in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára, the sanction of the Local Government is required to validate rules under sections eight and nine. Sanction to rules under sections 8 and 9.

Act X of 1871, s. 40, cl. 2: Burma draft, s. 9: Correspondence with Central Provinces.

11. In British Burma, the cultivation of hemp and the preparation of intoxicating drugs therefrom are prohibited except under, and in accordance with, a license granted by such officer as the Chief Commissioner may from time to time appoint in this behalf. Production of intoxicating drugs.

In the other territories to which this Act extends, the Chief Revenue-authority may, from time to time, make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

CHAPTER III.

SALE OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 12, 15, 16, 17 and 27, para. 2.

12. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained. Spirit, fermented liquor and drugs not to be sold without license.

Proviso. Provided as follows—

Act X of 1871, s. 62, last para.

1stly,—nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by auction upon his quitting a station or after his decease;

Act X of 1871, s. 13, cl. 3rd.

2ndly,—any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority from time to time prescribes, a general license authorizing them to sell foreign spirit and foreign fermented liquors wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district;

Cf. Act X of 1871, ss. 19, 62, 63.

3rdly,—any person making country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules

from time to time made by the Local Government in this behalf, sell such spirit or liquor to any person who is licensed as a retail vendor of such spirit or liquor;

Act X of 1871, ss. 20 and 64. *4thly*,—any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or any person authorized by an order in writing from the Collector to purchase the same.

Act X of 1871, ss. 12, 15 and 19.

Licenses how granted.

13. Subject to the rules made by the Chief Controlling Revenue-authority under the power hereinafter conferred, the Collector may grant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor and (except in British Burma) of intoxicating drugs within his district or any part thereof or at any place therein.

Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in British Burma, of intoxicating drugs, retail, shall be granted only by such officer as the Local Government from time to time appoints in this behalf.

Act X of 1871, s. 34.

Power to cancel retail license.

14. Whenever the Collector considers the license of a retail vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Commissioner of Revenue or Chief Revenue-authority directs. On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

Act X of 1871, s. 35.

Surrender of retail license.

15. Any such retail vendor may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on paying such sum, not exceeding the amount of the license-fee for six months, as the Collector may fix in this behalf.

If the Collector is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

Act X of 1871, s. 25.

Power to farm fees.

16. The Collector may, with the sanction of the Chief Revenue-authority, let in farm the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or fermented liquors or (except in British Burma) of intoxicating drugs.

Act X of 1871, s. 27.

Farmer to grant licenses.

When the fees leviable on any of such articles are let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time impose, grant licenses for the retail sale of such articles within the local limits of his farm, and shall file in the Collector's office a

Ibid, s. 28.

List of licenses granted by farmer to be filed.

list of all the licenses granted by him in such form as may, from time to time, be prescribed by the Chief Revenue-authority.

Act X of 1871, s. 29.

Farm may be cancelled.

17. The Collector may, with the sanction of the Chief Revenue-authority, cancel any farm granted under this Act.

Compensation to farmers in certain cases.

18. If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the period of the farm, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Chief Revenue-authority may determine.

Act X of 1871, s. 30.

Recovery of arrears by farmers.

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor, as may be lawfully used by zamíndárs and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

Act X of 1871, s. 40, cl. 1.

Power to regulate supply of tárí and intoxicating drugs to licensed vendors.

20. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in which tárí shall be supplied to licensed vendors of the same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs.

CHAPTER IV.

POSSESSION OF SPIRIT, PREPARED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 63 and 64.

Possession of spirit, &c.

21. Except as herein otherwise provided, no person shall have in his possession, without a pass from the Collector or from some other officer empowered by the Local Government in that behalf, any larger quantity of any spirit or fermented liquor than that specified in section three, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same:

Proviso.

Nothing in this section extends to any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouse-man as such, or purchased by any person for his private use and not for sale.

Burma draft, s. 9; Act X of 1871, ss. 63 and 64.

Possession of intoxicating drugs.

22. In British Burma no person shall have in his possession any intoxicating drugs except under, and in accordance with the terms of, a general exemption granted by the Chief Commissioner, or a license granted by such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

In the other territories to which this Act extends, no person shall have in his possession any larger quantity of such drugs than that specified in section three, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

CHAPTER V.

IMPORT OF SPIRIT.

Act X of 1871, s. 32, [illegible]

Spirit from foreign territory subject to duty.

23. No person shall bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India,

until duty equal to the duty prescribed for such spirit under the Indian Tariff Act, 1875, section eleven, has been paid in respect thereof and a pass has been obtained therefor from such officer as the Local Government may, from time to time, appoint in this behalf.

CHAPTER VI.

OFFICERS AND THEIR POWERS.

Act X of 1871, ss. 38, 39 and 46.

Collectors may appoint Excise-officers.

24. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Act X of 1871, s. 41.

Recovery of arrears of fees.

25. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from farmers of land or their sureties.

Act X of 1871, s. 42.

Power of Excise-officers to inspect shops.

26. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or vendor carries on the manufacture of country spirit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

Act X of 1871, s. 43.

To arrest persons carrying spirit, &c., liable to confiscation.

27. Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and the animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

Act X of 1871, s. 44.

To arrest persons in possession of article liable to confiscation, and to seize article.

28. Any Excise-officer in the receipt of a monthly salary of not less than *twelve* rupees may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

Act X of 1871, ss. 45 and 46.

To search on information of illicit manufacture or possession.

29. Whenever any Excise-officer in receipt of such monthly salary as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing),

that spirit is unlawfully manufactured, or that any article liable to confiscation under this Act is kept or concealed in any place,

Such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than *twelve* rupees), enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place with all other persons concerned in the manufacture of such spirit, or in the keeping and concealing of such article.

Act X of 1871, s. 48.

Collector may issue warrant of arrest in certain cases.

30. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirit or fermented liquors or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Act X of 1871, s. 49.

Collector may issue search-warrant.

31. The Collector may issue his warrant for the search of any place in which he has reason to believe that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Such warrant may be executed, by any Excise-officer in the receipt of a monthly salary of not less than *twelve* rupees, at the time and in the manner prescribed in section twenty-nine.

Special warrant authorizing search at night.

Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section twenty-nine, and shall cease to be in force at sunrise on the day next following.

Act X of 1871, s. 47.

Excise-officer to report arrest, &c.;

32. Whenever an Excise-officer arrests any person,

or seizes any article liable to confiscation under this Act,

or enters any place for the purpose of searching for any such article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Col-

and to take person arrested to Magistrate.

lector, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

Act X of 1871, s. 50.

Procedure after arrest or seizure.

33. Whenever any person is arrested or any article is seized under the warrant of a Collector, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized, to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Act X of 1871, s. 51.

Police to assist Excise-officers.

34. All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such officers.

Act X of 1871, s. 52.

Mode of making arrest or search within military cantonments.

35. When any arrest or search is to be made within the limits of any cantonment, the officer authorized under this Act to arrest

or search shall, whenever it is practicable, give notice to the Commanding Officer of the intention to make the arrest or search, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

CHAPTER VII.

PENALTIES.

Act X of 1871, ss. 52, 56 and 62, para. 1.

36. Whoever in contravention of section five constructs, works or possesses a distillery, still or brewery, or makes fermented liquor shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

For illegally manufacturing spirit or liquor.

and all spirit and liquor made in contravention of section five, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

37. Any person who—

Act X of 1871, s. 60, para. 2.

(*a*) without a special pass from the Collector, introduces, into the limits fixed for the consumption of spirit made at a distillery established under section six, any country spirit manufactured at another place, or

For illegally introducing country spirit.

Act X of 1871, ss. 54 and 60, para. 1.

(*b*) in contravention of section seven, or of any rule made under section eight or section nine, removes any spirit from a distillery, or

For illegally removing spirit.

Correspondences with Central Provinces.

(*c*) in contravention of section twenty-three, brings any spirit into any territory to which this Act extends,

For illegally importing spirit.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

and the spirit, together with the vessels containing the same, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Act X of 1871, ss. 53 and 61.

38. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section eight or section nine shall be punished with fine not exceeding one hundred rupees.

For contravening rules prescribed by Chief Revenue-authority.

39. Any person who, in contravention of section eleven or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illegally cultivating hemp and preparing drugs.

Act X of 1871, ss. 58 and 62, paras. 2-4.

40. Any person who, in contravention of section twelve, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illicit sale of spirit, &c.

Act X of 1871, s. 59.

41. Any person licensed to sell retail spirit or fermented liquor, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

For permitting drunkenness, &c., in shop.

Act X of 1871, s. 63.

42. Any person who possesses any spirit, liquor or drug, in contravention of section twenty-one or section twenty-two, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Illegal possession of spirit, liquor or drug.

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

Act X of 1871, s. 57.

43. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

For refusal to produce license and for breach of rules and conditions.

Act X of 1871, ss. 68 and 73, 2nd para.

44. Any proprietor, farmer, tahsíldár, gumáshta or other manager of land who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs, shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For connivance at illicit manufacture, or sale of spirit, &c.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

Act X of 1871, s. 69.

45. Any Police-officer who, without lawful excuse, neglects, or refuses to assist as required by section thirty-four, and any officer in charge of a Police-station who, on application made by an Excise-officer desiring to act under section twenty-nine, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For Police neglecting to assist.

Act X of 1871, s. 71.

46. Any Excise-officer who—

(*a*) without reasonable grounds of suspicion searches or causes to be searched any place, or

For vexatious search or seizure.

(*b*) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(*c*) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

shall be punished with fine which may extend to five hundred rupees.

Act X of 1871, s. 72.

47. Any Excise-officer who, in contravention of section thirty-two or section thirty-three, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as

For delay in reporting arrest, &c., or in taking person arrested to Magistrate.

the case may be, any person arrested, or any article seized, shall be punished with fine which may extend to two hundred rupees.

Act X of 1871, ss. 74 and 75, para. 3.

48. No complaint of an offence under any one of the following sections, that is to say, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two, forty-three and forty-four, shall be received unless it is made by the Collector or by an Excise-officer; and no complaint of an offence under this Act shall be received unless it is made within the six months next after the commission of such offence.

Prosecutions restricted.

Cf. Act X of 1871, s. 77; and see correspondence with N. P.

49. Every person imprisoned for an offence under section thirty-eight or section forty-three shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Confinement in what jail.

50. Whoever attempts to commit any offence punishable under this Act or abets within the meaning of the Indian Penal Code the commission of any such offence shall be punished with the punishment provided for such offence.

Attempts and abetment.

Act X of 1871, ss. 79, 80.

51. Any Magistrate before whom any person is convicted of any offence under sections thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two or forty-four may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Disposal of fines, &c., as rewards.

Act X of 1871, s. 54.

52. Any article subject to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

Magistrate to pass order of confiscation.

CHAPTER VIII.

MISCELLANEOUS.

Act X of 1871, s. 86.

53. The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

Collector subject to control of Commissioner.

54. The Chief Controlling Revenue-authority may, from time to time, make rules consistent with this Act—

Additional power to make rules.

Act X of 1871, s. 9; s. 13, cl. 2; s. 32.

(*a*) as to the period for which any license or farm under this Act shall be granted;

Act X of 1871, s. 13, cl. 1; s. 14, cl. 1; s. 24.

(*b*) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

Act X of 1871, s. 26 (*b*); s. 31.

(*c*) as to the security to be given by any licensee or farmer under this Act;

Act X of 1871, s. 36 (*a*); ss. 31, 33 and 34.

(*d*) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

Act X of 1871, s. 78.

(*e*) as to the disposal of things confiscated under this Act;

Act X of 1871, s. 26.

(*f*) as to the duties of Excise-officers; and

(*g*) to provide generally for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

This Bill is in the main a re-enactment of the Excise Act, 1871, in a shorter and, it is believed, a clearer form.

The only substantial changes of importance which it introduces are—

1st, a greater restriction in regard to intoxicating drugs, especially in British Burma, and

2nd, an enhancement of the penalties for certain breaches of the excise-law.

2. As regards the former, the amendment of the law proposed for British Burma will practically amount to a prohibition of the use of intoxicating drugs except for medicinal purposes in that Province. This is advocated by the Chief Commissioner on the following grounds, *viz.*:—

(1) that these drugs are considerably more injurious than opium;

(2) that at present they are unknown to the Burmese themselves, or, at any rate, have not come into use to such an extent among them that they would feel deprived of a luxury if their supply were summarily stopped;

(3) that such drugs are already forbidden in the Arakan Hill Tracts, and that the prohibition has worked well; and

(1) that they are, for the most part, used only by immigrants from India, who deserve no special consideration in the matter.

3. The alteration of the law in this particular for other Provinces is of much less importance. It consists in the reduction of the weight of ganjá and bhángi, which may be sold by a retail vendor or possessed by a private person, from a quarter of a ser to five tolas, the same weight as is permitted in the case of charas.

4. The enhancement of the penalties prescribed for offences against the Act has been advocated by certain of the Local Governments on the ground that the persons who commonly commit such offences are unable to pay a fine, and that to them imprisonment in a civil jail or without hard labour is really no punishment. The Bill, accordingly, gives power to sentence to imprisonment of either description extending to six months in lieu of, or in addition to, fine in certain cases, and in other cases substitutes imprisonment in the criminal jail for imprisonment in the civil jail.

Sections 18, 65, 66, 67 and 87 of the present Act (No. X of 1871) are omitted as relating solely to opium: sections 55, 83, 84 and 85 are omitted as the subjects are sufficiently provided for by the Sea Customs Act, 1878. Section 70 is provided for by the Penal Code, section 182, and section 73 of the Act, paragraphs 1 and 2, by the same Code taken in connection with section 53, clause (*f*), of the Bill. The subject of section 75, paragraphs 1 and 2, is provided for by the Code of Criminal Procedure. Section 76 is omitted, as all grave offences will now be punishable, on a first conviction, with six months' imprisonment. Section 80, paragraphs 1 and 2, and section 81, are also omitted, as being in part unnecessary and in part to be provided for by executive order.

The 14th April, 1881.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, APRIL 30, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 10 OF 1881.

Act No. III of 1871.

A Bill to amend the Indian Paper Currency Act, 1871.

WHEREAS it is expedient to amend the Indian Paper Currency Act, 1871, in manner hereinafter appearing; It is hereby enacted as follows:—

Preamble.

Act No. III of 1871.

1. In section four of the said Act, for the words "and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay," the words "and three other officers, called, respectively, the Commissioner of the Department of Issue at Madras, the Commissioner of the Department of Issue at Bombay and the Commissioner of the Department of Issue at Rangoon" shall be substituted.

Amendment of section 4.

2. In section five of the said Act, for the words "three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively," the words "four of which circles shall include the Towns of Calcutta, Madras, Bombay and Rangoon, respectively," shall be substituted; and for the words "any such town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order," the words "any such town (other than Calcutta, Madras, Bombay or Rangoon) shall be deemed to be situate within such Presidency or Province as is specified in the order," shall be substituted.

Amendment of section 5.

3. In sections six and nine of the said Act, for the words "and Bombay" the words "Bombay and Rangoon" shall be substituted.

Amendment of sections 6 and 9.

4. In section seven of the said Act, for the words "the Commissioners at Madras and Bombay," the words "the Commissioners at Madras, Bombay and Rangoon" shall be substituted; and for the last sentence the following shall be substituted (namely):—

Amendment of section 7.

"the Deputy Commissioners in the Presidencies of Fort Saint George and Bombay and in the Province of British Burma shall be subordinate to the Commissioners of Madras, Bombay and Rangoon, respectively."

5. In section ten of the said Act, for the words "of either of the Commissioners," the words "of one of the Commissioners" shall be substituted; and for the words "by either of the said Commissioners" the words "by one of the said Commissioners" shall be substituted.

Amendment of section 10.

6. In section twenty-four of the said Act, the words "indictments and in" shall be repealed.

Partial repeal of section 24.

STATEMENT OF OBJECTS AND REASONS.

THERE is at present no Paper Currency which is a legal tender in Burma. Notes of the Calcutta circle are used to a limited extent in the chief towns, and occasionally notes of other circles are used, but there is no circle of issue in Burma.

2. Great inconvenience has been felt by the mercantile classes in Burma from this want; and in the year 1872 the question of establishing a circle of issue in that Province was before the Government of India. The Indian Paper Currency Act of 1871, however, renders it necessary to declare every town (other than Calcutta, Madras or Bombay) in which there is an office of issue to be, for the purposes of the Act, situate within some Presidency. Had, therefore, a circle of issue been established in Burma, it would have been necessary to declare the place of issue to be situate within one of the Presidencies of Fort William, Fort St. George and Bombay. The result would have been that, under section 9 of the Act, the notes of the Burma circle would have been payable at the office or offices of issue in Burma, and also at the Presidency-town of the Presidency (probably Fort William) within which the town of issue had been declared, for the purposes of the Act, to be situate.

3. The nature of the commercial transactions between Burma and India is such that, under those circumstances, it would have been unwise to establish a circle of issue in Burma. At particular periods of the year large remittances of money are made between Calcutta and Rangoon, and if the Burmese notes were payable at Calcutta, the Government might be put to considerable inconvenience and expense in providing cash to meet the notes. The question was accordingly allowed to remain in abeyance.

4. The rapid increase of the trade of Burma has again caused the question to be brought before the Government of India. The best authorities are agreed that Burma can no longer do without a paper currency, but that the Burmese notes should be payable only at the office of issue and not at any Presidency-town. The public will thus enjoy most of the conveniences of a paper currency, while the Government will not be obliged to undertake the exchange business of British Burma.

5. The amendments in the Paper Currency Act proposed in the Bill have for their objects :—

1st—to create a Commissioner of the Department of Issue at Rangoon;

2ndly—to make the towns of issue in Burma independent of the Presidencies;

3rdly—to render the paper issued at any town in Burma payable only at the office of issue.

6. The first of these objects is attained by a slight alteration of the fourth section of the Act; the second, by amending section 5 so as to empower the Governor General in Council to declare a town to be situate for the purposes of the Act within a Province as well as a Presidency. The third will be effected by the amendment just described; for the town of issue in Burma can then be declared situate within the Province of British Burma, and Burmese notes will not then be payable at Calcutta or any other Presidency-town.

SIMLA:
The 8th April, 1881.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee :—

No. 11 OF 1881.

Act No. XIV of 1876.

A Bill to amend the Sindh Incumbered Estates Act, 1876.

Preamble.

WHEREAS it is expedient to extend the time within which applications under the Sindh Incumbered Estates Act, 1876, section three, may be made, and otherwise to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows :—

Act No. XIV of 1876.

Time for making applications under Act XIV of 1876, section 3.

1. Applications under the said Act, section three, may be made at any time within six months after the passing of this Act.

Amendment of section 7.

2. To the first sentence of section seven of the said Act, the following words shall be added (namely) :—"or which may be incurred by the Manager receiving a loan from Government in the manner hereinafter provided."

Amendment of section 10.

3. To section ten of the said Act, the following shall be added (namely) :—"and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act."

Amendment of section 16.

4. In section sixteen of the said Act, after the words "under section ten," the words "and for the repayment of the money (if any) which the Manager proposes to borrow from Government under this Act" shall be inserted.

Amendment of section 23.

5. To section twenty-three of the said Act the following shall be added (namely) :—"or (*c*) by borrowing money from Government at a fair rate of interest."

Amendment of section 25.

6. In section twenty-five of the said Act, after the words "mentioned in the liquidation-scheme," the following shall be inserted (namely) :—"and the amount of any loan received from Government under clause (*c*) of section twenty-three, together with the interest (if any) due thereon."

STATEMENT OF OBJECTS AND REASONS.

IT has been the practice for the Manager, under the Sindh Encumbered Estates Act, to borrow, with the previous sanction of Government, from the Treasury and to pay off such creditors as agreed to enter into a compromise in consideration of obtaining speedy payment of their debts. The money so borrowed was repaid by the Manager, with or without interest, as Government directed, from the income of the indebted estate.

Hitherto the money thus borrowed has been regarded as a liability incurred to Government in respect of the property under management within the meaning of section 10 of the Act. This view, however, is based on an erroneous conception of the law, and, as the Act stands, the only way to secure advances made by Government is by mortgaging the indebted estate.

It is objected that as soon as the debts are paid off the estate is released from management, and that Government would then only have the security of an ordinary mortgage for the advance.

It is proposed, therefore, to amend the Act by enabling the Manager to borrow money from Government, and by providing that the estate shall not be released from management until the money so borrowed is repaid with interest.

This will be effected by slight additions to sections 23 and 25. By other amendments the management is made to extend to the debt which may be incurred to Government by the Manager borrowing money, and the Manager is directed, in submitting his liquidation-scheme, to show in it the amount which he proposes to borrow from Government and the way in which he proposes to repay it.

As the management cannot terminate till the whole advance is repaid, there is ample security for its repayment.

The Act allows applications under section three to be made within twelve months from the passing of the Act, and, at the suggestion of the Government of Bombay, it is now proposed to allow a further period of six months from the date of the passing of this amending Act.

SIMLA;
The 12th April, 1881.

J. GIBBS.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 12 OF 1881.

Act No. XIV of 1877. *A Bill to amend the Broach and Kaira Incumbered Estates Act, 1877.*

WHEREAS it is expedient to amend the Broach and Kaira Incumbered Estates Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

Act No. XIV of 1877.

1. To the first sentence of section eight of the said Act, the following words shall be added (namely):— Amendment of section 8.

"or which may be incurred by the manager receiving a loan from Government in the manner hereinafter provided."

2. To section eleven of the said Act, the following shall be added (namely):— Amendment of section 11.

"and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Act."

3. In section seventeen of the said Act, after the words and figures "under section 11," the words "and for the repayment of the money (if any) which the manager proposes to borrow from Government under this Act" shall be inserted. Amendment of section 17.

4. To section twenty-four of the said Act, the following shall be added (namely):— Amendment of section 24.

"or (*d*) by borrowing money from Government at a fair rate of interest."

5. In section twenty-six of the said Act, after the words "mentioned in the liquidation-scheme," the following shall be inserted (namely):— Amendment of section 26.

"and the amount of any loan received from Government under clause (*d*) of section 24, together with the interest (if any) due thereon."

STATEMENT OF OBJECTS AND REASONS.

THE object of the proposed Bill and the reasons for legislating are the same as those in the case of the Bill to amend the Sindh Incumbered Estates Act. It is also found expedient for the management of the Broach and Kaira Estates that the manager should be able to borrow money at a fair rate of interest from Government, and that the estate should be retained under management till the repayment of the amount so borrowed.

SIMLA; *The 12th April, 1881.*

J. GIBBS.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[Second publication.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 13 OF 1881.

THE EXCISE BILL, 1881.

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A Bill to consolidate and amend the law relating to the Excise-revenue in Northern India, British Burma and Coorg.

WHEREAS it is expedient to consolidate and amend the law in force in Northern India, British Burma and Coorg relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

Act X of 1871, s. 1.

1. This Act may be called "The Excise Act, 1881": Short title.

It extends to the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára; and Local extent.

it shall come into force on the first day of December, 1881. Commencement of Act.

2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act. Repeal of Act X of 1871.

3. In this Act— Interpretation-clause.

"Chief Revenue-authority": (*a*) "Chief Revenue-authority" means—

in the territories administered by the Lieutenant-Governor of the North-Western Provinces—the Board of Revenue;

in the territories administered by the Lieutenant-Governor of the Panjáb—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára—the Chief Commissioner:

"Collector": (*b*) "Collector" includes any Revenue-officer in independent charge of a District and any officer appointed by the Local Government to discharge, throughout any local area, the functions of a Collector under this Act: Act X of 1871, ss. 3 and [illegible]

"Commissioner of Revenue": "Commissioner of Revenue" includes any officer appointed by the Local Government to discharge, throughout any local area, the functions of a Commissioner of Revenue under this Act: See ss. 14 and 53.

"Magistrate": (*c*) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the District: Burma draft, s. 3.

"Place": "Place" includes also house and boat:

"Fermented liquor": (*d*) "Fermented liquor" means malt liquor, wine, pachwai and fermented tárí, and, in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, so directs, include any other fermented liquor,* and also tárí though it may not have perceptibly begun to ferment: Act X of 1871, ss. 16 and 17; and see s. 64: Burma draft, s. 3.

* Durbahrs, *e.g.* See correspondence, Financial Department, in 1872.

"Spirit": (*e*) "Spirit" means any liquor containing alcohol obtained by distillation:

"Country spirit" and "country fermented liquor": (*f*) "Country spirit" and "country fermented liquor" mean respectively any spirit and fermented liquor made in India by any Native process:

"Foreign spirit" and "foreign fermented liquor": (*g*) "Foreign spirit" and "foreign fermented liquor" mean respectively any spirit and fermented liquor made in India after a manner in which spirit and fermented liquor are respectively made in Europe, and any spirit and fermented liquor made at any place beyond the limits of India: Cf. Act X of 1871, s. 12.

"Intoxicating drugs": (*h*) The expression "intoxicating drugs" means gánja, bháng, charas, and every preparation and admixture of the same:

"Tola": (*i*) "Tola" means a weight of one hundred and eighty grains Troy:

"Ser": (*j*) "Ser" means a weight of eighty tolas:

Act X of 1871, s. 19: s. 14, para. 2.

(*k*) The articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

"Retail":

Foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

country spirit, one ser;

country fermented liquor, four sers;

Correspondence with Central Provinces.

gánja, bhángy, or charas, or any preparation or admixture thereof, five tolas:

"Wholesale."

If sold in larger quantities they shall be deemed to be sold wholesale.

Act X of 1871, s. 82.

4. Nothing herein contained shall affect Act No. XVI of 1863 (*to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*) or the Cantonments Act, 1880.

Saving of Acts XVI of 1863 and III of 1880.

CHAPTER II.

PRODUCTION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 5, 9 and 11: Burma draft, s. 5: Correspondence with Central Provinces.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Collector and in accordance with the conditions (if any) contained therein.

Manufacture of spirit and liquor without license prohibited.

Act X of 1871, s. 7.

6. The Collector may, with the sanction of the Chief Revenue-authority, from time to time, establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established.

Power to establish distilleries for country spirit.

Correspondence with Central Provinces.

When a distillery has been established under this section, the Collector may, from time to time, fix within his district limits within which no country spirit, except such as is made at such distillery, shall be introduced without a special pass from the Collector.

Act X of 1871, s. 21, cls. 1st, 2nd and 4th.

7. No spirit shall be removed from any distillery licensed under section five or established under section six, until the duty payable in respect of such spirit under the Indian Tariff Act, 1875, section eleven, has been paid, or a bond for such duty has been executed as provided by the Sea Customs Act, 1878.

Duty on spirit.

Act X of 1871, s. 6; s. 21, cl. 3rd.

8. The Chief Revenue-authority may, from time to time, make rules as to—

Power to make rules as to distilleries and breweries licensed under section 5.

(*a*) the granting of licenses for distilleries and breweries under section five;

(*b*) the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work;

(*c*) the size and description of the stills in such distillery;

(*d*) the storing and passing out of the spirit made in such distillery, and the contents of the passes;

(*e*) the inspection and examination of the distillery and warehouses, and of the spirit made and stored therein;

(*f*) the furnishing of statements of the spirit, and of the stills, coppers, casks and other utensils in the distillery.

Act X of 1871, s. 8.

9. The Chief Revenue-authority may, from time to time, make rules as to—

And for distilleries established under section 6.

(*a*) the management of distilleries established under section six;

(*b*) the conditions on which spirit may be made in such distilleries; and

(*c*) the storing and passing out of the spirit so made, and the contents of the passes.

Act X of 1871, s. 10.

10. Except in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára, the sanction of the Local Government is required to validate rules under sections eight and nine.

Sanction to rules under sections 8 and 9.

Act X of 1871, s. 40, cl. 2: Burma draft, s. 9: Correspondence with Central Provinces.

11. In British Burma, the cultivation of hemp and the preparation of intoxicating drugs therefrom are prohibited except under, and in accordance with, a license granted by such officer as the Chief Commissioner may from time to time appoint in this behalf.

Production of intoxicating drugs.

In the other territories to which this Act extends, the Chief Revenue-authority may, from time to time, make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

CHAPTER III.

SALE OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 12, 15, 16, 17 and 27, para. 2.

12. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained.

Spirit, fermented liquor and drugs not to be sold without license.

Proviso.

Provided as follows—

Act X of 1871, s. 62, last para.

1stly,—nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by auction upon his quitting a station or after his decease;

Act X of 1871, s. 13, cl. 3rd.

2ndly,—any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority from time to time prescribes, a general license authorizing them to sell foreign spirit and foreign fermented liquors wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district;

Cf. Act X of 1871, ss. 62, 63.

3rdly,—any person making country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules

from time to time made by the Local Government in this behalf, sell such spirit or liquor to any person who is licensed as a retail vendor of such spirit or liquor;

Act X of 1871, ss. 20 and 64.

4thly,—any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or any person authorized by an order in writing from the Collector to purchase the same.

Act X of 1871, ss. 12, 15 and 19.

13. Subject to the rules made by the Chief Controlling Revenue-authority under the power hereinafter conferred, the Collector may grant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor and (except in British Burma) of intoxicating drugs within his district or any part thereof or at any place therein.

Licenses how granted.

Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in British Burma, of intoxicating drugs, retail, shall be granted only by such officer as the Local Government from time to time appoints in this behalf.

Act X of 1871, s. 34.

14. Whenever the Collector considers the license of a retail vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Commissioner of Revenue or Chief Revenue-authority directs. On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

Power to cancel retail license.

Act X of 1871, s. 35.

15. Any such retail vendor may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on paying such sum, not exceeding the amount of the license-fee for six months, as the Collector may fix in this behalf.

Surrender of retail license.

If the Collector is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

Act X of 1871, s. 25.

16. The Collector may, with the sanction of the Chief Revenue-authority, let in farm the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or fermented liquors or (except in British Burma) of intoxicating drugs.

Power to farm fees.

Act X of 1871, s. 27.

When the fees leviable on any of such articles are let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time impose, grant licenses for the retail sale of such articles within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted by him in such form as may, from time to time, be prescribed by the Chief Revenue-authority.

Farmer to grant licenses.

Ibid, s. 28.

List of licenses granted by farmer to be filed.

17. The Collector may, with the sanction of the Chief Revenue-authority, cancel any farm granted under this Act.

Act X of 1871, s. 29.

Farm may be cancelled.

18. If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the period of the farm, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Chief Revenue-authority may determine.

Compensation to farmers in certain cases.

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor, as may be lawfully used by zamindárs and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

Act X of 1871, s. 30.

Recovery of arrears by farmers.

20. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in which tári shall be supplied to licensed vendors of the same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs.

Act X of 1871, s. 40, cl. 1.

Power to regulate supply of tári and intoxicating drugs to licensed vendors.

CHAPTER IV.

POSSESSION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

21. Except as herein otherwise provided, no person shall have in his possession, without a pass from the Collector or from some other officer empowered by the Local Government in that behalf, any larger quantity of any spirit or fermented liquor than that specified in section three, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same:

Act X of 1871, ss. 63 and 64.

Possession of spirit, &c.

Nothing in this section extends to any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouse-man as such, or purchased by any person for his private use and not for sale.

Proviso.

22. In British Burma no person shall have in his possession any intoxicating drugs except under, and in accordance with the terms of, a general exemption granted by the Chief Commissioner, or a license granted by such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

Burma draft, s. 9: Act X of 1871, ss. 63 and 64.

Possession of intoxicating drugs.

In the other territories to which this Act extends, no person shall have in his possession any larger quantity of such drugs than that specified in section three, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

CHAPTER V.

IMPORT OF SPIRIT.

23. No person shall bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India,

Act X of 1871, s. 22, 1st para.

Spirit from foreign territory subject to duty.

until duty equal to the duty prescribed for such spirit under the Indian Tariff Act, 1875, section eleven, has been paid in respect thereof and a pass has been obtained therefor from such officer as the Local Government may, from time to time, appoint in this behalf.

CHAPTER VI.

OFFICERS AND THEIR POWERS.

Act X of 1871, ss. 38, 39 and 46.

24. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Collectors may appoint Excise-officers.

Act X of 1871, s. 41

25. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from farmers of land or their sureties.

Recovery of arrears of fees.

Act X of 1871, s. 42.

26. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or vendor carries on the manufacture of country spirit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

Power of Excise-officers to inspect shops.

Act X of 1871, s. 43.

27. Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

To arrest persons carrying spirit, &c., liable to confiscation.

and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and the animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

Act X of 1871, s. 44.

28. Any Excise-officer in the receipt of a monthly salary of not less than *twelve* rupees may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

To arrest persons in possession of article liable to confiscation, and to seize article.

Act X of 1871, ss. 45 and 46.

29. Whenever any Excise-officer in receipt of such monthly salary as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing),

To search on information of illicit manufacture or possession.

that spirit is unlawfully manufactured, or that any article liable to confiscation under this Act is kept or concealed in any place,

Such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than *twelve* rupees), enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place with all other persons concerned in the manufacture of such spirit, or in the keeping and concealing of such article.

Act X of 1871, s. 48.

30. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirit or fermented liquors or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Collector may issue warrant of arrest in certain cases.

Act X of 1871, s. 49.

31. The Collector may issue his warrant for the search of any place in which upon any of the grounds mentioned in the last preceding section, he has reason to believe that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Collector may issue search-warrant.

Such warrant may be executed, by any Excise-officer in the receipt of a monthly salary of not less than *twelve* rupees, at the time and in the manner prescribed in section twenty-nine.

Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section twenty-nine, and shall cease to be in force at sunrise on the day next following.

Special warrant authorizing search at night.

Act X of 1871, s. 47.

32. Whenever an Excise-officer arrests any person,

Excise-officer to report arrest, &c.;

or seizes any article liable to confiscation under this Act,

or enters any place for the purpose of searching for any such article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Collector, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

and to take person arrested to Magistrate.

Act X of 1871, s. 50.

33. Whenever any person is arrested or any article is seized under the warrant of a Collector, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized, to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Procedure after arrest or seizure.

Act X of 1871, s. 51.

34. All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such officers.

Police to assist Excise-officers.

Act X of 1871, s. 82.

35. When any arrest or search is to be made within the limits of any cantonment, the officer authorized under this Act to arrest

Mode of making arrest or search within military cantonments.

or search shall, whenever it is practicable, give notice to the Commanding Officer of the intention to make the arrest or search, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

CHAPTER VII.

PENALTIES.

Act X of 1871, ss. 52, 56 and 62, para. 1.

36. Whoever in contravention of section five constructs, works or possesses a distillery, still or brewery, or makes fermented liquor shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

For illegally manufacturing spirit or liquor.

and all spirit and liquor made in contravention of section five, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

37. Any person who—

Act X of 1871, s. 60, para. 2.

(*a*) without a special pass from the Collector, introduces, into the limits fixed for the consumption of spirit made at a distillery established under section six, any country spirit manufactured at another place, or

For illegally introducing country spirit.

Act X of 1871, ss. 54 and 60, para. 1.

(*b*) in contravention of section seven, or of any rule made under section eight or section nine, removes any spirit from a distillery, or

For illegally removing spirit.

Correspondence with Central Provinces.

(*c*) in contravention of section twenty-three, brings any spirit into any territory to which this Act extends,

For illegally importing spirit.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

and the spirit, together with the vessels containing the same, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Act X of 1871, ss. 58 and 61.

38. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section eight or section nine shall be punished with fine not exceeding one hundred rupees.

For contravening rules prescribed by Chief Revenue-authority.

39. Any person who, in contravention of section eleven or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illegally cultivating hemp and preparing drugs.

Act X of 1871, ss. 58 and 62, paras. 2-4.

40. Any person who, in contravention of section twelve, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illicit sale of spirit, &c.

Act X of 1871, s. 59.

41. Any person licensed to sell retail spirit or fermented liquor, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

For permitting drunkenness, &c., in shop.

Act X of 1871 s. 63.

42. Any person who possesses any spirit, liquor or drug, in contravention of section twenty-one or section twenty-two, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Illegal possession of spirit, liquor or drug.

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

Act X of 1871, s. 57.

43. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

For refusal to produce license and for breach of rules and conditions.

Act X of 1871, ss. 68 and 73, 2nd para.

44. Any proprietor, farmer, tahsíldár, gumáshta or other manager of land who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs, shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For conniving at illicit manufacture or sale of spirit, &c.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

Act X of 1871, s. 69.

45. Any Police-officer who, without lawful excuse, neglects, or refuses to assist as required by section thirty-four, and any officer in charge of a Police-station who, on application made by an Excise-officer desiring to act under section twenty-nine, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For Police neglecting to assist.

Act X of 1871, s. 81.

46. Any Excise-officer who—

(*a*) without reasonable grounds of suspicion searches or causes to be searched any place, or

For vexatious search or seizure.

(*b*) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(*c*) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

shall be punished with fine which may extend to five hundred rupees.

Act X of 1871, s. 72.

47. Any Excise-officer who, in contravention of section thirty-two or section thirty-three, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as the case may be, any person arrested, or any article seized, shall be punished with fine which may extend to two hundred rupees.

For delay in reporting arrest, &c., or in taking person arrested to Magistrate.

Act X of 1871, ss. 74 and 75, para. 3.

48. No complaint of an offence under any one of the following sections, that is to say, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two, forty-three and forty-four, shall be received unless it is made by the Collector or by an Excise-officer; and no complaint of an offence under this Act shall be received unless it is made within the six months next after the commission of such offence.

Prosecutions restricted.

Cf. Act X of 1871, s. 77; and see correspondence with N. W. P.

49. Every person imprisoned for an offence under section thirty-eight or section forty-three shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Confinement in what jail.

50. Whoever attempts to commit any offence punishable under this Act or abets within the meaning of the Indian Penal Code the commission of any such offence shall be punished with the punishment provided for such offence.

Attempts and abetment.

Act X of 1871, ss. 79, 80.

51. Any Magistrate before whom any person is convicted of any offence under sections thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two or forty-four may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Disposal of fines, &c., as rewards.

Act X of 1871, s. 54.

52. Any article subject to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

Magistrate to pass order of confiscation.

CHAPTER VIII.

MISCELLANEOUS.

Act X of 1871, s. 86.

53. The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

Collector subject to control of Commissioner.

54. The Chief Controlling Revenue-authority may, from time to time, make rules consistent with this Act—

Additional power to make rules.

Act X of 1871, s. 9; s. 13, cl. 3; s. 32.

(*a*) as to the period for which any license or farm under this Act shall be granted;

Act X of 1871, s. 13, cl. 1; s. 14, cl. 1; s. 24.

(*b*) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

Act X of 1871, s. 26 (*b*); s. 31.

(*c*) as to the security to be given by any licensee or farmer under this Act;

Act X of 1871, s. 26 (*c*); ss. 31, 33 and 34.

(*d*) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

Act X of 1871, s. 78.

(*e*) as to the disposal of things confiscated under this Act;

Act X of 1871, s. 86.

(*f*) as to the duties of Excise-officers; and

(*g*) to provide generally for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

This Bill is in the main a re-enactment of the Excise Act, 1871, in a shorter and, it is believed, a clearer form.

The only substantial changes of importance which it introduces are—

1st, a greater restriction in regard to intoxicating drugs, especially in British Burma, and

2nd, an enhancement of the penalties for certain breaches of the excise-law.

2. As regards the former, the amendment of the law proposed for British Burma will practically amount to a prohibition of the use of intoxicating drugs except for medicinal purposes in that Province. This is advocated by the Chief Commissioner on the following grounds, *viz.*:—

(1) that these drugs are considerably more injurious than opium;

(2) that at present they are unknown to the Burmese themselves, or, at any rate, have not come into use to such an extent among them that they would feel deprived of a luxury if their supply were summarily stopped;

(3) that such drugs are already forbidden in the Arakan Hill Tracts, and that the prohibition has worked well; and

(4) that they are, for the most part, used only by immigrants from India, who deserve no special consideration in the matter.

3. The alteration of the law in this particular for other Provinces is of much less importance. It consists in the reduction of the weight of ganjá and bhángy, which may be sold by a retail vendor or possessed by a private person, from a quarter of a ser to five tolas, the same weight as is permitted in the case of charas.

4. The enhancement of the penalties prescribed for offences against the Act has been advocated by certain of the Local Governments on the ground that the persons who commonly commit such offences are unable to pay a fine, and that to them imprisonment in a civil jail or without hard labour is really no punishment. The Bill, accordingly, gives power to sentence to imprisonment of either description extending to six months in lieu of, or in addition to, fine in certain cases, and in other cases substitutes imprisonment in the criminal jail for imprisonment in the civil jail.

Sections 18, 65, 66, 67 and 87 of the present Act (No. X of 1871) are omitted as relating solely to opium: sections 55, 83, 84 and 85 are omitted as the subjects are sufficiently provided for by the Sea Customs Act, 1878. Section 70 is provided for by the Penal Code, section 182, and section 73 of the Act, paragraphs 1 and 2, by the same Code taken in connection with section 53, clause (*f*), of the Bill. The subject of section 75, paragraphs 1 and 2, is provided for by the Code of Criminal Procedure. Section 76 is omitted, as all grave offences will now be punishable, on a first conviction, with six months' imprisonment. Section 80, paragraphs 1 and 2, and section 81, are also omitted, as being in part unnecessary and in part to be provided for by executive order.

WHITLEY STOKES.

The 14th April, 1881.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 7, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 10 OF 1881.

Act No. III of 1871. *A Bill to amend the Indian Paper Currency Act, 1871.*

WHEREAS it is expedient to amend the Indian Paper Currency Act, 1871, in manner hereinafter appearing; It is hereby enacted as follows:— Preamble. Act No. III of 1871.

1. In section four of the said Act, for the words "and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay," the words "and three other officers, called, respectively, the Commissioner of the Department of Issue at Madras, the Commissioner of the Department of Issue at Bombay and the Commissioner of the Department of Issue at Rangoon" shall be substituted. Amendment of section 4.

2. In section five of the said Act, for the words "three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively," the words "four of which circles shall include the Towns of Calcutta, Madras, Bombay and Rangoon, respectively," shall be substituted; and for the words "any such town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order," the words "any such town (other than Calcutta, Madras, Bombay or Rangoon) shall be deemed to be situate within such Presidency or Province as is specified in the order," shall be substituted. Amendment of section 5.

3. In sections six and nine of the said Act, for the words "and Bombay" the words "Bombay and Rangoon" shall be substituted. Amendment of sections 6 and 9.

4. In section seven of the said Act, for the words "the Commissioners at Madras and Bombay," the words "the Commissioners at Madras, Bombay and Rangoon" shall be substituted; and for the last sentence the following shall be substituted (namely):— Amendment of section 7.

"the Deputy Commissioners in the Presidencies of Fort Saint George and Bombay and in the Province of British Burma shall be subordinate to the Commissioners of Madras, Bombay and Rangoon, respectively."

5. In section ten of the said Act, for the words "of either of the Commissioners," the words "of one of the Commissioners" shall be substituted; and for the words "by either of the said Commissioners" the words "by one of the said Commissioners" shall be substituted. Amendment of section 10.

6. In section twenty-four of the said Act, the words "indictments and in" shall be repealed. Partial repeal of section 24.

STATEMENT OF OBJECTS AND REASONS.

THERE is at present no Paper Currency which is a legal tender in Burma. Notes of the Calcutta circle are used to a limited extent in the chief towns, and occasionally notes of other circles are used, but there is no circle of issue in Burma.

2. Great inconvenience has been felt by the mercantile classes in Burma from this want; and in the year 1872 the question of establishing a circle of issue in that Province was before the Government of India. The Indian Paper Currency Act of 1871, however, renders it necessary to declare every town (other than Calcutta, Madras or Bombay) in which there is an office of issue to be, for the purposes of the Act, situate within some Presidency. Had, therefore, a circle of issue been established in Burma, it would have been necessary to declare the place of issue to be situate within one of the Presidencies of Fort William, Fort St. George and Bombay. The result would have been that, under section 9 of the Act, the notes of the Burma circle would have been payable at the office or offices of issue in Burma, and also at the Presidency-town of the Presidency (probably Fort William) within which the town of issue had been declared, for the purposes of the Act, to be situate.

3. The nature of the commercial transactions between Burma and India is such that, under those circumstances, it would have been unwise to establish a circle of issue in Burma. At particular periods of the year large remittances of money are made between Calcutta and Rangoon, and if the Burmese notes were payable at Calcutta, the Government might be put to considerable inconvenience and expense in providing cash to meet the notes. The question was accordingly allowed to remain in abeyance.

4. The rapid increase of the trade of Burma has again caused the question to be brought before the Government of India. The best authorities are agreed that Burma can no longer do without a paper currency, but that the Burmese notes should be payable only at the office of issue and not at any Presidency-town. The public will thus enjoy most of the conveniences of a paper currency, while the Government will not be obliged to undertake the exchange business of British Burma.

5. The amendments in the Paper Currency Act proposed in the Bill have for their objects :—

1st—to create a Commissioner of the Department of Issue at Rangoon;

2ndly—to make the towns of issue in Burma independent of the Presidencies;

3rdly—to render the paper issued at any town in Burma payable only at the office of issue.

6. The first of these objects is attained by a slight alteration of the fourth section of the Act; the second, by amending section 5 so as to empower the Governor General in Council to declare a town to be situate for the purposes of the Act within a Province as well as a Presidency. The third will be effected by the amendment just described; for the town of issue in Burma can then be declared situate within the Province of British Burma, and Burmese notes will not then be payable at Calcutta or any other Presidency-town.

SIMLA:
The 8th April, 1881.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee :—

No. 11 OF 1881.

Act No. XIV of 1876.

A Bill to amend the Sindh Incumbered Estates Act, 1876.

WHEREAS it is expedient to extend the time within which applications under the Sindh Incumbered Estates Act, 1876, section three, may be made, and otherwise to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows :—

Preamble.

Act No. XIV of 1876.

1. Applications under the said Act, section three, may be made at any time within six months after the passing of this Act.

Time for making applications under Act XIV of 1876, section 3.

2. To the first sentence of section seven of the said Act, the following words shall be added (namely) :—"or which may be incurred by the Manager receiving a loan from Government in the manner hereinafter provided."

Amendment of section 7.

3. To section ten of the said Act, the following shall be added (namely) :—"and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act."

Amendment of section 10.

4. In section sixteen of the said Act, after the words "under section ten," the words "and for the repayment of the money (if any) which the Manager proposes to borrow from Government under this Act" shall be inserted.

Amendment of section 16.

5. To section twenty-three of the said Act the following shall be added (namely) :—"or (*c*) by borrowing money from Government at a fair rate of interest."

Amendment of section 23.

6. In section twenty-five of the said Act, after the words "mentioned in the liquidation-scheme," the following shall be inserted (namely) :—"and the amount of any loan received from Government under clause (*c*) of section twenty-three, together with the interest (if any) due thereon."

Amendment of section 25.

STATEMENT OF OBJECTS AND REASONS.

IT has been the practice for the Manager, under the Sindh Encumbered Estates Act, to borrow, with the previous sanction of Government, from the Treasury and to pay off such creditors as agreed to enter into a compromise in consideration of obtaining speedy payment of their debts. The money so borrowed was repaid by the Manager, with or without interest, as Government directed, from the income of the indebted estate.

Hitherto the money thus borrowed has been regarded as a liability incurred to Government in respect of the property under management within the meaning of section 10 of the Act. This view, however, is based on an erroneous conception of the law, and, as the Act stands, the only way to secure advances made by Government is by mortgaging the indebted estate.

It is objected that as soon as the debts are paid off the estate is released from management, and that Government would then only have the security of an ordinary mortgage for the advance.

It is proposed, therefore, to amend the Act by enabling the Manager to borrow money from Government, and by providing that the estate shall not be released from management until the money so borrowed is repaid with interest.

This will be effected by slight additions to sections 23 and 25. By other amendments the management is made to extend to the debt which may be incurred to Government by the Manager borrowing money, and the Manager is directed, in submitting his liquidation-scheme, to show in it the amount which he proposes to borrow from Government and the way in which he proposes to repay it.

As the management cannot terminate till the whole advance is repaid, there is ample security for its repayment.

The Act allows applications under section three to be made within twelve months from the passing of the Act, and, at the suggestion of the Government of Bombay, it is now proposed to allow a further period of six months from the date of the passing of this amending Act.

SIMLA;
The 12th April, 1881.

J. GIBBS.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 12 OF 1881.

Act No. XIV of 1877. *A Bill to amend the Broach and Kaira Incumbered Estates Act, 1877.*

WHEREAS it is expedient to amend the Broach and Kaira Incumbered Estates Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

Act No. XIV of 1877.

1. To the first sentence of section eight of the said Act, the following words shall be added (namely):— Amendment of section 8.

"or which may be incurred by the manager receiving a loan from Government in the manner hereinafter provided."

2. To section eleven of the said Act, the following shall be added (namely):— Amendment of section 11.

"and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Act."

3. In section seventeen of the said Act, after the words and figures "under section 11," the words "and for the repayment of the money (if any) which the manager proposes to borrow from Government under this Act" shall be inserted. Amendment of section 17.

4. To section twenty-four of the said Act, the following shall be added (namely):— Amendment of section 24.

"or (*d*) by borrowing money from Government at a fair rate of interest."

5. In section twenty-six of the said Act, after the words "mentioned in the liquidation-scheme," the following shall be inserted (namely):— Amendment of section 26.

"and the amount of any loan received from Government under clause (*d*) of section 24, together with the interest (if any) due thereon."

STATEMENT OF OBJECTS AND REASONS.

THE object of the proposed Bill and the reasons for legislating are the same as those in the case of the Bill to amend the Sindh Incumbered Estates Act. It is also found expedient for the management of the Broach and Kaira Estates that the manager should be able to borrow money at a fair rate of interest from Government, and that the estate should be retained under management till the repayment of the amount so borrowed.

SIMLA; *The 12th April, 1881.*

J. GIBBS.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th April, 1881, and was referred to a Select Committee:—

No. 13 OF 1881.

THE EXCISE BILL, 1881.

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A Bill to consolidate and amend the law relating to the Excise-revenue in Northern India, British Burma and Coorg.

WHEREAS it is expedient to consolidate and amend the law in force in Northern India, British Burma and Coorg relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

X of 1871.

1. This Act may be called "The Excise Act, 1881":

Short title.

It extends to the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára; and

Local extent.

it shall come into force on the first day of December, 1881.

Commencement of Act.

2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act.

* Repeal of Act X of 1871.

Interpretation-clause.

3. In this Act—

"Chief Revenue-authority":

(*a*) "Chief Revenue-authority" means—

in the territories administered by the Lieutenant-Governor of the North-Western Provinces—the Board of Revenue;

in the territories administered by the Lieutenant-Governor of the Panjáb—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára—the Chief Commissioner:

"Collector":

(*b*) "Collector" includes any Revenue-officer in independent charge of a District and any officer appointed by the Local Government to discharge, throughout any local area, the functions of a Collector under this Act: Act X of 1871, ss. 3 and 4.

"Commissioner of Revenue":

"Commissioner of Revenue" includes any officer appointed by the Local Government to discharge, throughout any local area, the functions of a Commissioner of Revenue under this Act: See ss. 14 and 53.

"Magistrate":

(*c*) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the District: Burma draft, s. 3.

"Place":

"Place" includes also house and boat:

"Fermented liquor":

(*d*) "Fermented liquor" means malt liquor, wine, pachwai and fermented tárí, and, in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, so directs, include any other fermented liquor, and also tárí though it may not have perceptibly begun to ferment: Act X of 1871, ss. 16 and 17; and see s. 64: Burma draft, s. 3. * Durbahra, *e.g.*—See correspondence, Financial Department, in 1872.

"Spirit":

(*e*) "Spirit" means any liquor containing alcohol obtained by distillation:

"Country spirit" and "country fermented liquor":

(*f*) "Country spirit" and "country fermented liquor" mean respectively any spirit and fermented liquor made in India by any Native process:

"Foreign spirit" and "foreign fermented liquor":

(*g*) "Foreign spirit" and "foreign fermented liquor" mean respectively any spirit and fermented liquor made in India after a manner in which spirit and fermented liquor are respectively made in Europe, and any spirit and fermented liquor made at any place beyond the limits of India: Cf. Act X of 1871, s. 12.

"Intoxicating drugs":

(*h*) The expression "intoxicating drugs" means gánja, bháng, charas, and every preparation and admixture of the same:

"Tola":

(*i*) "Tola" means a weight of one hundred and eighty grains Troy:

"Ser":

(*j*) "Ser" means a weight of eighty tolas:

Act X of 1871, s. 19: s. 14, para. 2.

"Retail":

(*k*) The articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

Foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

country spirit, one ser;

country fermented liquor, four sers;

Correspondence with Central Provinces.

gánja, bháng, or charas, or any preparation or admixture thereof, five tolas:

"Wholesale."

If sold in larger quantities they shall be deemed to be sold wholesale.

Act X of 1871, s. 82.

4. Nothing herein contained shall affect Act No. XVI of 1863 (*to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*) or the Cantonments Act, 1880.

Saving of Acts XVI of 1863 and III of 1880.

CHAPTER II.

PRODUCTION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 5, 9 and 11: Burma draft, s. 5: Correspondence with Central Provinces.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Collector and in accordance with the conditions (if any) contained therein.

Manufacture of spirit and liquor without license prohibited.

Act X of 1871, s. 7.

6. The Collector may, with the sanction of the Chief Revenue-authority, from time to time, establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established.

Power to establish distilleries for country spirit.

Correspondence with Central Provinces.

When a distillery has been established under this section, the Collector may, from time to time, fix within his district limits within which no country spirit, except such as is made at such distillery, shall be introduced without a special pass from the Collector.

Act X of 1871, s. 21, cls. 1st, 2nd and 4th.

7. No spirit shall be removed from any distillery licensed under section five or established under section six, until the duty payable in respect of such spirit under the Indian Tariff Act, 1875, section eleven, has been paid, or a bond for such duty has been executed as provided by the Sea Customs Act, 1878.

Duty on spirit.

Act X of 1871, s. 6: s. 21, cl. 3rd.

8. The Chief Revenue-authority may, from time to time, make rules as to—

Power to make rules as to distilleries and breweries licensed under section 5.

(*a*) the granting of licenses for distilleries and breweries under section five;

(*b*) the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work;

(*c*) the size and description of the stills in such distillery;

(*d*) the storing and passing out of the spirit made in such distillery, and the contents of the passes;

(*e*) the inspection and examination of the distillery and warehouses, and of the spirit made and stored therein;

(*f*) the furnishing of statements of the spirit, and of the stills, coppers, casks and other utensils in the distillery.

Act X of 1871, s. 8.

9. The Chief Revenue-authority may, from time to time, make rules as to—

And for distilleries established under section 6.

(*a*) the management of distilleries established under section six;

(*b*) the conditions on which spirit may be made in such distilleries; and

(*c*) the storing and passing out of the spirit so made, and the contents of the passes.

Act X of 1871, s. 10.

10. Except in the territories respectively administered by the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, and Ajmer and Merwára, the sanction of the Local Government is required to validate rules under sections eight and nine.

Sanction to rules under sections 8 and 9.

Act X of 1817, s. 40, cl. 2: Burma draft, s. 9: Correspondence with Central Provinces.

11. In British Burma, the cultivation of hemp and the preparation of intoxicating drugs therefrom are prohibited except under, and in accordance with, a license granted by such officer as the Chief Commissioner may from time to time appoint in this behalf.

Production of intoxicating drugs.

In the other territories to which this Act extends, the Chief Revenue-authority may, from time to time, make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

CHAPTER III.

SALE OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 12, 15, 16, 17 and 27, para. 2.

12. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained.

Spirit, fermented liquor and drugs not to be sold without license.

Proviso.

Provided as follows—

Act X of 1871, s. 62, last para.

1stly,—nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by auction upon his quitting a station or after his decease;

Act X of 1871, s. 13, cl. 3rd.

2ndly,—any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority from time to time prescribes, a general license authorizing them to sell foreign spirit and foreign fermented liquors wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district;

Cf. Act X of 1871, ss. 19 62, 63.

3rdly,—any person making country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules

from time to time made by the Local Government in this behalf, sell such spirit or liquor to any person who is licensed as a retail vendor of such spirit or liquor;

Act X of 1871, ss. 20 and 64.

4thly,—any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or any person authorized by an order in writing from the Collector to purchase the same.

Act X of 1871, ss. 12, 15 and 19.

Licenses how granted.

13. Subject to the rules made by the Chief Controlling Revenue-authority under the power hereinafter conferred, the Collector may grant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor and (except in British Burma) of intoxicating drugs within his district or any part thereof or at any place therein.

Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in British Burma, of intoxicating drugs, retail, shall be granted only by such officer as the Local Government from time to time appoints in this behalf.

Act X of 1871, s. 34.

Power to cancel retail license.

14. Whenever the Collector considers the license of a retail vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Commissioner of Revenue or Chief Revenue-authority directs. On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

Act X of 1871, s. 35.

Surrender of retail license.

15. Any such retail vendor may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on paying such sum, not exceeding the amount of the license-fee for six months, as the Collector may fix in this behalf.

If the Collector is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

Act X of 1871, s. 25.

Power to farm fees.

16. The Collector may, with the sanction of the Chief Revenue-authority, let in farm the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or fermented liquors or (except in British Burma) of intoxicating drugs.

Act X of 1871, s. 27.

Farmer to grant licenses.

When the fees leviable on any of such articles are let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time impose, grant licenses for the retail sale of such articles within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted by him in such form as may, from time to time, be prescribed by the Chief Revenue-authority.

Ibid, s. 28.

List of licenses granted by farmer to be filed.

17. The Collector may, with the sanction of the Chief Revenue-authority, cancel any farm granted under this Act.

Act X of 1871, s. 29.

Farm may be cancelled.

18. If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the period of the farm, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Chief Revenue-authority may determine.

Compensation to farmers in certain cases.

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor, as may be lawfully used by zamíndárs and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

Act X of 1871, s. 30.

Recovery of arrears by farmers.

20. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in which tárí shall be supplied to licensed vendors of the same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs.

Act X of 1871, s. 40, cl. 1.

Power to regulate supply of tárí and intoxicating drugs to licensed vendors.

CHAPTER IV.

POSSESSION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Act X of 1871, ss. 63 and 64.

Possession of spirit, &c.

21. Except as herein otherwise provided, no person shall have in his possession, without a pass from the Collector or from some other officer empowered by the Local Government in that behalf, any larger quantity of any spirit or fermented liquor than that specified in section three, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same:

Proviso.

Nothing in this section extends to any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouse-man as such, or purchased by any person for his private use and not for sale.

Burma draft, s. 9; Act X of 1871, ss. 63 and 64.

Possession of intoxicating drugs.

22. In British Burma no person shall have in his possession any intoxicating drugs except under, and in accordance with the terms of, a general exemption granted by the Chief Commissioner, or a license granted by such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

In the other territories to which this Act extends, no person shall have in his possession any larger quantity of such drugs than that specified in section three, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

CHAPTER V.

IMPORT OF SPIRIT.

Act X of 1871, s. 22, 1st para.

Spirit from foreign territory subject to duty.

23. No person shall bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India, until duty equal to the duty prescribed for such spirit under the Indian Tariff Act, 1875, section eleven, has been paid in respect thereof and a pass has been obtained therefor from such officer as the Local Government may, from time to time, appoint in this behalf.

CHAPTER VI.

OFFICERS AND THEIR POWERS.

Act X of 1871, ss. 38, 39 and 46.

Collectors may appoint Excise-officers.

24. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Act X of 1871, s. 41.

Recovery of arrears of fees.

25. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from farmers of land or their sureties.

Act X of 1871, s. 42.

Power of Excise-officers to inspect shops.

26. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or vendor carries on the manufacture of country spirit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

Act X of 1871, s. 43.

To arrest persons carrying spirit, &c., liable to confiscation.

27. Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and the animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

Act X of 1871, s. 44.

To arrest persons in possession of article liable to confiscation, and to seize article.

28. Any Excise-officer in the receipt of a monthly salary of not less than *twelve* rupees may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

Act X of 1871, ss. 45 and 46.

To search on information of illicit manufacture or possession.

29. Whenever any Excise-officer in receipt of such monthly salary as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing),

that spirit is unlawfully manufactured, or that any article liable to confiscation under this Act is kept or concealed in any place,

Such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than *twelve* rupees), enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place with all other persons concerned in the manufacture of such spirit, or in the keeping and concealing of such article.

Act X of 1871, s. 48.

Collector may issue warrant of arrest in certain cases.

30. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirit or fermented liquors or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Act X of 1871, s. 49.

Collector may issue search-warrant.

31. The Collector may issue his warrant for the search of any place in which upon any of the grounds mentioned in the last preceding section, he has reason to believe that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Such warrant may be executed, by any Excise-officer in the receipt of a monthly salary of not less than *twelve* rupees, at the time and in the manner prescribed in section twenty-nine.

Special warrant authorizing search at night.

Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section twenty-nine, and shall cease to be in force at sunrise on the day next following.

Act X of 1871, s. 47.

Excise-officer to report arrest, &c.;

32. Whenever an Excise-officer arrests any person,

or seizes any article liable to confiscation under this Act,

or enters any place for the purpose of searching for any such article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Collector, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

and to take person arrested to Magistrate.

Act X of 1871, s. 50.

Procedure after arrest or seizure.

33. Whenever any person is arrested or any article is seized under the warrant of a Collector, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized, to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Act X of 1871, s. 51.

Police to assist Excise-officers.

34. All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such officers.

Act X of 1871, s. 82.

Mode of making arrest or search within military cantonments.

35. When any arrest or search is to be made within the limits of any cantonment, the officer authorized under this Act to arrest

or search shall, whenever it is practicable, give notice to the Commanding Officer of the intention to make the arrest or search, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

CHAPTER VII.

PENALTIES.

Act X of 1871, ss. 52, 56 and 62, para. 1.

36. Whoever in contravention of section five constructs, works or possesses a distillery, still or brewery, or makes fermented liquor shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

For illegally manufacturing spirit or liquor.

and all spirit and liquor made in contravention of section five, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

37. Any person who—

Act X of 1871, s. 60, para. 2.

(*a*) without a special pass from the Collector, introduces, into the limits fixed for the consumption of spirit made at a distillery established under section six, any country spirit manufactured at another place, or

For illegally introducing country spirit.

Act X of 1871, ss. 54 and 60, para. 1.

(*b*) in contravention of section seven, or of any rule made under section eight or section nine, removes any spirit from a distillery, or

For illegally removing spirit.

Correspondence with Central Provinces.

(*c*) in contravention of section twenty-three, brings any spirit into any territory to which this Act extends,

For illegally importing spirit.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

and the spirit, together with the vessels containing the same, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Act X of 1871, ss. 53 and 61.

38. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section eight or section nine shall be punished with fine not exceeding one hundred rupees.

For contravening rules prescribed by Chief Revenue-authority.

39. Any person who, in contravention of section eleven or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illegally cultivating hemp and preparing drugs.

Act X of 1871, ss. 58 and 62, paras. 2-4.

40. Any person who, in contravention of section twelve, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illicit sale of spirit, &c.

Act X of 1871, s. 59.

41. Any person licensed to sell retail spirit or fermented liquor, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

For permitting drunkenness, &c., in shop.

Act X of 1871, s. 63.

42. Any person who possesses any spirit, liquor or drug, in contravention of section twenty-one or section twenty-two, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Illegal possession of spirit, liquor or drug.

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

Act X of 1871, s. 57.

43. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

For refusal to produce license and for breach of rules and conditions.

Act X of 1871, ss. 68 and 73, 2nd para.

44. Any proprietor, farmer, tahsíldár, gumáshta or other manager of land who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs, shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For conniving at illicit manufacture or sale of spirit, &c.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

Act X of 1871, s. 69.

45. Any Police-officer who, without lawful excuse, neglects, or refuses to assist as required by section thirty-four, and any officer in charge of a Police-station who, on application made by an Excise-officer desiring to act under section twenty-nine, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For Police neglecting to assist.

Act X of 1871, s. 71.

46. Any Excise-officer who—

(*a*) without reasonable grounds of suspicion searches or causes to be searched any place, or

For vexatious search or seizure.

(*b*) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(*c*) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

shall be punished with fine which may extend to five hundred rupees.

Act X of 1871, s. 72.

47. Any Excise-officer who, in contravention of section thirty-two or section thirty-three, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as

For delay in reporting arrest, &c., or in taking person arrested to Magistrate.

the case may be, any person arrested, or any article seized, shall be punished with fine which may extend to two hundred rupees.

Act X of 1871, ss. 74 and 75, para. 3.

48. No complaint of an offence under any one of the following sections, that is to say, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two, forty-three and forty-four, shall be received unless it is made by the Collector or by an Excise-officer; and no complaint of an offence under this Act shall be received unless it is made within the six months next after the commission of such offence.

Prosecutions restricted.

Cf, Act X of 1871, s. 77; and see correspondence with N. W. P.

49. Every person imprisoned for an offence under section thirty-eight or section forty-three shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Confinement in what jail.

50. Whoever attempts to commit any offence punishable under this Act or abets within the meaning of the Indian Penal Code the commission of any such offence shall be punished with the punishment provided for such offence.

Attempts and abetment.

Act X of 1871, ss. 79, 80.

51. Any Magistrate before whom any person is convicted of any offence under sections thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two or forty-four may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Disposal of fines, &c., as rewards.

Act X of 1871, s. 54.

52. Any article subject to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

Magistrate to pass order of confiscation.

CHAPTER VIII.

MISCELLANEOUS.

Act X of 1871, s. 86.

53. The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

Collector subject to control of Commissioner.

54. The Chief Controlling Revenue-authority may, from time to time, make rules consistent with this Act—

Additional power to make rules.

Act X of 1871, s. 9; s. 16, cl. 2; s. 32.

(*a*) as to the period for which any license or farm under this Act shall be granted;

Act X of 1871, s. 13, cl. 1; s. 14, cl. 1; s. 24.

(*b*) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

Act X of 1871, s. 26 (*b*); s. 31.

(*c*) as to the security to be given by any licensee or farmer under this Act;

Act X of 1871, s. 26 (*c*); ss. 27, 33 and 34.

(*d*) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

Act X of 1871, s. [illegible].

(*e*) as to the disposal of things confiscated under this Act;

Act X of 1871, s. 26.

(*f*) as to the duties of Excise-officers; and

(*g*) to provide generally for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

This Bill is in the main a re-enactment of the Excise Act, 1871, in a shorter and, it is believed, a clearer form.

The only substantial changes of importance which it introduces are—

1st, a greater restriction in regard to intoxicating drugs, especially in British Burma, and

2nd, an enhancement of the penalties for certain breaches of the excise-law.

2. As regards the former, the amendment of the law proposed for British Burma will practically amount to a prohibition of the use of intoxicating drugs except for medicinal purposes in that Province. This is advocated by the Chief Commissioner on the following grounds, *viz.*:—

(1) that these drugs are considerably more injurious than opium;

(2) that at present they are unknown to the Burmese themselves, or, at any rate, have not come into use to such an extent among them that they would feel deprived of a luxury if their supply were summarily stopped;

(3) that such drugs are already forbidden in the Arakan Hill Tracts, and that the prohibition has worked well; and

(4) that they are, for the most part, used only by immigrants from India, who deserve no special consideration in the matter.

3. The alteration of the law in this particular for other Provinces is of much less importance. It consists in the reduction of the weight of ganjá and bhángy, which may be sold by a retail vendor or possessed by a private person, from a quarter of a ser to five tolas, the same weight as is permitted in the case of charas.

4. The enhancement of the penalties prescribed for offences against the Act has been advocated by certain of the Local Governments on the ground that the persons who commonly commit such offences are unable to pay a fine, and that to them imprisonment in a civil jail or without hard labour is really no punishment. The Bill, accordingly, gives power to sentence to imprisonment of either description extending to six months in lieu of, or in addition to, fine in certain cases, and in other cases substitutes imprisonment in the criminal jail for imprisonment in the civil jail.

Sections 18, 65, 66, 67 and 87 of the present Act (No. X of 1871) are omitted as relating solely to opium: sections 55, 83, 84 and 85 are omitted as the subjects are sufficiently provided for by the Sea Customs Act, 1878. Section 70 is provided for by the Penal Code, section 182, and section 73 of the Act, paragraphs 1 and 2, by the same Code taken in connection with section 53, clause (*f*), of the Bill. The subject of section 75, paragraphs 1 and 2, is provided for by the Code of Criminal Procedure. Section 76 is omitted, as all grave offences will now be punishable, on a first conviction, with six months' imprisonment. Section 80, paragraphs 1 and 2, and section 81, are also omitted, as being in part unnecessary and in part to be provided for by executive order.

WHITLEY STOKES.

The 14th April, 1881.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE, 4, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st June, 1881, and was referred to a Select Committee:—

No. 14 OF 1881.

A Bill to amend the law in force in the Mahál of Bánki.

WHEREAS it has been determined to annex the territory comprised in the mahál of Bánki to the district of Púrí: (Preamble.)

And whereas the said territory forms portion of a scheduled district under the Scheduled Districts Act, 1874: (Act XIV of 1874.)

And whereas it is expedient that the law in force in the said territory should, on such annexation, be the same as the law in force in the district of Púrí, and that the said territory should cease to be a portion of a scheduled district:

It is hereby enacted as follows:—

(Act XIX of 1879, s. 1.) 1. This Act may be called "The Bánki Laws Act, 1881." (Short title.)

(Act XIX of 1879, s. 2.) 2. All enactments which shall on the first day of April, 1882, be in force in the district of Púrí, and not in the said territory, shall be deemed to come into force in the said territory on that day: (Laws of Púrí to apply.)

And all enactments which shall on that day be in force in the said territory, and not in the district of Púrí, shall be deemed to be repealed on and from that day in the said territory. (Other laws repealed.)

(Act XIX of 1879, s. 3.) 3. All proceedings commenced before any authority in the said territory before the said first day of April, 1882, and still pending on the said day, shall be disposed of by such authority as the Local Government may direct; and, save as aforesaid, shall be carried on as if this Act had not been passed. (Pending proceedings.)

(Act XIX of 1879, s. 4.) 4. On and from the said first day of April, 1882, the said territory shall cease to be a portion of a scheduled district; and in Part III of the first schedule to the said Scheduled Districts Act, 1874, for the words "Mahál of Angúl and Bánki," the words "Mahál of Angúl" shall be substituted. (Territory to cease to be a scheduled district.)

STATEMENT OF OBJECTS AND REASONS.

IT has been determined by Government to bring the Government estate of Bánki, which at present forms portion of a scheduled district under the Scheduled Districts Act, 1874, under the regular system of administration, and, for this purpose, to annex it, from the commencement of the next financial year, to the Khurda sub-division of the Regulation district of Púrí. Owing, however, to Bánki having hitherto formed portion of a scheduled district, there are certain differences between the law prevailing in it and the law in force in the Púrí district, which differences it is desirable to remove. The present Bill, which has been drawn on the lines of the Raipur and Khattra Laws Act, 1879, has accordingly been prepared. It assimilates the law in Bánki to that in the district of Púrí from the date on which Bánki is annexed to that district, and declares that from that date Bánki shall cease to be a portion of a scheduled district.

The 23rd May, 1881. WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 11, 1881.

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PART V.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

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A Bill to amend the law in force in the Mahál of Bánki.

WHEREAS it has been determined to annex the territory comprised in the mahál of Bánki to the district of Púrí: (Preamble.)

And whereas the said territory forms portion of a scheduled district under the Scheduled Districts Act, 1874: (Act XIV of 1874.)

And whereas it is expedient that the law in force in the said territory should, on such annexation, be the same as the law in force in the district of Púrí, and that the said territory should cease to be a portion of a scheduled district:

It is hereby enacted as follows:—

(Act XIX of 1879, s. 1.) 1. This Act may be called "The Bánki Laws Act, 1881." (Short title.)

(Act XIX of 1879, s. 2.) 2. All enactments which shall on the first day of April, 1882, be in force in the district of Púrí, and not in the said territory, shall be deemed to come into force in the said territory on that day: (Laws of Púrí to apply.)

And all enactments which shall on that day be in force in the said territory, and not in the district of Púrí, shall be deemed to be repealed on and from that day in the said territory. (Other laws repealed.)

(Act XIX of 1879, s. 3.) 3. All proceedings commenced before any authority in the said territory before the said first day of April, 1882, and still pending on the said day, shall be disposed of by such authority as the Local Government may direct; and, save as aforesaid, shall be carried on as if this Act had not been passed. (Pending proceedings.)

(Act XIX of 1879, s. 4.) 4. On and from the said first day of April, 1882, the said territory shall cease to be a portion of a scheduled district; and in Part III of the first schedule to the said Scheduled Districts Act, 1874, for the words "Mahâls of Angúl and Bánki," the words "Mahâl of Angúl" shall be substituted. (Territory to cease to be a scheduled district.)

STATEMENT OF OBJECTS AND REASONS.

IT has been determined by Government to bring the Government estate of Bánki, which at present forms portion of a scheduled district under the Scheduled Districts Act, 1874, under the regular system of administration, and, for this purpose, to annex it, from the commencement of the next financial year, to the Khurda sub-division of the Regulation district of Púrí. Owing, however, to Bánki having hitherto formed portion of a scheduled district, there are certain differences between the law prevailing in it and the law in force in the Púrí district, which differences it is desirable to remove. The present Bill, which has been drawn on the lines of the Raipur and Khattra Laws Act, 1879, has accordingly been prepared. It assimilates the law in Bánki to that in the district of Púrí from the date on which Bánki is annexed to that district, and declares that from that date Bánki shall cease to be a portion of a scheduled district.

The 23rd May, 1881. WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

The following Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th May, 1881 :—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Commentary on the (draft) Bill by W. B. Jones, Esq., C.S. [Paper No. 1].
Note by C. Grant, Esq., Officiating Chief Commissioner, Central Provinces [Paper No. 2].
Notes by C. H. T. Crosthwaite, Esq., Officiating Judicial Commissioner, Central Provinces, dated 11th June, 1879 [Paper No. 3].
From J. Wilson, Esq., Settlement-officer, Sirsa, to the Hon'ble C. Grant, Judicial Commissioner, Central Provinces, dated 25th August, 1880, and enclosure [Papers No. 4].
„ W. B. Jones, Esq., Commissioner, Haidarábád Assigned Districts, dated 18th September, 1880 [Paper No. 5].
„ J. W. Chisholm, Esq., Secretary to Chief Commissioner, Central Provinces, No. 3603-146, dated 2nd October, 1880, and enclosures [Papers No. 6].
„ Ditto ditto ditto, No. 3828-208, dated 15th October, 1880 [Papers No. 7].
„ A. U. Fanshawe, Esq., Officiating Secretary to Chief Commissioner, Central Provinces, No. 3869-210, dated 19th October, 1880, and enclosures [Papers No. 8].
Remarks by C. H. T. Crosthwaite, Esq., Officiating Judicial Commissioner, Central Provinces, dated 26th August, 1880 [Paper No. 9].
From J. W. Chisholm, Esq., Secretary to Chief Commissioner, Central Provinces, No. 17-6, dated 2nd February, 1881 [Paper No. 10].
„ Gopal Narayan Ghatate and other Málguzárs, to Commissioner, Nágpur Division, dated 25th December, 1880, and enclosure [Papers No. 11].

2. In the Explanation to section 4, clause (7) (now clause (6)), we have altered the period after which land, if left unoccupied by the proprietor, ceases to be sír-land, from three years to six years, in order to provide for cases in which a proprietor lets his land lie fallow for agricultural purposes.

3. We have altered the definition of "mahál" so as to include local areas which are maháls under existing settlements, as well as such local areas as may be declared to be maháls under the provisions of the Act.

4. We have also amended the definition of "málguzár" so as to include any person with whom a settlement has been made before this Act comes into force, as well as a person who has accepted, or, under the provisions of the Act, is deemed to have accepted, the assessment of a mahál. The representatives and assigns of such persons will also, by the definition, be málguzárs.

5. We have amended the definition of "tenant," as the words "similar lessee of a whole village or a large portion thereof" appeared to be too indefinite.

6. To section 25 we have added a proviso to ensure that, when the Chief Commissioner exercises the wide powers of revision conferred on him by that section, in cases where his order would affect any question of right between private persons, he shall give the parties concerned an opportunity of being heard.

7. We have struck out section 30 of the Bill as introduced, as the matter is sufficiently provided for by sections 18 and 32.

8. In section 33 (section 34 of the Bill as introduced) we have specified all the suits for the disposal of which Settlement-officers may be invested with the powers of Civil Courts, and have therefore struck out the first schedule to the Bill.

9. We have altered section 34 (section 35 of the Bill as introduced) so as to give the Chief Settlement-officer power to direct the business in the Courts subordinate to him, and to withdraw suits instituted in such Courts and try them himself or refer them for trial to any other subordinate Court.

10. We have added a section after section 37 of the Bill (now section 36) so as to prevent the provisions of section 32 of the Bill (now section 31) applying to proceedings held before Settlement-officers in the exercise of the powers of a Civil Court.

11. We have struck out section 46 of the Bill, as the Chief Commissioner can order maps to be prepared without being expressly empowered to do so.

12. With regard to the provision for progressive assessments contained in section 47 of the Bill (now section 46), we have substituted ten years for five years, so as to give the Chief Commissioner a wider discretion in regulating such assessments.

13. Section 57 of the Bill (now section 56) we have re-drafted so as to show precisely what the effect of the acceptance of an assessment is, and also to empower the Chief Commissioner to fix the term of settlement after the assessment has been accepted instead of before, as had been provided in section 48 of the Bill as introduced. Until the Settlement-officer has made his report showing the condition of a mahál, the Chief Commissioner cannot satisfactorily determine how long the settlement should last.

14. Section 58 of the Bill (now section 57) provided that, in case of a refusal on the part of all the proprietors to accept an assessment, the Settlement-officer might, with the previous sanction of the Chief Commissioner, exclude the proprietors from settlement and might then settle the mahál with any other person or take it under direct management. We consider that this power to settle the mahál with any other person should not be given. When a settlement is made, both the person engaging for the payment of revenue and the mahál itself are liable for arrears of revenue. It would, in our opinion, be a harsh measure to exclude a proprietor and settle the mahál with a stranger, in consequence of whose mismanagement, perhaps, the mahál might be sold for arrears. We have therefore altered the section so as to give the Settlement-officer power to let the mahál in farm or take it under direct management, but not to settle it with any other person; and we have made a similar alteration in section 59 (now section 58).

15. We have added a section after section 63 of the Bill (now section 62) so as to provide a limit to the aggregate amount of the allowance granted to an excluded proprietor and of the difference between the rent paid by him as an absolute occupancy-tenant and the rent which he would be liable to pay if he were a tenant-at-will.

16. In section 75 we have provided, in accordance with a suggestion made by certain landholders of Nágpur, that when the Settlement-officer decides that land held revenue-free or at less than a full assessment shall pay revenue, or pay revenue at enhanced rates, the Chief Commissioner cannot recover from such land land-revenue which became due more than twelve years before the date of the Settlement-officer's decision.

17. We have struck out Chapter VII, and the definition of, and other provisions relating to, Provincial cesses, as we are of opinion that the assessment of such cesses should be kept distinct from the assessment of the land-revenue, and should be provided for in a separate Bill.

18. In order to preserve the reversionary rights of the brothers of the deceased husband of a Hindú widow, we have added, in section 88 of the Bill (now section 87), a provision that an award, made by a Settlement-officer, of proprietary rights in land to a widow shall be deemed to confer on her those rights only which, in accordance with the personal law to which she is subject, she would enjoy in land inherited by her from her husband.

19. In the third proviso to section 95 of the Bill (now section 94), we have provided that no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing in respect of land held under direct management or let in farm in accordance with any of the provisions of this Act. The Settlement-officer lets land in farm or holds it under direct management as well as the Deputy Commissioner.

20. We have amended section 100 of the Bill (now section 99) so as to show that the Deputy Commissioner or his agent is not bound by the liabilities incurred by the defaulters to mortgagees of the land attached.

21. Section 104 of the Bill provided that "all liens, leases and other incumbrances created upon the land so managed or farmed by the defaulters or by any person through whom they claim might, at the option of the Deputy Commissioner, be cancelled." We considered that this provision went too far in interfering with the rights of persons other than the defaulters, and we have struck it out, and inserted instead a section after section 105 of the Bill providing that no such leases, liens or other incumbrances shall be binding upon the Deputy Commissioner, his agent or lessee, while land is under management or let in farm.

22. We have amended section 123 of the Bill, substituting for a fine recoverable by imprisonment a penalty recoverable under the Act as an arrear of revenue; and we have restored, from the original draft, a section (now section 124) providing that any person against whom proceedings are taken for the violation or neglect of a rule, custom or condition under section 123 may sue the Government to set aside the proceedings on the ground that no such violation or neglect occurred. The Civil Court may order the refund of any penalty imposed together with the costs of the suit and compensation.

23. In section 138 of the Bill (now section 137), we have provided that, with the previous sanction of the Governor General in Council, the rate on account of the aggregate remuneration of lambardárs and mukaddams may exceed five per cent. on the revenue. We have also, in deference to a representation from the landholding classes of the Central Provinces, added a clause to the effect that, where there are resident málguzárs in a village, one of such málguzárs shall be the mukaddam.

24. In section 145 of the Bill (now section 144), we have allowed the patwárí-rate to be raised above six per cent. on the revenue with the sanction of the Governor General in Council.

25. In Chapter XIII of the Bill (now Chapter XII), we have added a section to secure to Government the right to mines, quarries and the juice of tárí trees. This will make no substantial change in what is generally understood to be the law of the Central Provinces.

26. Clause (*b*) of section 152 of the Bill we have struck out, and substituted for it a specification of the matters over which the jurisdiction of the Civil Courts is barred; and to meet an objection made by certain landholders of Nágpur, we have added a provision to save the jurisdiction of the Civil Courts in questions relating to rights arising under any contract between the Government and grantees of land.

27. In section 158 we have provided that penalties which may be imposed under the Act shall be recovered as arrears of revenue payable directly to Government.

28. We have found it necessary or expedient to make several changes in the wording and arrangement of the Bill as introduced. We have also added an index, nothing in which will, of course, have the force of law.

29. The publication ordered by the Council has been made. We consider that the changes which we have now made in the Bill are not such as to render its republication desirable; and we therefore recommend that the Bill as amended be passed.

SIMLA;
The 10th May, 1881.

C. GRANT.
WHITLEY STOKES.
RIVERS THOMPSON.
E. BARING.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 18, 1881.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st June, 1881, and was referred to a Select Committee:—

No. 14 OF 1881.

A Bill to amend the law in force in the Mahál of Bánki.

Preamble. WHEREAS it has been determined to annex the territory comprised in the mahál of Bánki to the district of Púrí:

And whereas the said territory forms portion of a scheduled district under the Scheduled Districts Act, 1874 (Act XIV of 1874):

And whereas it is expedient that the law in force in the said territory should, on such annexation, be the same as the law in force in the district of Púrí, and that the said territory should cease to be a portion of a scheduled district:

It is hereby enacted as follows:—

Short title. (Act XIX of 1879, s. 1.) **1.** This Act may be called "The Bánki Laws Act, 1881."

Laws of Púrí to apply. (Act XIX of 1879, s. 2.) **2.** All enactments which shall on the first day of April, 1882, be in force in the district of Púrí, and not in the said territory, shall be deemed to come into force in the said territory on that day:

Other laws repealed. And all enactments which shall on that day be in force in the said territory, and not in the district of Púrí, shall be deemed to be repealed on and from that day in the said territory.

Pending proceedings. (Act XIX of 1879, s. 3.) **3.** All proceedings commenced before any authority in the said territory before the said first day of April, 1882, and still pending on the said day, shall be disposed of by such authority as the Local Government may direct; and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district. (Act XIX of 1879, s. 4.) **4.** On and from the said first day of April, 1882, the said territory shall cease to be a portion of a scheduled district; and in Part III of the first schedule to the said Scheduled Districts Act, 1874, for the words "Mahál of Angúl and Bánki," the words "Mahál of Angúl" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

It has been determined by Government to bring the Government estate of Bánki, which at present forms portion of a scheduled district under the Scheduled Districts Act, 1874, under the regular system of administration, and, for this purpose, to annex it, from the commencement of the next financial year, to the Khurda sub-division of the Regulation district of Púrí. Owing, however, to Bánki having hitherto formed portion of a scheduled district, there are certain differences between the law prevailing in it and the law in force in the Púrí district, which differences it is desirable to remove. The present Bill, which has been drawn on the lines of the Raipur and Khattra Laws Act, 1879, has accordingly been prepared. It assimilates the law in Bánki to that in the district of Púrí from the date on which Bánki is annexed to that district, and declares that from that date Bánki shall cease to be a portion of a scheduled district.

The 23rd May, 1881. WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secretary to the Government of India.

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Nothing hereinafter contained shall be deemed to have the force of law.

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The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, MONDAY, JANUARY 24, 1881.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 24th January 1881.

THE carriages of Ladies and Gentlemen attending the ball at Government House on Wednesday evening, the 26th January, will enter by the North-East Gate, set down at the foot of the Grand Staircase, and pass out by the North-West Gate.

Only the carriages of those who have the private entrée will be admitted by the South-East Gate.

By Command,

GEO. S. WHITE, *Major*,

Military Secretary to the Viceroy.

Printed and published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, MONDAY, JANUARY 24, 1881.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 24th January 1881.

HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL will hold a Levée at Government House on Tuesday, the 1st February, at 9-30 o'clock P.M.

All Civil and Military Officers are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their names and addresses to the Aide-de-Camp-in-waiting not later than 5 P.M. on the 28th January, after which none can be received. Gentlemen who have not already been presented at the Court of St. James or at Government House, will be good enough to add the names of gentlemen who will present them.

Gentlemen attending the Levée are requested to bring with them the two cards which will be forwarded to them,—one to be delivered on entering Government House, the other to the Aide-de-Camp-in-waiting at the time of presentation.

The Levée will be closed by the Native Officers of the garrison being presented by their Commanding Officers.

Gentlemen wearing uniform will appear in full-dress.

Gentlemen not wearing uniform will appear in evening dress.

The carriages of gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

By Command,
GEO. S. WHITE, *Major*,
Military Secretary to the Viceroy.

Printed and published for the GOVT. OF INDIA *at the Office of* SUPDT., GOVT. PRINTING, *8, Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, MONDAY, JANUARY 24, 1881.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 24th January 1881.

THEIR EXCELLENCIES THE VICEROY and the MARCHIONESS OF RIPON will hold a Drawing-room at Government House at 9-30 on the evening of Thursday, the 3rd February.

Ladies purposing to attend the Drawing-room are requested to send their cards and addresses to the Aide-de-Camp-in-waiting not later than Saturday, the 29th, and to bring with them to the Drawing-room the two cards which will be sent to them,—one to be given on entering Government House, and the second to the Aide-de-Camp-in-waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James or at Government House, are requested to send their cards with their addresses, and the name of the lady by whom they are to be presented, to the Aide-de-Camp-in-waiting as soon as possible.

Ladies who present others should themselves attend the Drawing-room.

The carriages of those who have the private entrée will enter by the South-East Gateway, and set down at the South entrance of Government House.

All other carriages will enter by the North-East Gate, set down under the Grand Stairs, and pass out by the North-West Gate.

By Command,

GEO. S. WHITE, *Major*,

Military Secretary to the Viceroy.

Printed and published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street*, [redacted]

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, THURSDAY, MARCH 10, 1881.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

SEPARATE REVENUE, &c.
Customs.

No. 101 C.

Fort William, the 10th March 1881.

In exercise of the powers conferred by Section 22 of the Sea Customs Act, 1878, the Governor General in Council is pleased, in modification of Schedule A of the Indian Tariff Act, 1875, and Notifications No. 60, dated the 13th March 1879, and No. 71 C., dated the 6th March 1880, to fix, for the articles mentioned in the second column of the following statement, the Tariff values set forth in the fourth column of the same.

This Notification shall take effect on and after the 12th March 1881.

No.	Name of Articles.	Per.	Tariff Valuation.
			Rs. A.
16	COTTON AND ARTICLES MADE OF COTTON—		
	Cotton rope	Cwt.	35 0
	Piece Goods:—		
	Grey—		
	Jaconets, exceeding 10×10 to the quarter-inch	lb.	0 11½
	Jaconets, other sorts	,,	0 10
	Shirtings, Longcloths and Madapollams	,,	0 9
	Twist—		
	Mule, single, Nos. 33 to 42	,,	0 9½
	,, ,, 43 to 52	,,	0 11
	,, ,, 53 to 60	,,	0 12
	,, ,, 61 to 70	,,	0 13½
	,, ,, 71 to 80	,,	0 15
	And so on, one anna to be added to the valuation per lb., for every count of ten, or part of a count of ten, above 80.		
	If doubled, one and a half anna per lb. to be added to the valuation of single twist.		
	If bleached, one anna per lb. to be added to the valuation of single or double twist.		
	Water, single, Nos. 21 to 30	,,	0 9
	,, ,, 31 to 40	,,	0 11
	,, ,, 41 to 50	,,	0 12½
	Above 50	,,	0 15
	If doubled, one and a half anna per lb. to be added to the valuation of single twist.		
	If bleached, one anna per lb. to be added to the valuation of single or double twist.		
	* Twist, Orange, Red and other colours, except Alizarine and Turkey Red ... ... { Single ... / Doubled ...	,,	0 11½ / 0 13½
	* Twist, Alizarine and Turkey Red, all kinds ... ... { Single ... / Doubled ...	,,	1 2 / 1 5
17	DRUGS AND MEDICINES, EXCEPT OPIUM:—		
	Aloes, Socotra	Cwt.	30 0
	Asafœtida (hing)	,,	35 0
	,, coarse (hingrá)	,,	13 0
	Brimstone (Amalsara)	,,	45 0
	Camphor, refined, cake	,,	60 0
	,, crude, in powder	,,	55 0
	Cassia lignea	,,	23 0
	Storax, liquid (Rosa malloes)	,,	38 0

* Duty to be charged on the gross weight of the coloured yarn; when this is not ascertainable, the actual wharf-weight or invoice weight to be taken.

No.	Name of Articles.	Per.	Tariff Valuation.
			Rs. A.
18	DYEING AND COLOURING MATERIALS :—		
	Aniline dyes, all colours	lbs.	3 8
	Cochineal	„	1 8
	Madder or Manjith	Cwt.	11 0
	Sapan wood and root	„	6 0
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS, AND FALSE CORALS :—		
	Bangles, Glass, China, not gilt	100 pairs.	3 0
	Glass, crown, coloured	100 superficial feet.	20 0
	Pearls, false :—		
	Wattanah	Lâkh	10 0
24	GUMS, GUM-RESINS, AND ARTICLES MADE OF GUM OR GUM-RESIN :—		
	Copal	Cwt.	75 0
	Cutch and Gambier	„	13 0
	Gum Bysabol (coarse myrrh)	„	20 0
29	IVORY AND IVORY-WARE—		
	Unmanufactured—		
	Elephants' tusks (other than hollows, centres and points), each exceeding 20 lbs. in weight, and hollows, centres and points, each weighing 10 lbs. and over	Cwt.	550 0
	Elephants' tusks (other than hollows, centres and points) not less than 10 lbs., and not exceeding 20 lbs. each, and hollows, centres and points, each weighing less than 10 lbs.	„	465 0
	Elephants' tusks (other than hollows, centres and points), each less than 10 lbs.	„	265 0
	Sea-cow or moye teeth, each less than 3 lbs.	„	65 0
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS :—		
	Brass—		
	Sheets, rolls, very thin	„	75 0
	Copper—		
	Australian	„	44 0
	Bolt	„	47 0
	Brazier's and sheets	„	46 0
	Nails and composition-nails	„	46 0
	Pigs and slabs, foreign	„	40 0
	Sheathing, plate, and raised bottoms	„	48 0
	Tiles, ingots, cakes, and bricks	„	42 0
	Iron—		
	Angle and T. iron	Ton.	110 0
	Flat, square and bolt, including Scotch	„	90 0
	Galvanised	Cwt.	10 0
	Galvanised sheets and ridging	„	10 0
	Hoop, plate, and sheet, other than Swedish	Ton.	115 0
	Nails, rose, clasp, and flat-headed, rivets and washers	Cwt.	11 0
	Nail-rod	Ton.	90 0
	Pig	„	45 0
	Rod, round (other than Swedish), not exceeding half an inch in diameter	„	100 0
	Rod, round, (other than Swedish), exceeding half an inch in diameter	„	90 0
	Swedish, flat, square and bolt	„	135 0
	„ nail-rod	„	150 0
	„ round rod, not exceeding half an inch in diameter	„	160 0
	Lead—		
	Pig	Cwt.	11 0
	Sheets, tea	„	17 8
	Patent or Yellow Metals, sheathing, sheets, and bolts	„	37 0
	Quicksilver	lb.	1 1
	Steel, excluding railway materials—		
	British and foreign, other than Swedish	Cwt.	Ad valorem.
	Tin, block		60 0
	Zinc or Spelter—		
	Nails	„	16 0
	Plate and other shapes, soft	„	13 0
	„ „ hard	„	10 0
	Sheet or Zinc sheathing	„	15 0
41	PAINTS, COLOURS, PAINTERS' MATERIALS AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—		
	Paints of sorts	„	13 0
	Composition	„	35 0
	White lead	„	14 0

No.	Names of Articles.	Per	Tariff valuation.
			Rs. A.
47	PROVISIONS AND OILMAN'S STORES—		
	Bacon in canisters, jowls and cheeks	lb.	0 13
	Cheese	„	0 13
	Pork-hams	„	0 13
	Sago	Cwt.	11 0
	Tapioca	„	11 0
51	SHELLS AND COWRIES—		
	Chanks—		
	White, live	Hundred.	7 0
	„ dead	„	4 0
	Cowries—		
	Sankhli	Cwt.	55 0
52	SILK AND ARTICLES MADE OF SILK—		
	Raw Silk—		
	Chaháram, Cochin China, and Yellow Shanghai	lb.	5 4
	Mathow	„	2 8
	Panjam	„	2 0
	Persian	„	5 4
	Waste and Kachra	„	1 2
54	SPICES—		
	Aniseed, star	Cwt.	25 0
	Betel-nut—		
	White, Srivarddhan	„	22 0
	All other sorts	„	9 0
	Cloves in seeds, Narlavang	„	30 0
	Pepper, black and long	„	21 0
56	SUGAR—		
	China, candy	„	22 0
	Loaf	„	26 0
61	UMBRELLAS—		
	China paper kettisals	Box of 110	33 0
	Cotton, under 20 inches	each	0 7
	„ 20 inches and upwards	„	0 13
	„ oiled, other than European	„	0 9

R. B. CHAPMAN,
Secretary to the Government of India.

Printed and published for the GOVT. OF INDIA *at the Office of* SUPDT., GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, FRIDAY, MARCH 25, 1881.

FINANCIAL STATEMENT BY THE HON'BLE E. BARING.

Explanatory Notes.

1. *The figures in this Statement are given in pounds, rupees being converted into pounds at the conventional rate of £1 = Rs. 10. In those cases where the pounds are true sterling the fact is expressly mentioned. Wherever the true sterling as well as the conventional sterling figure is given the conversion has been made at the rate of 1s. 8d. the rupee.*

2. *The explanations are throughout given on the figures as arranged in Appendix II, in which the revenue derived from Productive Public Works is shown separately from other heads of revenue, and the "Working Expenses and Interest" on Productive Public Works are shown separately from other expenditure.*

Preliminary.

1. As no measures will be submitted to the Legislative Council in connection with the finances of the year 1881-82 the Financial Statement takes the form of a written minute.

I.—Accounts of 1879-80.

Accounts of 1879-80.

2. The Regular Estimates for the year 1879-80 were as follows:—

	£
Revenue	67,583,000
Expenditure	67,464,000
Surplus ...	119,000

The Accounts show the following result:—

	£
Revenue	68,485,000
Expenditure	69,668,000
Deficit ...	1,183,000

Excess Revenue.

3. The revenue, therefore, exceeded the Regular Estimate by £902,000. Of this excess £357,000 was due to increased receipts from Productive Public Works.

Excess Expenditure.

4. The expenditure exceeded the Regular Estimate by £2,204,000. The excess was almost wholly due to the war.

Net result including War Expenditure.

5. The net result was worse than the anticipations formed at the time the Regular Estimate was framed by £1,302,000.

Net War Expenditure.

6. The total amount of net war expenditure which figures in the Accounts of 1879-80, including that on the Punjab Northern and Frontier Railways, is £6,125,000.

Net result excluding War Expenditure.

7. Of this sum of £6,125,000 the Local Governments contributed £335,000. Excluding this contribution, the Imperial revenue would, but for the war, have exceeded the Imperial expenditure by £4,607,000. This result is satisfactory.

	£	£
Revenue		68,485,000
Ordinary expenditure ...	69,668,000	
Deduct war expenditure (less contributions of Local Governments)	5,790,000	
		63,878,000
Surplus ...		4,607,000

Capital expenditure on Productive Public Works.

8. The capital expenditure on *Productive Public Works* was £3,364,000, being £126,000 less than the Regular Estimate (£3,490,000). £599,000 was spent on Irrigation Works, £2,680,000 on State Railways, and £85,000 on the Madras Harbour Works.

9. A sum of £9,731,000 also figures in the Accounts under the head of *Productive Public Works, East Indian Railway*. This is part of the price paid for the East Indian Railway.

II.—War Expenditure.

War Expenditure.

10. Before proceeding any further it will be convenient to deal with the question of war expenditure.

Budget Estimate, 1880-81.

11. In February 1880 the total net cost of the war, excluding *Frontier Railways*, was estimated at £5,752,000 (true sterling £4,793,000).

Revised Estimate, June 1880.

12. In June the war was estimated to cost £15,000,000 (true sterling £12,500,000) net.

Revised Estimate, October 1880.

13. In October a revised estimate was framed, based on the assumption that the evacuation of Southern Afghanistan would be complete by the end of March, and that no war expenditure would be incurred subsequently. This estimate amounted to £15,777,000 (true sterling £13,148,000) net.

Regular Estimate, 1880-81.

14. It is now estimated that the net cost of the war up to the end of 1880-81 will be £16,605,000 (true sterling £13,837,000) net. This is exclusive of a sum of £270,000 for compensation to camel-owners and to the native cavalry on account of horses, which was included in the October estimate. This sum will not be paid till 1881-82.

Budget Estimate, 1881-82.

15. In the Budget Estimate for 1881-82 war expenditure has been taken at £2,210,000 (true sterling £1,842,000) net, being £1,940,000 for the expenditure belonging to the year, and £270,000 remaining unpaid from 1880-81. Experience has shown the untrustworthy nature of any estimate of war expenditure that can be framed. £2,210,000 is merely the sum which it has been thought advisable to provide as ways and means for the year on the assumption that the evacuation of Southern Afghanistan will be complete by the end of May. I offer at this stage no actual estimate of the remaining cost of the war.

Cost of war exclusive of Frontier Railways.

16. Supposing, however, that this sum of £2,210,000 is spent, the war, exclusive of *Frontier Railways*, may at present be estimated to cost £18,815,000 (true sterling £15,680,000) net.

Cost of Frontier Railways.

17. The known and estimated net expenditure on *Frontier Railways* is £4,477,000 (true sterling £3,730,000).

Net cost of war including Frontier Railways.

18. Including this sum, and deducting £680,000 (true sterling £567,000), being the estimated gain from the war under *Railways* and *Telegraphs*, the total net war expenditure is at present estimated at £22,612,000 (true sterling £18,843,000). This is exclusive of a sum of £1,019,000 (true sterling £849,000) spent on the Punjab Northern State Railway, which was hurried on by reason of the war, and the expenditure on which, although the work was originally classed as productive, has been charged against revenue.

English contribution.

19. The English Treasury will contribute a sum of £5,000,000 sterling towards the cost of the war, that is to say, the debt of £2,000,000 sterling due by India to the Home Treasury will be written off, and an annuity of £500,000 sterling paid to the Home Treasury of the Government of India for six years. The whole of this £5,000,000 will be applied to the reduction of sterling debt.

There will, therefore, eventually be a permanent reduction in the home liabilities on account of interest on sterling debt; but the payment of the capital of the English contribution will not affect the amount of the Secretary of State's drawings. It would be inconvenient that the revenue during six years should be swelled by an extraordinary receipt of £500,000 a year. It has been decided, therefore, to bring the whole of the £5,000,000 to account at once. It will be observed that a sum of £2,000,000 figures in the Regular Estimates for 1880-81 and a sum of £3,000,000 in the Budget Estimates for 1881-82 on the revenue side of the account under *XXIX, Army*. I shall presently (paras. 70 and 71) explain the reasons for adopting this distribution between the two years.

20. This is not a proper occasion on which to discuss the policy of the Afghan War; yet I venture to express a hope that future Governments will bear in mind that, apart from indirect losses, such as the destruction of cattle, which form so important a portion of the capital of India, and apart from an expenditure of £5,496,000 (true sterling £4,580,000) on railways, which will probably yield but a slight return on their capital cost, the tax-payers of India and of England have paid or will pay about £18,815,000 (true sterling £15,680,000) in the attempt to carry that policy into execution.

Reforms in system of Account.

21. The failure in the war estimates led to an examination of the system of Military Account and Estimate. Concurrently with various reforms which in the course of the year have been instituted in India, a Committee composed of gentlemen well acquainted with the system of accounts in vogue both in England and in India was assembled by the Secretary of State in England. The thanks of the Government of India are due to the members of this Committee for their valuable report.

Cause of failure of estimates.

22. The failure of the war estimates arose from attention being directed too exclusively to the classified and audited expenditure, whilst the issues from the Civil Treasuries to the Military Department were neglected.

Treasury transactions.

23. In considering the nature of the reforms to be introduced, the first point to which attention was directed was the necessity of obtaining the earliest possible information in respect to Treasury transactions. I proceed to state what has actually been done in this respect and what it is proposed to do.

Present system.

24. The information on which we at present rely in respect to our current finance is—(1) An account of the receipts and disbursements of the month, classified in the manner in which they will ultimately appear in the Accounts; this is now ready about six weeks after the close of each month; (2) An estimate prepared towards the close of each month of the Treasury transactions of the month; (3) A monthly statement of the closing cash balance of each Treasury; except in the case of a few of the most distant and least important Treasuries, this information is available by the 9th of the month; (4) A statement, compiled about the 16th of each month, of the receipts and issues of the Civil Treasuries upon military account during the previous month; (5) Statements received from the 20th to the 24th of each month, also based upon the actual Treasury accounts, of the receipts under the chief heads of revenue during the previous month; for some of these we get, independently, telegraphic information from departmental officers.

Reformed system.

25. It is manifest, if our present information be compared with that which was obtainable a year ago, that great progress has been made. Credit is due to the present Comptroller General (Mr. Westland) for the energy and intelligence with which he has set about the work of reform. A further improvement would, it is thought, be effected if the Treasury Officers were themselves to classify their monthly receipts and disbursements under a few main heads of revenue and expenditure. Every officer in charge of a Treasury has, therefore, been instructed to furnish the Accountant General of his Province with an abstract account at the close of each month in the form given in the margin. The nine Accountants

ABSTRACT ACCOUNT OF THE TREASURY FOR THE MONTH OF 188 .

Receipts.	Rs.	*Outgoings.*	Rs.
Civil Revenue ...		Civil Expenditure...	
Civil Debt and Remittance		Civil Debt and Remittance	
Post Office ...		Post Office ...	
Military Department		Military Department	
Public Works Department		Public Works Department	
Opening Balance ...		Closing Balance ...	
TOTAL ...		TOTAL ...	

General will telegraph the result to the Comptroller General. It is probable that at first the information obtained will be defective, by reason of the Treasury Officers being unaccustomed to observe the necessary classification of their receipts and disbursements. But I trust that in time any defects will be rectified. The system will come into operation from the 1st April. We hope to obtain the whole of the information for each month by the 15th of the following month. Experience will show whether it will not be possible to obtain it earlier, and whether it will not be advisable to place the Treasury Officers in direct communication with the Comptroller General.

Finance Accounts to be based on issues.

26. It has been decided that in the Finance Accounts the issues from the civil treasuries for carrying on military services shall be treated as expenditure, in accordance with the practice as regards Exchequer issues in England. This is the only safe system for financial purposes, because the issues from the treasuries do in fact represent the amount of expenditure for which funds have been necessarily provided. The alternative course of basing the figures in the Finance Accounts upon the results of classification and audit is unsafe, because it practically excludes from view, in a comparison with Budget Estimates, considerable charges awaiting classification and audit, and payments out of issues for which accounts have not been rendered. It thus presents an erroneous view of the financial position. The Regular Estimates for 1880-81 and the Budget Estimates for 1881-82 have been framed on the new system. I wish to draw special attention to this circumstance. Unless the nature of the change be borne in mind, erroneous conclusions may be drawn in comparing the Budget Estimates and the Regular Estimates for 1880-81.

New duties of Comptroller General.

27. A change is about to be made in the duties of the Comptroller General and the Military Accountant General. Their official relations towards each other will be more clearly defined. The Comptroller General will be the chief authority in all matters affecting the mode of keeping the public accounts including those of the military and other spending departments. He will be solely responsible for the general Finance Accounts, and will be the recognised channel for information in regard to the financial position as indicated in those accounts. He will be answerable for watching the issues for military and all other services and keeping the Government informed as to the actual progress of both revenue and expenditure.

New duties of Military Accountant General.

28. The Military Accountant General will occupy the position and exercise the authority of a Deputy Secretary for Finance in the Military Department, retaining his present duties, and will be specially charged with the function of watching and reporting upon the current military expenditure.

Comptroller General to submit an annual report.

29. In future the Comptroller General will submit to the Government of India annually a report in which the accounts of the year will be compared with the Budget Estimate of that year, and explanations will be given of the causes of increase or decrease, as well as a comparison between the accounts of the year and of that immediately preceding, with similar explanations. This report will be transmitted by the Government of India with their observations thereon to the Secretary of State, to be dealt with as he may think proper.

30. Such are the reforms which have been introduced or which it is proposed to introduce. They coincide with the recommendations of the India Office Committee, in which the Government of India concurs.

System of independent appropriation audit.

31. The expediency of establishing in India an independent appropriation audit to supplement the present departmental audit came under the consideration of the Committee. The conclusion on this subject was not unanimous. On the one hand it was held that the failure in the War Estimates did not arise from errors in the accounts which are the subject of audit, but from errors in the application of those accounts to the estimates. On the other hand it was urged that the separation of the functions of account and audit is a principle of unquestionable soundness and of universal applicability. The matter is under the consideration of the Government.

Explanation of slight reduction in cash balance on March 31st 1880.

32. Before leaving the subject of war expenditure, I have one further observation to make. When it was discovered that the war estimates had been framed on an erroneous basis, some surprise was expressed at the fact that, although it was estimated that about £5,500,000 in excess of the Budget Estimates would be spent before March 31st 1880 on account of the war,

the closing balance on that date was only about £1,180,000 below the original estimate. The explanation of this circumstance is as follows: The sum actually spent in excess of the Budget Estimate was £5,503,000. The balance on March 31st 1880 was actually reduced by £1,163,000. Of the remainder (£4,340,000) £2,300,000 had already appeared in the Accounts of 1878-79 under the head of Advances. The balance (£2,040,000) is due to the receipts being greater or the disbursements less than the estimate under various heads. The aggregate receipts and disbursements of the Government of India in one year are about £250,000,000. In dealing with such large and varied operations it is difficult, even in ordinary times, to frame a correct estimate of what the balance will be at any particular moment.

III.—Regular Estimates for 1880-81.

Regular Estimates, 1880-81.

33. The Budget Estimates for the year 1880-81 were as follows:—

	£
Revenue	66,746,000
Expenditure	66,329,000
Surplus ...	417,000

The Regular Estimates are as follows:—

	£
Revenue	70,768,000
Expenditure	77,037,000
Deficit ...	6,269,000

Excess Revenue.

34. The Revenue will therefore, according to present calculations, be in excess of the Budget Estimate by £4,022,000. Of this sum £2,000,000 is due to the English war contribution.

Excess Expenditure.

35. The Expenditure will be in excess of the original estimate by £10,708,000. This increase is due to an under-estimate of war expenditure. The result of the change of system to which I have already alluded (para. 26) is that the Regular Estimates of 1880-81 include not only the sums outstanding from 1879-80, but also the most recent military issues, which under the old system would have figured in the Accounts of 1881-82. The unaudited military expenditure belonging to 1880-81 which would, had the old system remained in force, have been included in the Estimates and Accounts of 1881-82, may be estimated at about £4,000,000. The increase of expenditure as compared with the sum originally estimated may, therefore, be taken at about £6,708,000.

Net result including War Expenditure.

36. Excluding from the revenue side of the account the extraordinary receipt of £2,000,000 and from the expenditure side the £4,000,000 due to the change of system, the net result is worse than the anticipations formed at the time the Budget Estimate was framed by £4,686,000.

Net War Expenditure.

37. The amount of net war expenditure, including that on the Punjab Northern and Frontier Railways, which figures in the Regular Estimates is £11,665,000.

	£	£
Revenue	...	70,768,000
Expenditure	77,037,000	
Deduct net war expenditure ...	11,665,000	
		65,372,000
Surplus ...		5,396,000

Net result excluding War Expenditure.

38. Excluding war expenditure, the Regular Estimates show a surplus of £5,396,000. This result is satisfactory.

Explanation of details.

39. A few observations are necessary in respect to some of the chief items on either side of the account.

Revenue Side of the Account.

Land Revenue.

40. The Land Revenue is now estimated to give £21,753,000,* being £309,000 less than the Budget Estimate. A large amount of Land Revenue falls due in February and March. Recently the subordinate revenue officials have everywhere been occupied with the census. Hence the collections have been retarded, especially in Madras and the North-Western Provinces. The result is that the receipts of 1880-81 are diminished by about £445,000, and that those of 1881-82 will be proportionately increased.

* Of this sum £21,052,000 appears under *I, Land Revenue*, and £701,000 under *I, Portion of Land Revenue due to Irrigation.*

Customs.

41. The increase under *Customs* (£347,000) is a satisfactory sign of the general prosperity of the country. There has been a remarkable revival of trade during the year. The total value of the exports, exclusive of gold and silver, up to end of February was £66,289,000 as compared with £59,415,000 during the corresponding period of 1879-80. That of the imports was £48,396,000 as compared with £37,228,000.

Salt.

42. The receipts from *Salt* are now calculated to fall short of the Budget Estimate by £488,000. It appears that the receipts of 1879-80, on which the Regular Estimate for 1880-81 was based, were abnormally high. The chief diminution occurs in Upper India. So far as can be at present ascertained, it is mainly due to two causes. In the first place, owing to the exhaustion of the stock of coarse salt in 1879-80 at the Sambhar Lake, the Inland Customs Department sold fine salt during the months of November and December 1879 at a price greater, indeed, than its cost of production, but considerably lower than its market value. The result was a large demand on the part of wholesale dealers and a subsequent cessation of demand until the large stocks taken off the hands of the department were consumed. Steps have been taken which will obviate any recurrence to this procedure. Secondly, during the current year the department has itself opened some central depôts. The immediate effect of this measure has been to diminish the demand for salt at the Sambhar Lake, while the wholesale dealers, whose stores will be superseded by the depôts, are working off the stocks they have in hand.

Opium.

43. *Opium* is estimated to yield £8,468,000 net, being £1,218,000 in excess of the Budget Estimate. So large an amount has never been received in any previous year. The price obtained for Bengal opium throughout the year averaged Rs. 1,362 a chest. In the course of last autumn, it was found that other crops were competing successfully with opium in Behar. The price paid to the cultivators was therefore increased from Rs. 4½ to Rs. 5 per seer. There was some stagnation in the trade of Malwa opium, the result, it is believed, of previous over-speculation.

Expenditure Side of the Account.

Military Expenditure.

44. Turning to the expenditure side of the account, of the total increase of £10,708,000, £9,299,000 appears under the head of *Military Operations in Afghanistan*. Apart from war charges, the net Military expenditure of the year is estimated at £15,463,000. There is an increase of £188,000 under *Frontier Railways*, which is also a war charge.

Refunds and Drawbacks.

45. The increase (£116,000) under the head of *Refunds and Drawbacks* is mainly owing to a double credit of £100,000 having been discovered in the accounts of 1878-79 under the head of *Salt*.

Superannuations.

46. The increase of £179,000 under the head of *Superannuations* is due to the cost of reducing the establishments of the Public Works Department having been under-estimated.

Railways.

47. The increase under head of *Railways* is mainly due to the capital expenditure on the Punjab Northern line having been £355,000, and the working expenses on the State Railways (mainly the Punjab Northern and Indus Valley) having been £247,000 in excess of the Budget Estimate.

Progress in Railway construction.

48. The progress which has been made in railway construction during the year reflects credit on the Director General of Railways and his staff. 1,104 miles have been opened to public traffic, making a total of 9,661 miles open to traffic in the whole of India. It is anticipated that 1,174 miles will be under construction during the year 1881-82.

Other Public Works and Irrigation and Navigation.

49. The increase of £224,000 under the head of *Other Public Works*, and of £123,000 under the head of *Irrigation and Navigation*, is due to the fact that the Provincial Governments are now spending their balances on various works of material improvement. During 1879-80 these operations were restricted. The result was that the Provincial and Local balances accumulated.

Loss by Exchange.

50. The diminution of £316,000 under the head of *Loss by Exchange* is due to the fact that the Budget Estimate was framed on the basis of the home remittances amounting to £16,900,000, whereas only £15,090,000 have been remitted home.

Capital Expenditure on Productive Public Works.

51. The capital expenditure on *Productive Public Works* is now estimated at £2,816,000, being £134,000 in excess of the Budget Estimate. Of this sum £2,045,000 will be spent on Railways, £700,000 on Irrigation, and £70,000 on the Madras Harbour Works.

IV.—Budget Estimates for 1881-82.

Budget Estimates, 1881-82.

52. Before I discuss the Budget Estimates of 1881-82 it will be desirable to state the basis on which those estimates have been framed.

53. Several points in connection with the existing fiscal system have recently formed the subject of representation to the Government by some important public associations. Some disappointment may not unnaturally be caused by the absence in this statement of any allusion to those points. They have received careful consideration, but the Government of India is of opinion that at the present moment, when the embarrassment caused by the partial occupation of a foreign country hangs as a dead weight on the whole financial situation, it would be inopportune to attempt any reforms in the fiscal system. It would certainly be imprudent to sacrifice any existing source of revenue, however insignificant. The consideration of any changes must, therefore, be postponed until military expenditure is reduced to its normal limits.

Famine Insurance.

54. On one point, however, it has been decided to make some changes. In the debate in the Legislative Council of February 9th 1878, Sir John Strachey explained that in every ten years the Government of India would probably have to spend £15,000,000 on the relief of famine. If, he added, we provide "a *bonâ fide* surplus of £1,500,000 a year for 10 years, we shall have obtained our £15,000,000."

55. Some difference of opinion has existed as to whether the policy proclaimed in 1878 has been carried out effectually or not, but the policy itself met with general approval at the time of its enunciation, and has not since been impugned. Speaking on behalf of the Government of India I reaffirm that policy; but it is proposed to make certain modifications in the procedure in connection with it.

56. Up to the present time the sum of £1,500,000 has not been included in the expenditure of the year. It is now proposed to treat it as expenditure.

Distribution of money to be applied to Famine Insurance.

57. It is necessary to explain the manner in which, under instructions from the late Secretary of State, the expenditure of this sum of £1,500,000 is distributed. Lord Cranbrook directed that £750,000 was for the present to be applied to the reduction of debt in England, and that the remainder was to be appropriated, at the discretion of the Government of India, to—

> "the extinction of debt, to the relief of famine, or to the construction of protective works, "not necessarily directly remunerative, but obviously protective in the sense of guarding against "a probable future outlay in the relief of the population."

Protective Public Works.

58. The particular Protective Works which the Government of India will recommend to the Secretary of State for the year 1881-82 are the continuation of the Nira canal works in the Bombay Presidency, the commencement of a railway from Rewari towards Hansi in the Punjab, the completion of the line from Bellary to Hospett in the Madras Presidency, and the commencement of a branch line from Hotgi, in the neighbourhood of Sholapur, to Bijapur. It may perhaps also be found possible to make a commencement of the Betwa Canal in Bandalkhand. Provision has been made in the Budget for £750,000 to be placed at the disposal of the Public Works Department with a view to the commencement of these works.

Reduction of Sterling Debt.

59. I turn to the second branch of the subject, *viz.*, the disposal of the £750,000 which is to be applied to the reduction of sterling debt.

60. The disposal of this sum of money raises some difficult questions of principle. Does the application of this money to the reduction of debt, whilst at the same time the Government continues to borrow for Productive Public Works, involve the old fallacy of a sinking fund without a surplus? It is this question, on which there may well be two opinions, which has to a great extent given rise to those doubts in respect to the execution of the Famine Insurance policy to which I have already alluded.

61. The soundness or otherwise of the policy depends upon the answer which can be given to the question—is it desirable to convert sterling into rupee debt? The Government is of opinion that, within certain limitations, it is desirable to effect this conversion.

62. The grounds for holding this opinion are as follows:—

(1) It is essential to a sound condition of State finance that the elements of certainty and stability should prevail to as great an extent as possible. No such certainty or stability can be attained if the State owes a large sum of money in a currency other than that in which it collects its revenue.

(2) It is desirable in years of prosperity to reduce the home liabilities, in order that, in times of emergency, the Government may fall back on the London market and borrow without any aggregate increase in their amount.

63. It may perhaps be urged that the object in view will, in any case, only be attained in appearance, and not in reality; that it signifies little whether interest is payable in gold or silver, or whether a loan is issued in London or Calcutta, for that in either case the money will be subscribed by investors resident in Europe, and that the so-called *Loss by Exchange* depends, not on the amount of the Secretary of State's bills, but on the cumulated transactions of the Secretary of State and the public.

64. If this argument is carried out to its logical conclusion it involves a reversion to the policy of contracting sterling loans whenever it is possible to obtain money by such means cheaper than by contracting to pay interest in silver. The adoption of this course, although in contradiction to the principles which have been laid down by successive Secretaries of State, is advocated by many high authorities.

65. The Government is of opinion that it would be inexpedient at present to revert to the policy of contracting obligations in gold, for the following reasons:—

(1) The best solution of the question would be to obtain money from local investors at the same rate as from residents in Europe. If Government loans are issued in India, and if the interest is payable in silver, we may hope to attract some local capital. If they are issued in London, and the interest is payable in gold, we are almost certain to attract no local capital.

(2) It is the opinion of those who speak with the authority of long practical experience that the effect on exchange of the amount which India has annually to remit to England would not be so oppressive if the bills to be placed on the market were more equally distributed between the Secretary of State and the public.

(3) Any extension of our sterling obligations is in the nature of a speculation, which may prove successful or the reverse according to whether the value of silver in respect to gold rises or falls.

66. Although, however, the advantages of remitting to England in order to extinguish sterling debt may be admitted, it is possible to pay too high a price for those advantages. The difference between the value of rupee and sterling stock may be so considerable as to render the transaction undesirable. Further, there are practical difficulties in the way of giving effect to the policy. The amount of the home disbursements is now so large that unless there be a rise in the value of silver, or unless the amount of exports is

increased, it may be difficult to remit home £750,000 more than at present. For these reasons the Government cannot take any positive pledge that even when a *bonâ fide* surplus of receipts over expenditure is secured it shall be applied to the reduction of sterling debt.

Appointment of Commissioners for the reduction of debt.

67. With a view to the effectual execution of the Famine Insurance policy, it is in contemplation to nominate a Commission for the reduction of debt. The precise constitution and duties of the Commission have not as yet been determined. Should there be no *bonâ fide* surplus of receipts over expenditure, or should that surplus be less than £750,000, the Government will publish its reasons for not transferring any money or a less sum than £750,000 to the Commissioners. Should it be found desirable to invest the money temporarily, rather than to apply it at once to the extinction of sterling debt, the decision as to the nature of the investment will rest with the Government.

68. The present policy of the Government, therefore, is to provide £1,500,000 a year as an insurance against famine. The first use to which this money will be applied is the relief of famine. Should no expenditure under this head be required, £750,000 will be applied to the construction of Protective Public Works. The remainder (£750,000) will, in the event of there being a surplus of receipts over expenditure, be transferred to the Commissioners for the reduction of debt. This, I say, is the present policy of the Government. Like any other policy it is liable to change; but the particular point on which I wish to lay some stress is, that the amount to be provided as an insurance against famine is only so far dependent upon the receipts from the License Tax and the Public Works Cesses that those receipts go to swell the general revenue, and by so much facilitate the execution of the policy in question. The policy of the Government is, in fact, to apply annually a specified sum from the general revenue in order to provide an insurance against famine. There is no special connection between the amount so provided and the amount received from the License Tax or the Public Works Cesses. Those taxes have never yielded so large a sum as £1,500,000 in any one year.

Basis on which Estimates are framed.

69. It is to be borne in mind that up to the present time the policy of the Government has been to provide a surplus of £2,000,000, of which £1,500,000 was for Famine Insurance, and £500,000 was for any extraordinary contingencies that might arise. I have explained that the £1,500,000 for Famine Insurance will henceforth be treated as expenditure. This sum is entered under *Famine Relief, Protective Works, and Commissioners for Reduction of Debt*, in the estimates for the year. The surplus which we wish to attain is thus reduced to £500,000.

70. I have already stated (para. 19) that of the £5,000,000 sterling contributed by the English Treasury, it is proposed to bring £2,000,000 to account in 1880-81 and £3,000,000 in 1881-82. The reason for adopting this distribution is that, including a provision of £790,000 for *Frontier Railways*, the net war expenditure which figures in the Budget Estimates for 1881-82 is £3,000,000. By bringing £3,000,000 of the English war contribution to account in 1881-82 as revenue we are able to present a budget, the net result of which is so far normal that it is undisturbed by expenditure on account of the war.

71. The distribution of the £5,000,000 will be re-adjusted before the Accounts of 1880-81 are closed, so as to show, as far as possible, in the Accounts of 1881-82 an amount equal to the expenditure in that year on the war and on Frontier Railways, and to enter the rest in the Accounts of 1880-81. The object of the distribution throughout will be to leave the Estimates and, as far as possible, the Accounts of 1881-82, undisturbed by the war in any shape.

Estimates.

72. With these preliminary explanations I proceed to state the Estimates for the year. They are as follows:—

	£
Revenue	70,981,000
Expenditure	70,126,000
Surplus	855,000

Surplus exclusive of abnormal receipts from Land Revenue.

73. I have already explained (para. 40) that the revenue of 1881-82 is swelled by an abnormal receipt of about £445,000, being the amount of *Land Revenue* whose collection in 1880-81 has been retarded by reason of the census operations. The normal receipts of a year from *Land Revenue* may now be taken at £22,050,000. The amount for which credit is taken in the Estimates for 1881-82 is £22,495,000. Deducting the sum of £445,000, the surplus shown on the Estimates is £410,000.

Explanation of details.

74. A few observations are necessary in explanation of some of the details of the Estimates.

Revenue Side of the Account.

Customs.

75. The receipts from *Customs* are estimated at £2,367,000, being £155,000 less than the Regular Estimate of 1880-81. It would be unwise to count upon a continuance of the recent activity in the import trade.

Opium.

76. Under instructions from the Secretary of State, *Opium* is taken at a low figure, namely, £6,500,000 net.

Provincial and Local Deficits.

77. The large increase (£709,000) under the head *Provincial and Local Deficits* is due to the fact, to which I have already alluded (para. 49), that the Local Governments are spending their balances on material improvements. This is an adjusting item. Analogous charges are distributed under various heads on the expenditure side of the account, mainly under those of *Irrigation and Navigation*, where there is an increase of expenditure of £185,000, and *Other Public Works*, where there is an increase of £505,000. Provision has been made for Provincial Public Works expenditure to the amount of £1,079,000 in excess of the Budget Estimate for 1880-81.

Expenditure Side of the Account.

Interest on Debt.

78. Turning to the expenditure side of the Account, the increase of £380,000 under the head *Interest on Debt* as compared with the Regular Estimate of 1880-81, is in part due to the fact that, owing to the re-arrangement of dividend days when the 5 per cent. sterling loan was converted into 4 per cent. stock, a nominal saving of £172,000 was made in the year 1880-81. £35,000 is to provide for interest on £1,000,000 3½ per cent. stock issued to take the place of East Indian Railway debentures. The balance (£173,000) is mainly for interest on money borrowed in 1880-81 and to be borrowed in 1881-82 in India.

Marine.

79. There is an increase of £197,000 under the head of *Marine*, mainly due to the purchase of a new troopship for use in India.

Loss by Exchange.

80. *Loss by Exchange* has been estimated at £3,475,000, on the assumption that £17,200,000 will be remitted home at 1*s.* 8*d.* the rupee. There appears on the revenue side of the Account a *Gain by Exchange* of £412,000. Thus the net *Loss by Exchange* is estimated at £3,063,000. I need hardly point out that these are adjusting entries, and the difference between them does not furnish the true measure of the loss to India from the recent change in the relative values of gold and silver. In order to arrive approximately at the real loss by exchange, we must assume a normal relative value between gold and silver. When that relative value was as 1 to 15½ the 165 grains of pure silver contained in a rupee were worth 1*s.* 10⅝*d.* The net sterling expenditure at the Home Treasury of the Government of India may now be taken at £14,750,000 (true sterling). £14,750,000 at 1*s.* 8*d.* the rupee equals Rs. 177,000,000. At 1*s.* 10⅝*d.* the rupee, £14,750,000 equals Rs. 156,464,000. The difference is Rs. 20,536,000. On this basis, therefore, the real loss to the Indian Treasury in 1881-82 resulting from the disturbance of the equilibrium previously existing between gold and silver may be estimated at £2,053,600.

V.—Capital Expenditure on Productive Public Works.

Capital Expenditure on Productive Public Works.

81. A sum of £1,405,000 appears under the head of *Productive Public Works* in the estimates for 1881-82 on account of the purchase of the Madras Irrigation Company's undertaking, and £860,000 on account of Capital Expenditure on the East Indian Railway. £2,608,000 appears as Capital Expenditure on Productive Public Works. Of this sum £108,000 is the unexpended balance of the grants of former years. The balance (£2,500,000) represents the Productive Public Works grant for the year. It is intended to spend £1,780,000 on Railways, £758,000 on Irrigation, and £70,000 on the Madras Harbour Works.

82. No subject has of late years been more thoroughly discussed than the question of whether it is desirable or not to continue the policy of borrowing

in order to construct Productive Public Works in India. In 1879 a Committee of the House of Commons recorded its opinion that the expenditure upon railways and irrigation—

"though not remunerative in the aggregate, has upon the whole been beneficial to India, "and that although considerable sums have been wasted and certain profitless schemes under- "taken, the policy of continuing to borrow for Productive Public Works may, within the "limits and restrictions hereinafter laid down, be continued."

The Committee then proceeded to lay down certain restrictions, the principal of which was that no more than £2,500,000 should for the present be borrowed in any one year. The limited amount of capital available in India,—the undesirability of adding to the sterling debt,—the fact, to which the Committee allude, that in India there is little or no publicity, and still less extraneous engineering talent to criticise the projects emanating from the Public Works Department,—the unavoidable difficulties encountered by any great central department, however zealous and intelligent its individual members may be, in exercising an effective control over the expenditure of vast sums of money,—appear to justify this restriction. Successive Secretaries of State have adopted the principles recommended by the Committee. The present Secretary of State has given somewhat greater precision to the instructions of his predecessors. It has been laid down that—

"The question of constructing new railways is to be considered on commercial principles. No "new line is to be undertaken, unless there is good prospect of its proving remunerative; that "is to say, unless it can be fairly calculated to pay, within a maximum limit of five years "from the date of the line being open for traffic, 4 per cent. on the capital invested, including "therein all arrears of simple interest incurred up to that date, and also the capitalised value "of the Land Revenue and of Leave Allowances and Pensions."

In the case of irrigation works it is said—

"Commercial principles may be so far relaxed as to admit of their being undertaken if they "can fairly be estimated to prove remunerative in ten years from the date of their completion, "on similar terms."

83. Such are the instructions of Her Majesty's Government, and it would, in any case, be the duty of the Government of India to carry them into execution. But I wish to express my concurrence in the principles which have been laid down.

84. It is, however, manifest that a capital expenditure of £2,500,000 a year is inadequate to meet the present wants of India. Are we therefore to abandon all hope of constructing canals and railways with the rapidity which the exigencies of the country demand? I hope not. It has always appeared to me a remarkable fact that India,—with all its magnificent and, as yet, only half-developed resources, and with all the security to life and property resulting from a Government, which, whatever be its defects, is at all events strong, honest, and well-intentioned,—should up to the present time have been obliged to pledge the full security of the State in order to attract any considerable portion of the surplus capital of England. I hope that some railways afford sufficient attraction to induce private individuals to undertake their construction without the aid of Government, or, at all events, with a minimum amount of such aid. I do not question the wisdom of the policy which would permit private capitalists to embark in this field. It was therefore with pleasure that I read the following instructions which have been received from the Secretary of State:—

"In the case of railways, I do not doubt that Your Excellency will bear constantly in mind "the importance, whenever possible, of ensuring their construction by private capital, either "local or European. It is true that up to the present time no companies have been found "willing to undertake the construction of railways without a Government guarantee; but I "would, nevertheless, strongly urge upon Your Excellency that, when any reasonable prospect "of success presents itself, an endeavour should be made to encourage the raising of capital "through private agency, on the exclusive security of the success of the undertaking. Any "step in this direction will meet with my most cordial support and co-operation. In the "event of its becoming apparent that the due execution of this policy is impracticable, it may "become desirable to consider whether a modified system of guarantee might not advantageously "be adopted. By a modified system I mean one so restricted in respect to time and to the rate "of interest guaranteed as to give the subscribers a real interest in the efficient and economical "administration of the railway."

85. It is sometimes urged that a railway is a monopoly, and, for that reason, should be in the hands of the State, and not of any private interests. Further, that to concede the right of building a railway is to part with one of our most productive resources.

86. It is true that a railway is generally a practical monopoly. The State, therefore, should exercise so much supervision over its working as will prevent the monopoly being exercised in a manner detrimental to the public interests. Thus the State should possess a right of inspection, in order that the line may be certified by competent authority to be safe for the transport of goods and passengers. It should regulate the maximum tariff and fix the gauge on which the line is to be constructed. It is especially necessary that a conditional right of purchase after the lapse of a certain period should be reserved. But when provision has been made for these and some other points, which I will not now enumerate, the necessity for State interference ceases. The interests of the public do not necessarily demand that the State should create an artificial monopoly in its own favour in respect to the construction of all railways.

87. As regards the loss of revenue, it may be urged that if the profits of the railway be left to fructify in the pockets of the people they will be more advantageously employed than would be the case were they paid to the State, with a great chance of their being employed on unproductive expenditure. Moreover it is to be observed that the indirect benefits to the State and to the country resulting from the extension of railway communication are obtained equally well whether the railways are constructed by Government or by private agency. The value of land is enhanced; new markets are opened; an impetus is given to the export trade, and the greater power of transport and concentration affords a hope that military expenditure may be reduced.

88. Even if the general arguments in favour of constructing railways solely through the agency of the State were more valid than I conceive them to be, I should still hold that those arguments did not apply in India. The first economic requirement of India is that her resources should be developed without delay, and that means of communication should be so improved as to facilitate emigration from districts which are over-populated to those in which labour is scarce. I doubt whether Government agency alone can adequately perform this task, and I hold that in any case it is not desirable that it should do so if private agency can be found to undertake the work. I am not without hope that, if an impulse can be given to railway construction by British enterprise, Native capitalists will enter the field, either alone or in conjunction with Englishmen. I should regard such a movement as an important factor in the practical education of the people, inasmuch as it would tend to wean the Natives of India from that dependence upon Government which is intensified by concentrating in the hands of the State all the organised skill which the construction and management of a railway requires. If ever the Natives of this country are to be schooled in the first rudiments of self-government it is desirable that they should be encouraged to act for themselves in such matters, rather than that they should rely always upon that coercive philanthropy which insists upon doing everything for them.

89. A more real obstacle to the construction of railways by private agency without a Government guarantee is to be found in the fact that up to the present time it has not been found possible to form a company willing to undertake them. In fact, the impossibility of inducing capitalists to undertake the construction of railways in India at their own risk with a minimum amount of Government interference was one of the main reasons which led to the adoption of State agency in the place of the guarantee system in 1869.

90. Since 1869 the desirability of encouraging private capitalists to make railways without a guarantee has been frequently pressed upon the Government of India, and it has always been assumed that the policy was impossible of execution. It does not, however, follow that what was impossible twelve years ago is so now. During that period the financial aspect of railway enterprise in India has improved, whilst at the same time the amount of capital seeking investment in the world has increased. I am not over-

sanguine as to the possibility of developing the resources of India rapidly through the agency of private enterprise, but the end to be attained is so important that the policy merits a further trial. Some progress has already been made. A Company has been formed under the auspices of Messrs. Rothschild with a view to the construction of a railway from Calcutta to Jessore and Khoolna. I am hopeful that the example given by a firm of such high standing and reputation as Messrs. Rothschild will give an impulse to the construction of railways through the agency of private enterprise. If local capital will come forward, so much the better. If not, it is to be hoped that European capital will be forthcoming.

91. I am unable as yet to say anything definite as to the conditions under which concessions may be made to private capitalists. Possibly those conditions may vary according to the exigencies of each particular case. It appears to me, however, that the Government may legitimately help in a variety of ways short of giving a guarantee. Government officers may make surveys and estimates, and supply all necessary information with a view to enabling private individuals to judge for themselves whether they care to invest their money in any particular scheme. The land on which the line is constructed may sometimes be given free of cost. Possibly, in some cases, grants of waste land in the vicinity of a new line may be given. On the other hand, certain conditions, to some of which I have already alluded, must be imposed, and it will be important only to give concessions to such persons as can afford good security that they have at their command a sufficient amount of capital to carry out the undertaking to a successful issue.

VI.—Ways and Means.—(See Appendix VII.)

Ways and Means.

Closing balance, March 31st 1881.

92. The balance on March 31st 1881 is estimated at £12,800,000. Although so short a time has to elapse before the close of the year, I am obliged to put this estimate forward with reserve. The disturbance in the collection of Land Revenue, to which I have already alluded (paras. 40 and 73), renders it difficult to state with accuracy whether the amount now due will be paid before or after March 31st. Further, the estimate of £12,800,000 is largely affected by the distribution of the payment of Council bills at Calcutta between the last week of March and the first week of April.

Loan of £3,000,00

93. Provision has been made in the Ways and Means Estimate for a loan of £3,000,000 to be raised in India in the course of the year. The amount of Secretary of State's bills which, it is estimated, will be presented for payment in the course of the year is £17,200,000 sterling. The estimates of the amount to be borrowed and to be supplied to the Home Treasury by bills in 1881-82 are the best that can now be made, but I state them with the usual reserve, *viz.*, that they are—

"subject to modification as the year goes on, that the Government must not be understood to "pledge itself that the Secretary of State will raise by bills the exact amount stated, or that "the exact amount stated will be borrowed during the year, or that it will be borrowed in "India."

Closing balance, March 31st 1882.

94. The balance on March 31st 1882 is estimated at £10,000,000. In considering this estimate it is to be borne in mind that some heads of revenue will almost certainly yield more than the amount for which credit has been taken, and also that many of the heaviest additions to the expenditure—namely, the large grants for Public Works and for the reduction of debt—will not fall upon the Treasuries until late in the year, when we shall have passed the period of low balances.

Savings Banks.

95. It will be observed that there was a large increase of Savings Banks Deposits during the year 1880-81. This increase was due to the Government having raised the rate of interest from $3\frac{3}{4}$ to $4\frac{1}{6}$ per cent. and having also raised the limit of individual deposits. Part of these concessions have now been withdrawn as they were considered to have attracted a class of deposits for which Savings Banks were not intended. Large withdrawals are in consequence anticipated in 1881-82. On the other hand arrangements are being made to utilise the organisation of the Post Office with a view to giving increased facilities to depositors.

Money-orders.

96. On January 1st 1880 the business of the Money-Order Department was transferred from the Civil Treasuries to the Post Office. The result of this change has been to increase the number of offices at which money-orders can be obtained and paid. The result is shown in the increase of the annual amount of money-orders from £1,200,000 to over £4,000,000.

VII.—Conclusion.

Conclusion.

97. I have now dwelt upon most of the leading features of our current finance. To have attempted a more detailed examination of the many questions which arise incidentally would have unduly lengthened this statement I will conclude with some observations of a more general nature on the financial situation.

98. The facts and figures which I have given in this statement are sufficient to show that the first essential condition of sound finance exists in India. The revenue exceeds the expenditure. The actual financial condition of India is therefore prosperous. I am glad of an opportunity of expressing this opinion, because the recent failure in the War Estimates has tended to induce a belief that the present financial condition of India affords ground for alarm. This is not the case. When once we are relieved from the strain of war expenditure we need be under no serious anxiety in respect to our current finances. The difficulties with which we have to deal, considerable though they be, are different from those which obtained in the years immediately following the Mutiny. India is not in a state of chronic deficit. She can not only pay her way, but provide a large surplus of receipts over expenditure. The different branches of revenue show a fair degree of elasticity. During the last 12 years there has been a reduction of £3,558,000 in the net charge on account of Productive Public Works.

99. These facts are satisfactory and, if I may be allowed to say so, reflect credit on the past administration of Indian finance. Are we therefore justified in saying that the condition of Indian finance is thoroughly prosperous? I think not. However encouraging may be the aspect of the present, the possibilities of the future are at all events sufficiently grave to render severe thrift and economy a paramount necessity.

100. Our principal source of income is the Land Revenue, which is paid in silver, and either fixed in perpetuity or only subject to increase at long intervals. At the same time we owe a large sum annually in gold. The amount of the Secretary of State's bills has of late years been gradually increasing. In 1881-82 they will amount to £17,200,000 sterling. This amount includes many remittances which are in the nature of banking transactions; but when all reasonable deductions have been made, the amount which India must send home to meet her current wants is still very large. Obviously under such conditions one essential element of State finance—stability—must be to some extent wanting. We can never feel any certainty of the sum to which the item *Loss by Exchange* may not amount.

101. About £8,000,000 of our net revenue is derived from opium. It is true that whilst the revenue from opium has of late years been steadily increasing, it has been wisely decided to rely on it only to the extent of £6,500,000 net in framing the estimates. But I cannot, on this account, consider that the force of the arguments based upon the precarious nature of this revenue are diminished. £6,500,000 is about one-tenth of the gross revenue, and there will always be a tendency to discount the anticipated receipts above that amount. The degree of embarrassment which would be caused by the whole or partial loss of the opium revenue increases in the direct proportion of the sums which the Indian Treasury derives from this source.

102. Lastly, the pressure of the population upon the soil, which year by year increases in intensity, presents an economic difficulty of the first magnitude, with which, indeed, I doubt the capability of Government to cope by any direct means, but which renders it imperative upon us to reduce in every possible way the pressure of taxation. India is a poor country, and the fact that the Government receives in the shape of taxes more than it spends should not blind us to the economic difficulties of the future. No one, for instance, can reflect on such facts as those recently published by an able young officer of the Civil Service (Mr. Irwin) in respect to Oudh without misgivings as to the future. A high authority on agricultural matters (Mr. Caird),—whose criticisms on Indian affairs I welcome, although I venture to think that further study might induce him to modify some of his views,—has also dwelt on the density of the population in certain parts of India. The Director General of Statistics has calculated that in Bengal there are 715 people to every square mile of cultivated land; in the North-Western Provinces and Oudh the proportion is 824; in Madras 627. These figures speak for themselves. The conclusions to be deduced from them are all the more serious if we reflect that every benevolent attempt made to mitigate the effects of famine and defective sanitation serves but to enhance the evils resulting from over-population.

103. I cannot now attempt any general disquisition upon the proper sphere of Government action in dealing with this and other economic problems which present themselves in India. I will merely observe that Government must beware lest it undertake the solution of difficulties beyond its control, and lest it interfere in matters where its action would be detrimental and would discourage a spontaneous and healthy development of national life. There are, however, two points to which I venture to think the attention of Government may, at the present moment, be usefully directed. The first is the reduction of military expenditure; the second, the encouragement of private enterprise.

104. A Commission, composed of high authorities, has pronounced the possibility of reducing the cost of the Army. I am alive to the difficulties which must be encountered in seeking to reduce Military Expenditure, and I deprecate any economies which can only be made at the expense of true efficiency. I recognise that so long as the Government was not free from the embarrassment caused by the Afghan war, it was impossible to take this matter seriously in hand. But I wish to express my opinion that, when once we are free from Afghan complications, the question of reducing Military Expenditure is of all others that which most seriously demands the attention of Government.

105. Some legitimate encouragement may be afforded to private enterprise without incurring the evils involved in affording anything in the nature of protection to Native industries. It is undesirable that the Government should give subventions to commercial undertakings. Further, the Government must supply its own wants by buying in the cheapest market, wherever that may be. When I speak, therefore, of the encouragement to be given to private enterprise, I mean rather that there should be the absence of discouragement necessarily caused if the State creates artificial monopolies in its own favour, or takes any action which practically causes the Government to compete with private trade. I have already dwelt on the case of Railways. In other spheres Government may legitimately afford some direct encouragement to private trade. Thus, it may be careful to supply its own wants from *bonâ fide* local sources whenever they can be supplied as cheaply as by obtaining goods from Europe. A good deal has already been done in this respect, and it is to be hoped that, as private enterprise is brought to bear more and more on the development of local manufactures, we shall be able to reduce still further the amount which we have to remit to Europe for stores.

106. Further, Government may advantageously continue to act in the direction pointed out by the late Lord Mayo as the pioneer of commerce by facilitating the establishment of direct relations between the commercial classes of India and foreign countries. Thus, two officers of Government (Mr. Buck and Mr. O'Conor) have been of late usefully employed in aiding to bring to the notice of the mercantile community of Melbourne the advantages to be derived from entering into closer commercial relations with India. I am glad to learn that the Syndicate, which was recently formed of persons interested in the tea trade, is about to send a mission to America similar to that which was despatched to Australia. The Government has intimated its willingness to assist in the matter. I may mention that Mr. Buck has expressed an opinion that if the

cotton manufacturers of Bombay and the jute manufacturers of Calcutta were to follow the example of the tea merchants in taking some steps to introduce and extend their manufactures in the colonies, they might effect a considerable increase in their exports.

107. Measures such as those to which I have alluded above come within the legitimate sphere of Government action. I do not say that such palliatives will suffice to meet the economic and financial difficulties with which, possibly, the future may be beset, or that I have alluded to nearly all the remedies which it is within the range of possibility to apply to them; but if we recognise the existence of those difficulties,—if the measures we adopt are of a practical nature and dictated by sound principle,—and if at the same time we are careful to remove any restrictions upon that free expression of opinion which helps so materially to bring to light the nature of the evils to be remedied,—we may at least face the future in the full conviction that we have done our duty. Above all things we should bear in mind the words of Mr. Gladstone,* which represent my own views in language so far more eloquent than any I can find, that I cannot terminate this statement better than by quoting them. Painful impressions, he said—

* Debate in the House of Commons, June 12th 1879.

"have been received in this country that the economic and material condition of the people "of India is not what we should desire. No doubt, exaggerated statements have obtained "currency, and salutary corrections have been applied; but I often think we are too apt to "fall back on the abstract and theoretical splendour of the possession of the Indian Empire, "and we do not sufficiently recollect that the administration of that Empire, in the final "judgment of history, will bring no advantage or glory to us, except in the exact and precise "proportion that that administration confers benefit upon that Empire and renders India "prosperous and happy."

CALCUTTA,
March 25th 1881.

E. BARING.

STATEMENTS.

I

REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

Estimates, 1881-82.

REVENUES.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	22,463,548	22,062,000	21,753,000	...	309,000	22,495,000	742,000	...
II.—Tributes ...	702,451	698,000	751,000	53,000	...	705,000	...	46,000
III.—Forest	676,234	690,000	699,000	9,000	...	770,000	71,000	...
IV.—Excise ...	2,838,021	2,782,000	3,075,000	293,000	...	3,031,000	...	44,000
V.—Assessed Taxes ...	785,318	535,000	550,000	15,000	...	550,000	...	...
VI.—Provincial Rates ...	2,882,125	2,764,000	2,783,000	19,000	...	2,863,000	80,000	...
VII.—Customs	2,280,793	2,175,000	2,522,000	347,000	...	2,367,000	...	155,000
VIII.—Salt	7,266,413	7,541,000	7,053,000	...	488,000	7,153,000	100,000	...
IX.—Opium	10,319,162	9,410,000	10,498,000	1,088,000	...	8,763,000	...	1,735,000
X.—Stamps	3,193,739	3,194,000	3,259,000	65,000	...	3,290,000	31,000	...
XI.—Registration ...	269,239	265,000	287,000	22,000	...	290,000	3,000	...
XII.—Mint	230,569	196,000	89,000	...	107,000	89,000	...	...
XIII.—Post Office ...	1,004,372	1,008,000	1,029,000	21,000	...	967,000	...	62,000
XIV.—Telegraph ...	505,552	486,000	525,000	39,000	...	481,000	...	44,000
XV.—Minor Departments ...	99,282	81,000	84,000	3,000	...	101,000	17,000	...
XVI.—Law and Justice ...	658,902	680,000	665,000	...	15,000	664,000	...	1,000
XVII.—Police ...	227,657	232,000	237,000	5,000	...	236,000	...	1,000
XVIII.—Marine	258,187	226,000	210,000	...	16,000	210,000	...	...
XIX.—Education	139,414	137,000	152,000	15,000	...	143,000	...	9,000
XX.—Medical	56,329	40,000	44,000	4,000	...	42,000	...	2,000
XXI.—Stationery and Printing	56,019	45,000	62,000	17,000	...	61,000	...	1,000
XXII.—Interest	748,050	651,000	829,000	178,000	...	678,000	...	151,000
XXIII.—Superannuations ...	525,141	386,000	323,000	...	63,000	315,000	...	8,000
XXIV.—Miscellaneous ...	337,370	268,000	387,000	119,000	...	271,000	...	116,000
XXV.—Railways	7,120,466	7,545,000	7,670,000	125,000	...	7,950,000	280,000	...
XXVI.—Irrigatn. & Navigatn.	916,907	861,000	850,000	...	11,000	903,000	53,000	...
XXVII.—Other Public Works ...	503,066	471,000	487,000	16,000	...	485,000	...	2,000
XXVIII.—Provl. & Local Deficits	19,778	247,000	112,000	...	135,000	821,000	709,000	...
XXIX.—Army	1,029,483	833,000	950,000	117,000	...	814,000	...	136,000
English Contribution for Afghan War ...	...	...	2,000,000	2,000,000	...	3,000,000	1,000,000	...
Military Operations in Afghanistan ...	50,499	...	291,000	291,000	...	61,000	...	230,000
XXX.—Gain by Exchange ...	320,580	237,000	542,000	305,000	...	412,000	...	130,000
GRAND TOTAL ...	68,484,666	66,746,000	70,768,000	4,022,000	...	70,981,000	213,000	...
Deficit	1,182,949	...	6,269,000	6,686,000	...	...	...	...

EXPENDITURE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	6,172,596	5,895,000	5,907,000	12,000	...	6,287,000	380,000	...
2.—Interest, other Accounts	382,462	400,000	402,000	2,000	...	409,000	7,000	...
3.—Refunds and Drawbacks ...	368,606	318,000	434,000	116,000	...	350,000	...	84,000
4.—Land Revenue ...	2,937,185	2,995,000	2,983,000	...	12,000	3,032,000	49,000	...
5.—Forest ...	465,056	532,000	473,000	...	59,000	571,000	98,000	...
6.—Excise ...	111,413	111,000	95,000	...	16,000	99,000	4,000	...
7.—Assessed Taxes ...	29,886	20,000	23,000	3,000	...	15,000	...	8,000
8.—Provincial Rates ...	47,866	53,000	48,000	...	5,000	48,000	...	...
9.—Customs ...	201,280	204,000	200,000	...	4,000	206,000	6,000	...
10.—Salt ...	340,687	368,000	371,000	3,000	...	428,000	57,000	...
11.—Opium ...	2,067,492	2,160,000	2,030,000	...	130,000	2,263,000	233,000	...
12.—Stamps ...	114,324	105,000	96,000	...	9,000	114,000	18,000	...
13.—Registration ...	165,208	166,000	175,000	9,000	...	186,000	11,000	...
14.—Mint ...	94,631	111,000	80,000	...	31,000	105,000	25,000	...
15.—Post Office ...	1,145,552	1,142,000	1,176,000	34,000	...	1,098,000	...	78,000
16.—Telegraph ...	451,143	467,000	498,000	31,000	...	562,000	64,000	...
17.—Administration ...	1,492,280	1,466,000	1,543,000	77,000	...	1,519,000	...	24,000
18.—Minor Departments ...	358,241	437,000	408,000	...	29,000	458,000	50,000	...
19.—Law and Justice ...	3,280,822	3,353,000	3,220,000	...	133,000	3,351,000	131,000	...
20.—Police ...	2,495,549	2,513,000	2,515,000	2,000	...	2,571,000	56,000	...
21.—Marine ...	530,133	568,000	538,000	...	30,000	735,000	197,000	...
22.—Education ...	967,029	1,016,000	989,000	...	27,000	1,058,000	69,000	...
23.—Ecclesiastical ...	156,012	159,000	159,000	...	...	159,000	...	...
24.—Medical ...	668,746	709,000	670,000	...	39,000	698,000	28,000	...
25.—Stationery and Printing	418,464	482,000	493,000	11,000	...	512,000	19,000	...
26.—Political ...	430,571	436,000	506,000	70,000	...	562,000	56,000	...
27.—Allowces. & Assignments...	1,814,635	1,846,000	1,912,000	66,000	...	1,943,000	31,000	...
28.—Civil Furlough Allces. ...	215,092	233,000	223,000	...	10,000	234,000	11,000	...
29.—Superannuations ...	2,196,551	1,982,000	2,161,000	179,000	...	2,064,000	...	97,000
30.—Miscellaneous ...	341,868	264,000	285,000	21,000	...	271,000	...	14,000
31.—Famine Relief, Protective Works and Commissioners for Reduction of Debt...	103,990	5,000	47,000	42,000	...	1,500,000	1,453,000	...
32.—Railways	7,148,601	6,595,000	7,320,000	725,000	...	7,189,000	...	131,000
Frontier Railways ...	1,334,350	2,040,000	2,228,000	188,000	...	790,000	...	1,438,000
33.—Irrigation & Navigation...	1,133,963	1,077,000	1,200,000	123,000	...	1,385,000	185,000	...
34.—Other Public Works ...	3,892,409	4,306,000	4,530,000	224,000	...	5,035,000	505,000	...
35.—Provl. & Local Surpluses	633,077	131,000	202,000	71,000	...	114,000	...	88,000
36.—Army ...	16,896,239	16,163,000	16,413,000	250,000	...	16,459,000	46,000	...
Military Operations in Afghanistan ...	4,816,623	2,090,000	11,389,000	9,299,000	...	2,271,000	...	9,118,000
37.—Loss by Exchange ...	3,246,983	3,411,000	3,095,000	...	316,000	3,475,000	380,000	...
TOTAL ORDINARY ...	69,667,615	66,329,000	77,037,000	10,708,000	...	70,126,000	...	6,911,000
Surplus	...	417,000	...	...	...	855,000	7,124,000	...
38.—Productive Public Works	3,364,330	2,682,000	2,816,000	134,000	...	2,608,000	...	208,000
Pro. P. Works E. I. Railway	9,730,862	630,000	632,000	2,000	...	860,000	228,000	...
Do. do. Madras Irrigation and Canal Company's undertaking.	...	...	...	...	...	1,405,000	1,405,000	...

Fort William;
Dept. of Finance and Commerce,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

II.

REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

(Distinguishing Revenue and Charges of Productive Public Works.)

Estimates, 1881-82.

REVENUE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,861,150	21,359,000	21,052,000	...	307,000	21,788,000	736,000	...
II.—Tributes	702,451	698,000	751,000	53,000	...	705,000	...	46,000
III.—Forest	676,234	690,000	699,000	9,000	...	770,000	71,000	...
IV.—Excise	2,838,021	2,782,000	3,075,000	293,000	...	3,031,000	...	44,000
V.—Assessed Taxes ...	785,318	535,000	550,000	15,000	...	550,000	...	...
VI.—Provincial Rates ...	2,882,125	2,764,000	2,783,000	19,000	...	2,863,000	80,000	...
VII.—Customs	2,280,793	2,175,000	2,522,000	347,000	...	2,367,000	...	155,000
VIII.—Salt	7,266,413	7,541,000	7,053,000	...	488,000	7,153,000	100,000	...
IX.—Opium	10,319,162	9,410,000	10,498,000	1,088,000	...	8,763,000	...	1,735,000
X.—Stamps	3,193,739	3,194,000	3,259,000	65,000	..	3,290,000	31,000	...
XI.—Registration ...	269,239	265,000	287,000	22,000	...	290,000	3,000	...
XII.—Mint	230,569	196,000	89,000	...	107,000	89,000	...	...
XIII.—Post Office ...	1,004,372	1,008,000	1,029,000	21,000	...	967,000	...	62,000
XIV.—Telegraph ...	505,552	486,000	525,000	39,000	...	481,000	...	44,000
XV.—Minor Departments...	99,282	81,000	84,000	3,000	...	101,000	17,000	...
XVI.—Law and Justice ...	658,902	680,000	665,000	...	15,000	664,000	...	1,000
XVII.—Police	227,657	232,000	237,000	5,000	...	236,000	...	1,000
XVIII.—Marine	258,187	226,000	210,000	...	16,000	210,000	...	...
XIX.—Education ...	139,414	137,000	152,000	15,000	...	143,000	...	9,000
XX.—Medical ...	56,329	40,000	44,000	4,000	...	42,000	...	2,000
XXI.—Stationery & Printing	56,019	45,000	62,000	17,000	...	61,000	...	1,000
XXII.—Interest	748,050	651,000	829,000	178,000	...	678,000	...	151,000
XXIII.—Superannuations ...	525,141	386,000	323,000	...	63,000	315,000	...	8,000
XXIV.—Miscellaneous ...	337,370	268,000	387,000	119,000	...	271,000	...	116,000
XXVI.—Irrigation & Navign.	193,067	181,000	194,000	13,000	...	180,000	...	14,000
XXVII.—Other Public Works	503,066	471,000	487,000	16,000	...	485,000	...	2,000
XXVIII.—Provl. & Local Deficits	19,778	247,000	112,000	...	135,000	821,000	709,000	...
XXIX.—Army	1,029,483	833,000	950,000	117,000	...	814,000	...	136,000
English Contribution for Afghan War ...	...	...	2,000,000	2,000,000	...	3,000,000	1,000,000	...
Military operations in Afghanistan ...	50,499	...	291,000	291,000	...	61,000	...	230,000
XXX.—Gain by Exchange ...	320,580	237,000	542,000	305,000	...	412,000	...	130,000
TOTAL ...	60,037,962	57,818,000	61,741,000	3,923,000	...	61,601,000	...	140,000
Revenue from Productive Public Works.								
XXV.—Railways—								
State (Gross Earnings)	1,548,728	1,920,000	2,175,000	255,000	...	2,420,000	245,000	...
Guaranteed (Net Traffic Receipts) ...	4,622,584	2,825,000	2,695,000	...	130,000	2,730,000	35,000	...
East Indian Railway ...	949,154	2,800,000	2,800,000	...	...	2,800,000	...	...
XXVI.—Irrign. & Navigation—								
Direct Receipts ...	708,041	680,500	661,000	...	19,500	739,000	78,000	...
Madras Irrigation and Canal Company (Net Traffic Receipts, &c.)	15,799	—500	—5,000	—4,500	...	—16,000	—11,000	...
I.—Portion of Land Revenue due to Irrigation	602,398	703,000	701,000	...	2,000	707,000	6,000	...
Total ...	8,446,704	8,928,000	9,027,000	99,000	...	9,380,000	353,000	...
GRAND TOTAL REVENUE ...	68,484,666	66,746,000	70,768,000	4,022,000	...	70,981,000	213,000	...
Deficit	1,182,949	...	6,269,000	6,686,000	...	...	...	...

EXPENDITURE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	4,590,482	4,014,000	3,740,000	...	274,000	3,838,000	98,000	...
2.—Interest, other Accounts...	382,462	400,000	402,000	2,000	...	409,000	7,000	...
3.—Refunds and Drawbacks...	368,606	318,000	434,000	116,000	...	350,000	...	84,000
4.—Land Revenue ...	2,937,185	2,995,000	2,983,000	...	12,000	3,032,000	49,000	...
5.—Forest	465,056	532,000	473,000	...	59,000	571,000	98,000	...
6.—Excise	111,413	111,000	95,000	...	16,000	99,000	4,000	...
7.—Assessed Taxes ...	29,886	20,000	23,000	3,000	...	15,000	...	8,000
8.—Provincial Rates ...	47,866	53,000	48,000	...	5,000	48,000	...	...
9.—Customs	201,280	204,000	200,000	...	4,000	206,000	6,000	...
10.—Salt	340,687	368,000	371,000	3,000	...	428,000	57,000	...
11.—Opium	2,067,492	2,160,000	2,030,000	...	130,000	2,263,000	233,000	...
12.—Stamps	114,324	105,000	96,000	...	9,000	114,000	18,000	...
13.—Registration	165,208	166,000	175,000	9,000	...	186,000	11,000	...
14.—Mint	94,631	111,000	80,000	...	31,000	105,000	25,000	...
15.—Post Office	1,145,552	1,142,000	1,176,000	34,000	...	1,098,000	...	78,000
16.—Telegraph	451,143	467,000	498,000	31,000	...	562,000	64,000	...
17.—Administration ...	1,492,280	1,466,000	1,543,000	77,000	...	1,519,000	...	24,000
18.—Minor Departments ...	358,241	437,000	408,000	...	29,000	458,000	50,000	...
19.—Law and Justice ...	3,280,822	3,353,000	3,220,000	...	133,000	3,351,000	131,000	...
20.—Police	2,495,549	2,513,000	2,515,000	2,000	...	2,571,000	56,000	...
21.—Marine	530,133	568,000	538,000	...	30,000	735,000	197,000	...
22.—Education	967,029	1,016,000	989,000	...	27,000	1,058,000	69,000	...
23.—Ecclesiastical	156,012	159,000	159,000	...	...	159,000	...	...
24.—Medical	668,746	709,000	670,000	...	39,000	698,000	28,000	...
25.—Stationery & Printing ...	418,464	482,000	493,000	11,000	...	512,000	19,000	...
26.—Political	430,571	436,000	506,000	70,000	...	562,000	56,000	...
27.—Allowces. & Assignments	1,814,635	1,846,000	1,912,000	66,000	...	1,943,000	31,000	...
28.—Civil Furlough Allowces.	215,092	233,000	223,000	...	10,000	234,000	11,000	...
29.—Superannuations ...	2,196,551	1,982,000	2,161,000	179,000	...	2,064,000	...	97,000
30.—Miscellaneous ...	341,868	264,000	285,000	21,000	...	271,000	...	14,000
31.—Famine Relief, Protective Works and Commissioners for Reduction of Debt ...	103,990	5,000	47,000	42,000	...	1,500,000	1,453,000	...
32.—Railways	471,410	304,000	745,000	441,000	...	417,000	...	328,000
" Frontier Railways	1,334,350	2,040,000	2,228,000	188,000	...	790,000	...	1,438,000
33.—Irrigation & Navigation ...	668,907	634,000	720,000	86,000	...	926,000	206,000	...
34.—Other Public Works ...	3,892,409	4,306,000	4,530,000	224,000	...	5,035,000	505,000	...
35.—Provl. & Local Surpluses	633,077	131,000	202,000	71,000	...	114,000	...	88,000
36.—Army	16,896,239	16,163,000	16,413,000	250,000	...	16,459,000	46,000	...
" Military Operations in Afghanistan ...	4,816,623	2,090,000	11,389,000	9,299,000	...	2,271,000	...	9,118,000
37.—Loss by Exchange ...	3,246,983	3,411,000	3,095,000	...	316,000	3,475,000	380,000	...
EXPENDITURE ORDINARY ...	60,943,254	57,714,000	67,815,000	10,101,000	...	60,446,000	...	7,369,000
Charges on *Productive Public Works* (*Working Expenses and Interest*).								
38.—Railways—								
State—(Working and Maintenance) ...	1,215,231	1,326,000	1,573,000	247,000	...	1,669,000	96,000	...
Guaranteed (Interest, Surplus Profits, &c.) ...	5,427,563	3,661,000	3,698,000	37,000	...	3,516,000	...	182,000
East Indian Railway ...	34,397	1,304,000	1,304,000	...	...	1,587,000	283,000	...
39.—Irrigation & Navigation—								
Working and Maintenance	414,601	393,000	430,000	37,000	...	426,000	...	4,000
Madras Irrigation & Canal Company (Interest, &c.)	50,455	50,000	50,000	...	...	33,000	...	17,000
40.—Interest on Debt ...	1,582,114	1,881,000	2,167,000	286,000	...	2,449,000	282,000	...
Total ...	8,724,361	8,615,000	9,222,000	607,000	...	9,680,000	458,000	...
GRAND TOTAL ...	69,667,615	66,329,000	77,037,000	10,708,000	...	70,126,000	...	6,911,000
Charges	...	417,000	...	...	...	855,000	7,124,000	...
Recoveries on Public Works	3,364,330	2,682,000	2,816,000	134,000	...	2,608,000	...	208,000
Do. do. E. I. Railway ...	9,730,862	630,000	632,000	2,000	...	860,000	228,000	...
Do. do. Madras Irrigation and Canal Company's undertakings	...	...	...	...	...	1,405,000	1,405,000	...

FORT WILLIAM;
DEPT. OF FINANCE AND COMMERCE,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

III.

REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND IN THE THREE DIVISIONS, IMPERIAL, PROVINCIAL AND LOCAL.

REVENUE.	Regular Estimates, 1880-81.				Budget Estimates, 1881-82.			
	Imperial.	Provincial.	Local.	Total.	Imperial.	Provincial.	Local.	Total.
	£	£	£	£	£	£	£	£
Opening Balance	...	1,723,100	1,299,900			1,794,500	1,320,100	
I.—Land Revenue	20,597,400	1,033,700	121,900	21,753,000	21,307,100	1,066,600	121,300	22,495,000
II.—Tributes	751,000	...	...	751,000	705,000	...	...	705,000
III.—Forest	651,200	24,200	23,600	699,000	722,500	23,600	23,900	770,000
IV.—Excise	632,300	2,441,300	1,400	3,075,000	632,200	2,397,500	1,300	3,031,000
V.—Assessed Taxes	367,400	182,600	...	550,000	367,700	182,300	...	550,000
VI.—Provincial Rates	165,900	411,300	2,205,800	2,783,000	170,900	412,100	2,280,000	2,863,000
VII.—Customs	2,281,700	240,300	...	2,522,000	2,123,500	243,500	...	2,367,000
VIII.—Salt	7,034,900	18,100	...	7,053,000	7,133,400	19,600	...	7,153,000
IX.—Opium	10,498,000	...	...	10,498,000	8,763,000	...	...	8,763,000
X.—Stamps	568,300	2,690,700	...	3,259,000	568,000	2,722,000	...	3,290,000
XI.—Registration	1,200	285,800	...	287,000	1,400	288,600	...	290,000
XII.—Mint	89,000	...	...	89,000	89,000	...	...	89,000
XIII.—Post Office	1,025,100	3,500	400	1,029,000	963,500	2,700	800	967,000
XIV.—Telegraph	525,000	...	...	525,000	481,000	....	...	481,000
XV.—Minor Departments	29,200	39,700	15,100	84,000	50,100	37,300	13,600	101,000
XVI.—Law and Justice	83,900	580,000	1,100	665,000	71,300	592,000	700	664,000
XVII.—Police	100	196,200	40,700	237,000	600	194,900	40,600	236,000
XVIII.—Marine	65,400	144,600	...	210,000	66,100	143,900	...	210,000
XIX.—Education	1,000	125,700	25,300	152,000	700	115,000	27,300	143,000
XX.—Medical	2,000	39,400	2,600	44,000	4,300	34,400	3,300	42,000
XXI.—Stationery and Printing ...	13,300	48,700	...	62,000	11,800	49,200	...	61,000
XXII.—Interest	805,600	14,300	9,100	829,000	654,000	13,400	10,600	678,000
XXIII.—Pensions	307,000	12,500	3,500	323,000	299,200	12,300	3,500	315,000
XXIV.—Miscellaneous	146,100	124,200	116,700	387,000	52,100	115,900	103,000	271,000
XXV.—Railways	7,202,500	467,500	...	7,670,000	7,420,000	530,000	...	7,950,000
XXVI.—Irrigation and Navigation ...	310,000	539,000	1,000	850,000	326,300	575,700	1,000	903,000
XXVII.—Other Public Works ...	65,300	300,200	121,500	487,000	64,800	299,400	120,800	485,000
XXVIII.—Provl. and Local Deficits ...	112,000	...	...	112,000	821,000	...	...	821,000
XXIX.—Army	950,000	...	...	950,000	814,000	...	...	814,000
English Contribution for Afghan War.	2,000,000	...	...	2,000,000	3,000,000	...	...	3,000,000
Military Operations in Afghanistan.	291,000	...	...	291,000	61,000	...	...	61,000
XXX.—Gain by Exchange	541,000	1,000	...	542,000	411,000	1,000	...	412,000
	58,113,800	9,964,500	2,689,700	70,768,000	58,156,500	10,072,900	2,751,600	70,981,000
Allotments	...	4,341,600	...	...	...	4,287,200	...	...
Contributions	...	115,200	154,700	...	...	98,100	171,100	...
Debt	...	...	5,200	...	...	...	...	...
Total ...	...	14,421,300	2,849,600			14,458,200	2,922,700	
GRAND TOTAL ...	...	16,144,400	4,149,500			16,252,700	4,242,800	
Provincial and Local Deficit ...	...	...	...			467,200	241,700	

EXPENDITURE.	Regular Estimates, 1880-81.				Budget Estimates, 1881-82.			
	Imperial.	Provincial.	Local.	Total.	Imperial.	Provincial.	Local.	Total.
	£	£	£	£	£	£	£	£
1.—Interest	5,186,100	720,900	...	5,907,000	5,514,500	772,500	...	6,287,000
2.—Interest	397,900	900	3,200	402,000	404,900	900	3,200	409,000
3.—Refunds and Drawbacks ...	264,200	156,900	12,900	434,000	193,900	149,100	7,000	350,000
4.—Land Revenue	833,400	1,617,600	532,000	2,983,000	829,600	1,651,100	551,300	3,032,000
5.—Forest	442,900	12,600	17,500	473,000	531,900	16,800	22,300	571,000
6.—Excise	21,500	72,600	900	95,000	22,600	75,600	800	99,000
7.—Assessed Taxes	1,700	21,300	...	23,000	1,200	13,800	...	15,000
8.—Provincial Rates	...	4,900	43,100	48,000	...	4,900	43,100	48,000
9.—Customs	21,700	178,300	...	200,000	23,200	182,800	...	206,000
10.—Salt	310,300	60,700	...	371,000	368,200	59,800	...	428,000
11.—Opium	2,030,000	...	...	2,030,000	2,263,000	...	...	2,263,000
12.—Stamps	1,700	94,300	...	96,000	16,800	97,200	...	114,000
13.—Registration	200	174,800	...	175,000	500	185,500	...	186,000
14.—Mint	80,000	...	...	80,000	105,000	...	...	105,000
15.—Post Office	1,086,300	38,400	51,300	1,176,000	1,007,700	33,400	56,900	1,098,000
16.—Telegraph	498,000	...	...	498,000	562,000	...	...	562,000
17.—Administration	929,500	589,000	24,500	1,543,000	897,100	595,200	26,700	1,519,000
18.—Minor Departments	282,700	87,700	37,600	408,000	323,800	96,400	37,800	458,000
19.—Law and Justice	568,300	2,651,600	100	3,220,000	586,100	2,764,800	100	3,351,000
20.—Police	83,100	2,177,000	254,900	2,515,000	87,000	2,206,300	277,700	2,571,000
21.—Marine	397,300	140,700	...	538,000	557,000	178,000	...	735,000
22.—Education	11,100	715,500	262,400	989,000	9,200	738,200	310,600	1,058,000
23.—Ecclesiastical	118,300	40,700	...	159,000	118,100	40,900	...	159,000
24.—Medical	172,700	405,300	92,000	670,000	178,300	429,500	95,200	703,000
25.—Stationery and Printing ...	178,300	317,600	1,900	498,000	180,000	329,500	3,500	513,000
26.—Political	505,600	300	100	506,000	561,600	300	100	562,000
27.—Allowances	1,219,000	693,000	...	1,912,000	1,256,900	686,100	...	1,943,000
28.—C. F. & A. Allowances ...	222,500	500	...	223,000	233,500	500	...	234,000
29.—Superannuation	2,006,700	153,600	700	2,161,000	1,906,100	157,300	600	2,064,000
30.—Miscellaneous	85,900	119,200	79,900	285,000	69,700	116,300	85,000	271,000
31.—Famine Relief Protective Works and Commissioners for Reduction of Debt.	2,000	45,000	...	47,000	1,500,000	...	...	1,500,000
32.—Railways	7,007,400	312,600	...	7,320,000	6,726,300	462,700	...	7,189,000
33.—Encashed Railways	2,228,000	...	...	2,228,000	790,000	...	...	790,000
34.—Irrigation and Navigation ...	683,500	510,900	5,600	1,200,000	698,400	681,300	5,300	1,385,000
35.—Other Public Works	1,493,200	1,745,700	1,291,100	4,530,000	1,465,700	2,029,200	1,540,100	5,035,000
36.—P. & L. Surpluses	202,000	...	...	202,000	114,000	...	...	114,000
37.—Army	16,413,000	...	...	16,413,000	16,459,000	...	...	16,459,000
Military Operations in Afghanistan.	11,389,000	...	...	11,389,000	2,271,000	...	...	2,271,000
38.—Loss by Exchange	3,095,000	...	...	3,095,000	3,475,000	...	...	3,475,000
	60,465,000	13,860,300	2,711,700	77,037,000	52,303,800	14,755,900	3,066,300	70,126,000
Special Contributions to Imperial Treasury	...	335,000						
Contributions	...	154,600	115,200	...	...	169,500	98,100	
Debt	...	...	2,500	...	...	...	2,500	
Total ...		14,349,900	2,829,400			14,925,400	3,166,900	
Closing Balance		1,794,500	1,320,100			1,327,300	1,075,900	
GRAND TOTAL ...		16,144,400	4,149,500			16,252,700	4,242,800	
Provincial and Local Surplus ...	...	71,400	17,500	...	...	...	...	...
39.—Productive Public Works, Capital Expenditure.	3,448,300	...	...	3,448,300	4,873,000	...	...	4,873,000

Fort William;
Dept. of Finance and Commerce,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

IV.

RECEIPTS AND DISBURSEMENTS AT THE TREASURIES OF

RECEIPTS.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Imperial revenue ...	68,484,666	66,746,000	70,768,000	4,022,000	...	70,981,000	213,000	...
II.—Public debt* ...	18,627,825	2,833,000	8,406,000	5,573,000	...	7,105,000	...	1,301,000
III.—Treasury notes and service funds ...	923,563	911,000	1,027,000	116,000	...	1,030,000	3,000	...
IV.—Savings banks' deposits	1,009,056	793,000	2,081,000	1,238,000	...	769,000	...	1,312,000
V.—Political and other excluded funds ...	542,923	491,000	481,000	...	10,000	452,000	...	29,000
VI.—Provincial and local surplus ...	633,077	131,000	202,000	71,000	...	114,000	...	88,000
VII.—Deposits & advances ...	47,474,228	12,198,000	36,412,000	21,214,000	...	24,366,000	...	12,046,000
VIII.—Loans to municipalities, native states, &c. ...	1,255,075	213,000	238,000	25,000	...	215,000	...	23,000
IX.—Guaranteed railway capital ...	3,043,443	1,709,000	1,815,000	106,000	...	1,643,000	...	172,000
X.—Money orders ...	1,354,477	...	4,367,000	4,367,000	...	5,433,000	1,066,000	...
XI.—Remittances in India ...	21,323,357	26,105,000	21,374,000	...	4,731,000	15,930,000	...	5,444,000
XII.—Secretary of state's bills drawn* ...	15,261,810	16,900,000	15,090,000	...	1,810,000	17,200,000	2,110,000	...
XIII.—Remittances between India and England ...	2,005,287	1,183,000	1,891,000	708,000	...	2,005,000	114,000	...
Total ...	181,938,787	130,213,000	164,152,000	33,939,000	...	147,243,000	...	16,900,000
Balance ...	13,910,078	16,000,000	15,300,001	...	699,999	16,510,000	1,209,999	...
GRAND TOTAL ...	195,848,865	146,213,000	179,452,001	33,239,001	...	163,753,000	...	15,699,001

* The Estimates in this Statement of the amounts to be borrowed and to be supplied to the Home Treasury by Bills in 1881-82 are the only that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the exact amount stated will be borrowed during the year.

Abstract of the above showing how the

ACCOUNTS, 1879-80.

	£		£
Public debt ...	14,836,022	Deficit of Imperial revenue	14,278,141
Treasury notes and service funds ...	13,100	Deposits and advances ...	2,155,776
Savings banks' deposits ...	382,607	Balance increased ...	1,389,923
Political and other excluded funds ...	17,678		
Surplus of provincial and local revenue ...	613,299		
Loans to municipalities, native states, &c. ...	186,357		
Guaranteed railway capital ...	465,191		
Secretary of state's bills drawn ...	347,716		
Money orders ...	75,321		
Remittances ...	886,549		
TOTAL ...	17,823,840	TOTAL ...	17,823,840

REGULAR ESTI

	£
Public debt ...	3,587,000
Treasury notes and service funds ...	294,000
Savings banks' deposits ...	1,075,000
Surplus of provincial and local revenue ...	[illegible]
Loans to municipalities, native states, &c. ...	[illegible]
Deposits and advances ...	5,045,[illegible]
Money orders ...	108,[illegible]
Remittances ...	1,[illegible]
TOTAL ...	[illegible]

Fort William;
Dept. of Finance and Commerce,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

DISBURSEMENTS.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Imperial expenditure ...	82,762,807	69,641,000	80,485,000	10,844,000	...	74,999,000	...	5,486,000
2.—Public debt	3,791,803	2,127,000	4,819,000	2,692,000	...	4,583,000	...	236,000
3.—Treasury notes and service funds	910,463	516,000	823,000	307,000	...	817,000	...	6,000
4.—Savings banks' deposits ...	626,449	669,000	1,006,000	337,000	...	1,146,000	140,000	...
5.—Political and other excluded funds ...	525,245	572,000	670,000	98,000	...	492,000	...	178,000
6.—Provincial and local deficits	19,778	247,000	112,000	...	135,000	821,000	709,000	...
7.—Deposits and advances ...	49,630,004	11,749,000	31,367,000	19,618,000	...	26,915,000	...	4,452,000
8.—Loans to municipalities, native states, &c. ...	1,068,718	232,000	194,000	...	38,000	113,000	...	81,000
9.—Guaranteed railway capital	2,578,252	2,391,000	2,117,000	...	274,000	2,159,000	42,000	...
10.—Money orders	1,279,156	...	4,259,000	4,259,000	...	5,433,000	1,174,000	...
11.—Remittances in India ...	20,405,762	26,667,000	20,191,001	...	6,475,999	14,998,000	...	5,193,001
12.—Secretary of state's bills paid	14,914,094	16,900,000	15,201,000	...	1,699,000	17,200,000	1,999,000	...
13.—Remittances between India and England ...	2,036,333	1,252,000	1,698,000	446,000	...	2,087,000	389,000	...
Total ...	180,548,864	132,963,000	162,942,001	29,979,001	...	151,763,000	...	11,179,001
Balance ...	15,300,001	13,250,000	16,510,000	3,260,000	...	11,990,000	...	4,520,000
GRAND TOTAL ...	195,848,865	146,213,000	179,452,001	33,239,001	...	163,753,000	...	15,699,001

Ways and Means are provided.

REGULAR ESTIMATES, 1880-81.

	£
Deficit of Imperial revenue ...	9,717,000
Political and other excluded funds ...	189,000
Secretary of state's bills paid	111,000
Guaranteed railway capital	302,000
Balance increased ...	1,209,999
TOTAL ...	11,528,999

BUDGET ESTIMATES, 1881-82.

	£		£
Public debt	2,522,000	Deficit of Imperial revenue	4,016,000
Treasury notes and service funds	213,000	Savings banks' deposits ...	377,000
Loans to municipalities, native states, &c. ...	102,000	Deficit of provincial and local revenue ...	707,000
Remittances	850,000	Political and other excluded funds ...	40,000
Balance reduced ...	4,520,000	Deposits and advances ...	2,549,000
		Guaranteed railway capital	516,000
TOTAL ...	8,207,000	TOTAL ...	8,207,000

I. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

V.

REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA.

Estimates, 1881-82.

REVENUE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,861,150	21,359,000	21,052,000	...	307,000	21,788,000	736,000	...
II.—Tributes	702,451	698,000	751,000	53,000	...	705,000	...	46,000
III.—Forest	674,743	688,400	697,300	8,900	...	768,100	70,800	...
IV.—Excise	2,838,021	2,782,000	3,075,000	293,000	...	3,031,000	...	44,000
V.—Assessed Taxes ...	785,318	535,000	550,000	15,000	...	550,000	...	...
VI.—Provincial Rates ...	2,882,125	2,764,000	2,783,000	19,000	...	2,863,000	80,000	...
VII.—Customs	2,280,793	2,175,000	2,522,000	347,000	...	2,367,000	...	155,000
VIII.—Salt	7,266,413	7,541,000	7,053,000	...	488,000	7,153,000	100,000	...
IX.—Opium	10,319,162	9,410,000	10,498,000	1,088,000	...	8,763,000	...	1,735,000
X.—Stamps	3,193,739	3,194,000	3,259,000	65,000	...	3,290,000	31,000	...
XI.—Registration ...	269,239	265,000	287,000	22,000	...	290,000	3,000	...
XII.—Mint	230,531	196,000	89,000	...	107,000	89,000	...	...
XIII.—Post Office ...	1,004,372	1,008,000	1,029,000	21,000	...	967,000	...	62,000
XIV.—Telegraph ...	478,376	463,100	494,800	31,700	...	452,600	...	42,200
XV.—Minor Departments ...	63,355	61,700	68,000	6,300	...	62,500	...	5,500
XVI.—Law and Justice ...	658,902	680,000	665,000	...	15,000	664,000	...	1,000
XVII.—Police	227,657	232,000	237,000	5,000	...	236,000	...	1,000
XVIII.—Marine	255,170	226,000	210,000	...	16,000	210,000	...	...
XIX.—Education	139,414	137,000	152,000	15,000	...	143,000	...	9,000
XX.—Medical ...	53,073	38,200	42,000	3,800	...	37,700	...	4,300
XXI.—Stationery and Printing	55,103	45,000	62,000	17,000	...	61,000	...	1,000
XXII.—Interest	714,869	641,000	647,300	6,300	...	668,000	20,700	...
XXIII.—Superannuation Contributions	424,198	291,700	220,400	...	71,300	215,600	...	4,800
XXIV.—Miscellaneous ...	325,285	262,000	293,400	31,400	...	265,000	...	28,400
XXV.—Railways	...	...	...	...	...	...	...	...
XXVI.—Irrigation and Navigation	193,667	181,000	194,000	13,000	...	180,000	...	14,000
XXVII.—Other Public Works ...	487,808	456,700	473,700	17,000	...	472,500	...	1,200
XXVIII.—Provincial and Local Deficit ...	19,778	247,000	112,000	...	135,000	821,000	709,000	...
XXIX.—Army	939,965	800,200	859,100	58,900	...	777,000	...	82,100
„ Military Operations in Afghanistan ...	50,499	...	291,000	291,000	...	61,000	...	230,000
XXX.—Gain by Exchange ...	320,580	237,000	542,000	305,000	...	412,000	...	130,000
Total ...	59,715,156	57,615,000	59,209,000	1,594,000	...	58,363,000	...	846,000
Revenue from Productive Public Works.								
XXV.—Railways— State (Gross Earnings) ...	1,548,728	1,920,000	2,175,000	255,000	...	2,420,000	245,000	...
Guaranteed (Net Traffic Receipts) ...	4,622,584	2,825,000	2,694,800	...	130,200	2,729,800	35,000	...
East Indian Railway ...	949,154	2,800,000	2,800,000	...	...	2,800,000	...	...
XXVI.—Irrign. and Navigation— Direct Receipts ...	707,074	679,700	660,500	...	19,200	738,500	78,000	...
Madras Irrigation and Canal Company (Net Traffic Receipts, &c.) ...	15,799	—500	—5,000	—4,500	...	—16,000	—11,000	...
I.—Portion of Land Revenue due to Irrigation	602,398	703,000	701,000	...	2,000	707,000	6,000	...
Total ...	8,445,737	8,927,200	9,026,300	99,100	...	9,379,300	353,000	...
GRAND TOTAL ..	68,160,893	66,542,200	68,235,300	1,693,100	...	67,742,300	...	493,000

EXPENDITURE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	1,884,506	1,644,100	1,400,000	...	244,100	1,367,300	...	32,700
2.—Interest, other Accounts	382,035	398,400	400,400	2,000	...	407,300	6,900	...
3.—Refunds and Drawbacks ...	368,606	318,000	434,000	116,000	...	350,000	...	84,000
4.—Land Revenue ...	2,936,536	2,994,400	2,982,500	...	11,900	3,031,100	48,600	...
5.—Forest	460,079	527,600	468,600	...	59,000	565,800	97,200	...
6.—Excise	111,413	111,000	95,000	...	16,000	99,000	4,000	...
7.—Assessed Taxes ...	29 886	20,000	23,000	3,000	...	15,000	...	8,000
8.—Provincial Rates ...	47,866	53,000	48,000	...	5,000	48,000	...	...
9.—Customs	201,280	204,000	200,000	...	4,000	206,000	6,000	...
10.—Salt	340,464	368,000	371,000	3,000	...	428,000	57,000	...
11.—Opium	2,067,336	2,159,500	2,029,900	...	129,600	2,262,500	232,600	...
12.—Stamps	76,974	77,500	63,200	...	14,360	74,000	10,800	...
13.—Registration	165,208	166,000	175,000	9,000	...	186,000	11,000	...
14.—Mint	86.348	91,500	76,500	...	15,000	85,200	8,700	...
15.—Post Office	1,018,120	1,043,800	1,073,200	29,400	...	997,900	...	75,300
16.—Telegraph	354,290	380,900	401,300	20,400	...	459,600	58,300	...
17.—Administration ...	1,278,509	1,245,500	1,302,400	56,900	...	1,298,900	...	3,500
18.—Minor Departments ...	329,848	415,100	378,100	...	37,000	438,700	60,600	...
19.—Law and Justice ...	3,279,873	3,350,900	3,219,600	...	131,300	3,349,600	130,000	...
20.—Police	2,495,549	2,513,000	2,515,000	2,000	...	2,571,000	56,000	...
21.—Marine	367,568	419,000	382,400	...	36,600	432,100	49,700	...
22.—Education	966,765	1,015,800	988,500	...	27,300	1,057,600	69,100	...
23.—Ecclesiastical	154,912	158,600	158,200	...	400	158,200	...	...
24.—Medical	660,845	701,400	662,500	...	38,900	690,500	28,000	...
25.—Stationery and Printing...	314,731	415,700	414,500	...	1,200	424,400	9,900	...
26.—Political	418,331	393,000	434,600	41,600	...	535,700	101,100	...
27.—Allowances and Assignts....	1,793,570	1,824,900	1,883,100	58,200	...	1,881,900	...	1,200
28.—Civil Furlo. Allowances	5,232	3,000	6,000	3,000	...	4,000	...	2,000
29.—Superannuations ...	874,365	646,300	790,000	143,700	...	708,000	...	82,000
30.—Miscellaneous ...	322,372	243,300	255,000	11,700	...	251,000	...	4,000
31.—Famine Relief Protective Works and Commissioners for reduction of Debt ...	103,647	5,000	45,500	40,500	...	1,500,000	1,454,500	...
32.—Railways ...	471,410	304,000	745,000	441,000	...	417,000	...	328,000
„ Frontier Railways	1,089,924	970,000	1,505,000	535,000	...	386.000	...	1,119,000
33.—Irrigation and Navigation	667,815	633,800	714,500	80,700	...	925,900	211,400	...
34.—Other Public Works ...	3,752,364	4,216,500	4,440,000	223,500	...	4,939,400	499,400	...
35.—Provincial & Local Surplus	633,077	131,000	202,000	71,000	...	114,000	...	88,000
36.—Army	12,781,795	12,131,900	12,307,500	175,600	...	12,392,000	84,500	...
„ Military Operations in Afghanistan ...	4,642,143	2,070,000	11,316,400	9,246,400	...	2,271,000	...	9,045,400
37.—Loss by Exchange ...	3,246,983	3,411,000	3,095,000	...	316,000	3,475,000	380,000	...
Total ...	51,182,575	47,776,400	58,002,400	10,226,000	...	50,804,600	...	7,197,800
Expenditure on Productive Public Works (Working Expenses and Interest).								
32.—Railways— State (Working & Maintenance)	1,215,231	1,326,000	1,573,000	247,000	...	1,669,000	96,000	...
Guaranteed (Interest surplus Profits, &c.) ...	725,084	404,000	443,500	39,500	...	249,000	...	194,500
East Indian Railway ...	...	125,000	122,800	...	2,200	204,600	81,800	...
33.—Irrigation & Navigation— Working and Maintenance	414,475	393,000	430,000	37,000	...	426,000	...	4,000
Madras Irrigation and Canal Company (Interest, &c.)	472	...	—200	—200	...	—200	...	...
1.—Interest on Debt ...	1,582,114	1,725,000	2,011,000	286,000	...	2,209,400	198,400	...
Total ...	3,937,376	3,973,000	4,580,100	607,100	...	4,757,800	177,700	...
GRAND TOTAL ...	55,119,951	51,749,400	62,582,500	10,833,100	...	55,562,400	...	7,020,100
38.—Productive Public Works	2,823,375	1,906,000	2,117,000	211,000	...	2,150,000	33,000	...
Do. do. E. I. Railway...	164,923	...	632,000	632,000	...	860,000	228,000	...

Fort William;
Dept. of Finance and Commerce.
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

VI.

REVENUE AND EXPENDITURE OF THE HOME *Estimates*

REVENUE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
	£	£	£	£	£	£	£	£
III.—Forest	1,491	1,600	1,700	100	...	1,900	200	...
XII.—Mint	38	...	...	...	...	...	...	...
XIV.—Telegraph ...	27,176	22,900	30,200	7,300	...	28,400	...	1,800
XV.—Minor Departments	35,927	19,300	16,000	...	3,300	38,500	22,500	...
XVII.—Marine ...	3,017	...	...	...	...	...	...	...
XX.—Medical ...	3,256	1,800	2,000	200	...	4,300	2,300	...
XXI.—Stationery and Printing ...	916	...	...	...	...	...	...	...
XXII.—Interest ...	33,181	10,000	181,700	171,700	...	10,000	...	171,700
XXIII.—Superannuation Contributions ...	100,943	94,300	102,600	8,300	...	99,400	...	3,200
XXIV.—Miscellaneous ...	12,085	6,000	93,600	87,600	...	6,000	...	87,600
XXV.—Railways ...	...	...	...	...	...	...	...	...
XXVI.—Irrigation ...	...	...	...	...	...	...	...	...
XXVII.—Other Public Works ...	15,258	14,300	13,300	...	1,000	12,500	...	800
XXIX.—Army ...	89,518	32,800	90,900	58,100	...	37,000	...	53,900
„ English Contribution for Afghan War ...	...	...	2,000,000	2,000,000	...	3,000,000	1,000,000	...
TOTAL ...	322,806	203,000	2,532,000	2,329,000	...	3,238,000	706,000	...
Revenue from Productive Public Works.								
XXV.—Railways ...	...	...	200	200	...	200	...	...
XXVI.—Irrigation ...	967	800	500	...	300	500	...	...
	967	800	700	200	300	700	...	...
TOTAL ...	323,773	203,800	2,532,700	2,328,900	...	3,238,700	706,000	...

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller

TREASURY OF THE GOVERNMENT OF INDIA.
1881-82.

EXPENDITURE.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	2,705,976	2,369,900	2,340,000	...	29,900	2,470,700	130,700	...
2.—Interest, other Accounts	427	1,600	1,600	...	...	1,700	100	...
4.—Land Revenue ...	649	600	500	...	100	900	400	...
5.—Forest	4,977	4,400	4,400	...	...	5,200	800	...
10.—Salt	223	...	...	...	...	...	...	...
11.—Opium	156	500	100	...	400	500	400	...
12.—Stamps	37,350	27,500	32,800	5,300	...	40,000	7,200	...
14.—Mint	8,283	19,500	3,500	...	16,000	19,800	16,300	...
15.—Post Office ...	127,432	98,200	102,800	4,600	...	100,100	...	2,700
16.—Telegraph ...	96,853	86,100	96,700	10,600	...	102,400	5,700	...
17.—Administration ...	213,771	220,500	240,600	20,100	...	220,100	...	20,500
18.—Minor Departments ...	28,393	21,900	29,900	8,000	...	19,300	...	10,600
19.—Law and Justice ...	949	2,100	400	...	1,700	1,400	1,000	...
21.—Marine	162,565	149,000	155,600	6,600	...	302,900	147,300	...
22.—Education	264	200	500	300	...	400	...	100
23.—Ecclesiastical ...	1,100	400	800	400	...	800	...	...
24.—Medical	7,901	7,600	7,500	...	100	7,500	...	...
25.—Stationery & Printing	103,733	66,300	78,500	12,200	...	87,600	9,100	...
26.—Political	12,240	43,000	71,400	28,400	...	26,300	...	45,100
27.—Allowances and Assignments	21,065	21,100	28,900	7,800	...	61,100	32,200	...
28.—Civil Furlough Allowances	209,860	230,000	217,000	...	13,000	230,000	13,000	...
29.—Superannuations ...	1,322,186	1,335,700	1,371,000	35,300	...	1,356,000	...	15,000
30.—Miscellaneous ...	19,496	20,700	30,000	9,300	...	20,000	...	10,000
31.—Famine Relief ...	313	...	1,500	1,500	...	...	...	1,500
32.—Railways (Frontier Railways) ...	244,426	1,070,000	723,000	...	347,000	404,000	...	319,000
33.—Irrigation ...	1,092	200	5,500	5,300	...	100	...	5,400
34.—Other Works ...	140,045	89,500	90,000	500	...	95,600	5,600	...
36.—Army	4,114,444	4,031,100	4,105,500	74,400	...	4,067,000	...	38,500
„ Military Operations in Afghanistan ...	174,480	20,000	72,600	52,600	...	...	...	72,600
TOTAL ...	9,760,679	9,937,600	9,812,600	...	125,000	9,641,400	...	171,200
Expenditure on Productive Public Works.								
1.—Interest ...	...	156,000	156,000	...	...	239,600	83,600	...
32.—Railways (Guaranteed)	4,702,479	3,257,000	3,254,500	...	2,500	3,267,000	12,500	...
„ E. I. Railway	34,397	1,179,000	1,181,200	2,200	...	1,382,400	201,200	...
33.—Irrigation (Madras Irrigation and Canal Company)	50,109	50,000	50,200	200	...	33,200	...	17,000
	4,786,985	4,642,000	4,641,900	...	100	4,922,200	280,300	...
TOTAL ...	14,547,664	14,579,600	14,454,500	...	125,100	14,563,600	109,100	...
3.—Productive Public Works	540,955	606,000	699,000	93,000	...	458,000	...	241,000
Do. do. E. I. Railway	9,565,939	800,000	...	...	800,000	...	...	...
Do. do. Madras Irrign. & Canal Co.'s undertakings	...	...	...	...	...	1,405,000	1,405,000	...

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

VII.

RECEIPTS AND DISBURSEMENTS AT THE TREASURIES OF THE GOVERNMENT OF INDIA IN INDIA.

RECEIPTS.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82 compared with Regular Estimates, 1880-81.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Imperial revenue ...	68,160,893	66,542,200	68,235,300	1,693,100	...	67,742,300	...	493,000
II.—Public debt* ...	5,191,886	819,700	3,450,500	2,630,800	...	3,000,000	...	450,500
III.—Treasury notes and Service funds ...	920,021	911,000	1,023,300	112,300	...	1,026,200	2,900	...
IV.—Savings banks' deposits	1,009,056	793,000	2,081,000	1,288,000	...	769,000	...	1,312,000
V.—Political and other excluded funds ...	542,923	491,000	481,000	...	10,000	452,000	...	29,000
VI.—Provincial and local surplus... ...	633,077	131,000	202,000	71,000	...	114,000	...	88,000
VII.—Deposits & advances ...	47,350,538	12,194,500	35,906,500	23,712,000	...	24,363,000	...	11,543,500
VIII.—Loans to municipalities, native states, &c.	1,255,075	213,000	238,000	25,000	...	215,000	...	23,000
IX.—Guaranteed railway capital ...	2,221,536	1,459,000	1,582,700	123,700	...	1,542,600	...	40,100
X.—Money orders ...	1,354,477	(a)	4,367,000	4,367,000	...	5,433,000	1,066,000	...
XI.—Remittances in India ...	21,323,357	26,105,000	21,374,000	...	4,731,000	15,930,000	...	5,444,000
XIII.—Remittances between India and England ...	1,314,848	1,054,000	1,592,500	538,500	...	1,879,500	287,000	...
Total ...	151,277,687	110,713,400	140,533,800	29,820,400	...	122,466,600	...	18,067,200
Balance	12,792,153	14,193,075	13,029,894	...	1,163,181	12,799,993	...	229,901
GRAND TOTAL ...	164,069,840	124,906,475	153,563,694	28,657,219	...	135,266,593	...	18,297,101

DISBURSEMENTS.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with Regular Estimates, 1880-81.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Imperial expenditure ...	58,108,249	53,655,400	65,331,500	11,676,100	...	58,572,400	...	6,759,100
2.—Public debt ...	1,182,303	836,700	365,500	...	471,200	30,800	...	334,700
3.—Treasury notes, and Service funds ...	910,272	516,000	822,500	306,500	...	816,400	...	6,100
4.—Savings banks' deposits ...	626,449	669,000	1,006,000	337,000	...	1,146,000	140,000	...
5.—Political and other excluded funds ...	525,245	572,000	670,000	98,000	...	492,000	...	178,000
6.—Provincial and local deficits	19,778	247,000	112,000	...	135,000	821,000	709,000	...
7.—Deposits and advances ...	49,622,827	11,745,500	31,361,400	19,615,900	...	24,412,000	...	6,949,400
8.—Loans to municipalities, native states, &c. ...	1,068,718	232,000	194,000	...	38,000	113,000	...	81,000
9.—Guaranteed railway capital	1,298,789	1,312,500	1,079,800	...	232,700	1,054,400	...	25,400
10.—Money orders ...	1,279,156	(a)	4,259,000	4,259,000	...	5,433,000	1,174,000	...
11.—Remittances in India ...	20,405,762	26,667,000	20,191,001	...	6,475,999	14,998,000	...	5,193,001
12.—Secretary of State's bills paid*	14,914,094	16,900,000	15,201,000	...	1,699,000	17,200,000	1,999,000	...
13.—Remittances between India and England ...	1,078,304	109,200	170,000	60,800	...	178,200	8,200	...
Total ...	151,039,946	113,462,300	140,763,701	27,301,401	...	125,267,200	...	15,496,501
Balance	13,029,894	11,444,175	12,799,993	1,355,818	...	9,999,393	...	2,800,600
GRAND TOTAL ..	164,069,840	124,906,475	153,563,694	28,657,219	...	135,266,593	...	18,297,101

* The Estimates in this Statement of the amounts to be borrowed and to be supplied to the Home Treasury by Bills in 1881-82 are th
that the Secretary of State will raise by Bills the exact amount stated; or that the exact amount state
(a) Taken Net und

et that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself
ill be borrowed during the year; or that it will be borrowed in India or in England as the case may be.
Local Remittances."

Abstract of the above showing how th

Ways and Means are provided.

ACCOUNTS, 1879-80.

	£		£
Surplus of imperial revenue ...	10,052,644	Deposits and advances ...	2,272,289
Public debt ...	4,009,583	Secretary of State's bills paid ...	14,914,094
Treasury notes and service funds ...	9,749	Balance increased ...	237,741
Savings banks' deposits ...	382,607		
Political and other excluded funds ...	17,678		
Surplus of provincial and local revenue ...	613,299		
Loans to municipalities, native states, &c. ...	186,357		
Guaranteed railway capital	922,747		
Money orders ...	75,321		
Remittances ...	154,139		
TOTAL ...	17,424,124	TOTAL ...	17,424,124

REGULAR EST

	£
Surplus of imperial revenue ...	2,903,800
Public debt ...	3,055,000
Treasury notes and service funds ...	200,800
Savings banks' deposits ...	1,075,000
Surplus of provincial and local revenue ...	90,000
Deposits and advances ...	4,545,100
Loans to municipalities, native states, &c. ...	44,000
Guaranteed railway capital ...	502,900
Money orders ...	108,000
Remittances ...	2,605,499
Balance reduced ...	229,901
TOTAL ...	15,390,000

, 1880-81.

	£
Political and other excluded funds ...	189,000
Secretary of State's bills paid ...	15,201,000
TOTAL ...	15,390,000

BUDGET ESTIMATES, 1881-82.

	£		£
Surplus of imperial revenue	9,169,900	Savings banks' deposits ...	377,000
Public debt ...	2,969,200	Political and other excluded funds ...	40,000
Treasury notes and service funds ...	209,800	Deficits of provincial and local revenue ...	707,000
Loans to Municipalities, native states, &c. ...	102,000	Deposits and advances ...	49,000
Guaranteed railway capital ...	488,200	Secretary of State's bills paid ..	17,200,000
Remittances ...	2,633,300		
Balance reduced ...	2,800,600		
TOTAL ...	18,373,000	TOTAL ...	18,373,000

Fort William;
Dept. of Finance & Commerce,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

VIII.

RECEIPTS AND DISBURSEMENTS AT THE HOME TREASURY OF THE GOVERNMENT OF INDIA.

RECEIPTS.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with the Regular Estimates, 1880-81. Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Public revenue ...	323,773	203,800	2,532,700	2,328,900	...	3,238,700	706,000	...
II.—Public debt*	13,435,939	2,013,300	4,955,500	2,942,200	...	4,105,000	...	850,500
III.—Service funds ...	3,512	...	3,700	3,700	...	3,800	100	...
VII.—Deposits and advances ...	123,690	3,500	505,500	502,000	...	3,000	...	502,500
IX.—Guaranteed railway capital	821,907	250,000	232,300	...	17,700	100,400	...	131,900
XII.—Secretary of State's bills drawn	15,261,810	16,900,000	15,090,000	...	1,810,000	17,200,000	2,110,000	...
XIII.—Remittances between India and England	690,439	129,000	298,500	169,500	...	125,500	...	173,000
Total ...	30,661,100	19,499,600	23,618,200	4,118,600	...	24,776,400	1,158,200	...
Balance	1,117,925	1,806,925	2,270,107	463,182	...	3,710,007	1,439,900	...
GRAND TOTAL ...	31,779,025	21,306,525	25,888,307	4,581,782	...	28,486,407	2,598,100	...

DISBURSEMENTS.	Accounts, 1879-80.	Budget Estimates, 1880-81.	Regular Estimates, 1880-81.	Increase.	Decrease.	Budget Estimates, 1881-82.	Budget Estimates, 1881-82, compared with the Regular Estimates, 1880-81. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Public expenditure ...	24,654,558	15,985,600	15,153,500	...	832,100	16,426,600	1,273,100	...
2.—Public debt	2,609,500	1,290,300	4,453,500	3,163,200	...	4,552,200	98,700	...
3.—Service funds	191	...	500	500	...	600	100	...
7.—Deposits and advances ...	7,177	3,500	5,600	2,100	...	2,503,000	2,497,400	...
9.—Guaranteed railway capital	1,279,463	1,078,500	1,037,200	...	41,300	1,104,600	67,400	...
18.—Remittances between India and England	958,029	1,142,800	1,528,000	385,200	...	1,908,800	380,800	...
TOTAL ...	29,508,918	19,500,700	22,178,300	2,677,600	...	26,495,800	4,317,500	...
Balance	2,270,107	1,805,825	3,710,007	1,904,182	...	1,990,607	...	1,719,400
GRAND TOTAL ...	31,779,025	21,306,525	25,888,307	4,581,782	...	28,486,407	2,598,100	...

* The Estimates in this Statement of the amount to be supplied to the Home Treasury by Bills in 1880-81 and of the Debt transactions are the best that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Secretary of State will raise by Bills the exact amount stated, or that the Debt transactions will be carried out as estimated.

Abstract of the above showing how the Ways and Means are provided.

ACCOUNTS, 1879-80.				REGULAR ESTIMATES, 1880-81.		BUDGET ESTIMATES, 1881-82.			
	£		£		£		£		£
Net Public debt ...	10,826,439	Deficit of revenue ...	24,330,785	Net public debt ...	502,000	Deficit of revenue ...	12,620,800	Service funds ...	3,200	Deficit of revenue ...	13,187,900
Service funds	3,351	Net guaranteed railway capital	457,556	Service funds	3,200	Net guaranteed railway capital	804,900	Secretary of State's bills drawn	17,200,000	Net debt	447,200
Net deposits and advances ...	116,513	Net remittances between India and England ...	267,590	Net deposits and advances ...	499,900	Net miscellaneous remittances between India and England	1,229,500	Balance increased ...	1,719,400	Net deposits and advances ...	2,500,000
Secretary of State's bills drawn	15,261,810	Balance increased ...	1,152,182	Secretary of State's bills drawn	15,090,000	Balance increased ...	1,439,900			Net guaranteed railway capital	1,004,200
										Net miscellaneous remittances between India and England	1,783,300
TOTAL ...	26,208,113	TOTAL ...	26,208,113	TOTAL ...	16,095,100	TOTAL ...	16,095,100	TOTAL ...	18,922,600	TOTAL ...	18,922,600

Fort William;
Dept. of Finance and Commerce,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

IX.

CLOSING BALANCES OF THE PROVINCIAL GOVERNMENTS.

	Regular Estimate, 1880-81.			Budget Estimate, 1881-82.		
	Provincial.	Local.	Total.	Provincial.	Local.	Total.
	£	£	£	£	£	£
India General	...	3,900	3,900	...	2,500	2,500
Central Provinces	67,000	40,600	107,600	79,500	31,500	111,000
British Burmah	288,800	92,400	381,200	111,200	23,800	135,000
Assam	46,000	1,100	47,100	12,500	...	12,500
Bengal	463,200	179,100	642,300	88,100	52,100	140,200
North-Western Provinces and Oudh	614,400	278,400	892,800	699,000	304,600	1,003,600
Punjab	141,700	84,700	226,400	135,800	85,900	221,700
Madras	60,800	507,300	568,100	69,000	476,400	545,400
Bombay	112,600	132,600	245,200	132,200	99,100	231,400
Total ...	1,794,500	1,320,100	3,114,600	1,327,300	1,075,900	2,403,200

Fort William;
Dept. of Finance and Commerce,
The 25th March 1881.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

J. WESTLAND,
Offg. Comptroller General.

R. B. CHAPMAN,
Secy. to the Govt. of India.

Table I.—*Miscellaneous.*

	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
	£	£	£	£	£	£	£	£
Deficit of recorded Revenue compared with whole recorded Expenditure	3,930,374	2,601,664	5,992,062	8,334,139	2,337,507	4,547,279	9,717,000	4,018,000
Productive Public Works, Capital Expenditure	4,249,571	4,270,629	3,809,284	4,791,052	4,381,898	3,364,330	3,448,000	4,873,000
Recorded Revenue compared with the recorded Expenditure, excluding Expenditure on Productive Public Works—								
Surplus	319,197	1,668,945	.....	.....	2,044,391	.....	.....	855,000
Deficit	.....	.....	2,182,778	3,543,087	.....	1,182,949	6,269,000	.....
Net Public Debt incurred	8,398,168	4,109,522	4,750,145	7,345,416	4,199,268	5,105,160*	3,587.000	2,522,000
Net Public Debt incurred, including Capital transactions with Guaranteed Railway and other Companies and Native States, &c.	4,382,300	2,878,300	3,317,000	6,496,200	3,209,100	5,756,708	3,329,000	2,108,000
Value of commodities exported, excluding Gold and Silver ...	56,359,000	58,091,000	61,014,000	65,222,000	60,937,000	67,212,000		
Value of commodities imported, excluding Gold and Silver ...	36,222,000	38,887,000	37,428,000	41,464,000	37,800,000	41,166,000		
Excess of Exports over Imports, excluding Gold and Silver ...	20,137,000	19,204,000	23,586,000	23,758,000	23,137,000	26,046,000		
Net imports of Gold	1,874 000	1,545,000	207,000	468,000	(Exports) 896,000	1,750,000		
Net imports of Silver	4,642,000	1,553,000	7,199,000	14,676,000	3,970,000	7,870,000		
Total Net Imports of Gold and Silver	6,516,000	3,098,000	7,406,000	15,144,000	3,074,000	9,620,000		
Excess of Exports over Imports, including Gold and Silver ...	13,621,000	16,106,000	16.180.000	8,614,000	20,063,000	16,426,000		
Grand total value of Imports and Exports of all kinds ...	102,348,000	104,480,000	113,908,000	126,252,000	109.777,000	122.069.000		
Secretary of State's Bills sold (Rupees) ... ... Rs.	11,74.37,000	13,75,00,000	14,85,70,000	11.69,85,000	16,91,24,000	18,35,00,000	18.15,00,000	20,64,00,000
Sterling Equivalent received ... ... £	10,841,600	12,390,000	12.696,000	10,134,000	13,949,000	15,261,810	15,092.000	17,200,000
Silver coined at the Indian Mints	4,897,000	2,550,000	6,271,000	16,180.000	7,210,770	10,257,093	4,112,230	
Gold coined in Germany	.....	12,756,000	2,873,000	7,112,000	5,475,340	1,509,877		
Silver coined in Germany	.....	6,602,000	9,523,000	1,669,000	88,498	...		
Maximum price of an oz. troy standard Silver in London	59¼d. (25th April)	57⅜d. (27th April)	58⅛d. (18th Jan.)	55⅝d. (8th Oct.)	54¼d. (2nd April)	53⅜ (Nov.)	52⅛ (July)	
Minimum ditto	57d. (9th March)	52⅛d. (22nd March)	47d. (7th July)	53½ (21st June)	48½d. (21st Dec.)	49⅜ (April)	51 (January)	
Maximum price of a sovereign in Calcutta ... ... Rs.	10 12 0	11 12 0	13 (7th July)	11 14 0 (5th Sept.)	12 11 (May)	12 11 (May)	12—1 to 6 (throughout the year).	
Minimum ditto ... ... ,,	10 9 0	11	11 Rs. 3as. (6th Feb.)	11 4 0 (10th April)	11 11 (11th June)	11 15 (Jan.)		
Average exchange upon Secy. of State's Bills sold per rupee £	1s. 10·22d.	1s. 9·64d.	1s. 8·49d.	1s. 8·79d.	1s. 7·761d.	1s. 7·96d.	1s. 7·95	1s. 8d.
Fixed rate of exchange for the adjustment of transactions between the Indian and Imperial Treasuries	1s. 10d.	1s. 10½d.	1s. 9⅜d.	1s. 9½d.	1s. 9d.	1s. 7½d.	1s. 8⅜d.	1s. 8d.
Maximum rate of discount on Loans on demand at the Bank of Bengal, Calcutta	11 (11th April)	9 (May)	11 (April)	12 (May)	9 (1st April)	9 (April)	7 (April)	
Minimum ditto	3½ (July to Nov.)	4 (Nov. & Dec.)	5 (Aug. & Sept.)	(Dec. & Jan.)	3 (7th Nov.)	3 (Jan.)	3 (Nov. to Jan.)	
Maximum rate of discount at the Bank of England ...	6 (Dec.)	4 (Oct. & Jan.)	2 throughout the year	5 (Oct. & Nov.)	6 (Oct. & Nov.)	3 (Apl. to Oct.)	3 (April)	
Minimum ditto	2½ (July)	2 (Aug.)		2 subsequently)	2½ (30th May)	2 (Nov. to Feb.)	2½ (Subsequently)	
Maximum money balances of the three Presidency Banks ...	6.927,800 (July)	7,041,800 (July)	6,382.700 (July)	7,574,900 (Jan.)	6,978,500 (July)	7,733,500 (Feb.)	7,472 500 (Feb.)	
Minimum ditto	4,359,200 (May)	4,762,300 (May)	4,132,500 (Oct.)	3,672,200 (April)	4,589,300 (Jan.)	4,150,400 (April)	4,814 500 (May)	
Maximum price in Calcutta of Govt. Four per cent. Rupee Securities	104⅛ (15th July)	102⅞ (3rd June)	102⅜ (25th July)	98¼ (27th June)	97 (July & Aug.)	95⅜ (July)	102 0 (Mar.)	
Minimum ditto	101¼ (25th March)	99 (21st March)	96½ (13th Jan.)	92 (8th Sept.)	91⅞ (March)	91¼ (May)	93 10 (May)	
Maximum amount outstanding on London Register, of Rupee Securities enfaced for interest drafts	14,214,617 (Nov.)	14,407,861 (Oct.)	14,125.982 (April)	14,588,744	15,950,002 (Feb.)	19,431,239 (Mar.)	19,736 553 (June)	
Minimum ditto	13,098,988 (May)	14,111,441 (April)	12,655.322 (Dec.)	13,057,964	13,826,493 (Oct.)	15,908,182 (May)	18,726.346 (Feb.)	
Maximum price in London of such securities (in Gold)	98	93¼ (7th April)	92 (15th Dec.)	84⅛ (5th April)	81¾ (1st April)	80⅜ (Oct.)	84¼ (Feb. & Mar.)	
Minimum ditto	93½	82 (4th March)	77 (6th July)	81¼ (23rd Jan.)	72 (23rd Oct.)	71½ (May)	78 (May)	
Maximum price in London of Secretary of State's Four per cent. Sterling Bonds	104⅞ (Feb.)	106½ 5th Aug.)	104⅜ (22nd Feb.)	104½ 30th Aug.)	104½ July & Aug.)	105½	105⅜ (Jan.)	
Minimum ditto	100⅜ (April)	102⅞ (3rd June)	101 (20th Oct.)	100⅛ (21st Mar.	97 (Oct.)	100⅜	101¼ (Sep.)	
Maximum Government Paper Currency outstanding ...	11,327,607 (7th Feb.)	12,161,224 (22nd Oct.)	12,551,185 (7th Feb.)	15.757,790 (15th Jan.)	14,584,900 (Sept.)	14,329,700 (Jan.)	14,513 100 (Dec.)	
Minimum ditto	9,221,438 (7th April)	10,668,628 (7th May)	10,582.294 (15th May)	11,130,528 (30th April)	11,423,600 (March)	11,113,800 (June)	12,528 400 (Apl.)	
Number of Savings Banks	326	330	340	343	338	371	384	
Number of Depositors in Savings Banks	67.316	73,401	80,004	83,518	84,503	91,288	106,058	
Amount deposited in Savings Banks	1,746,793	1,895,452	1,936,193	1,925,335	1,912,401	2,282,823	3,229,472	
Average of each Deposit	25	25	24	23	22	25	30	
Net addition to Deposits	9,936	148,659	40,741	10,858 (Decrease)	12,934 (Decrease)	370,422	946,649	
Cash Reserve at the Bank of France in December of each year —in 000's of Francs	1,325,300	1,679,300	2,169,000	2,042,500	2,041,700	1,979,017	1,786,873	
Silver ditto ditto ...	313,300	505,000	638,600	865,400	1,058,100	1,220,501	1,222,604	
Percentage of Silver on the Total Reserve	24	31	30	43	52	62	68	

* Exclusive of £ 9,730,963 Debt incurred for the purchase of the East Indian Railway.

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE II.—*Sea-borne Trade for the year.* (*Principal articles arranged in order of their declared value.*)

No.	EXPORTS.		1875-76.	1876-77.	1877-78.	1878-79.	1879-80.
1	OPIUM—						
	Quantity	Chests	88,350	96,870	92,820	91,200	105,507
	Value	£	11,148,426	12,404,748	12,374,355	12,993,979	14,323,314
	Average declared value per chest, in Rupees	Rs.	1,261	1,281	1,333	1,425	1,358
2	COTTON—						
	Raw—						
	Quantity	Cwt.	5,009,788	4,557,914	3,459,077	2,966,060	3,948,476
	Value	£	13,278,964	11,746,184	9,383,534	7,913,046	11,145,453
	Average declared value per lb.— Annas		As. 3 9	As. 3 8	As. 3 10	As. 3 10	As. 4 0
	Average declared value per lb.— Pence, at average exchange		5·13	4·71	4·98	4·73	4·98
	Twist and Yarn—						
	Quantity	Lbs.	6,228,511	7,926,710	15,600,291	21,332,508	25,862,474
	Value	£	266,951	367,303	682,059	886,481	1,109,23[illegible]
	Average declared value per lb.	Annas	As. 6 10	As. 7 5	As. 7 0	As. 6 7	6[illegible]
	Other manufactures—Value	£	396,472	445,079	460,674	511,498	12,518
	Average declared value per yard— Grey or unbleached	Annas	As. 2 6	As. 2 6	As. 2 3	As. 2 1	As. 2 0
	Average declared value per yard— Coloured, printed, or dyed	„	As. 4 9	As. 5 3	As. 4 10	As. 4 7	As. 4 5
	Percentage of manufactures on whole value exported		4·76	6·47	10·85	15·01	12·70
3	RICE AND PADDY—						
	Quantity	Cwt.	20,416,032	19,914,334	18,428,386	21,237,233	22,165,765
	Value	£	5,311,095	5,815,221	6,950,276	8,973,722	8,402,502
	Average declared value of husked rice per cwt.— Rupees		2 9 8	2 15 1	3 12 6	4 4 4	3 12 11
	Average declared value of husked rice per cwt.— Shillings, at average exchange		4·70	5·02	6·55	7·03	6·83
4	JUTE—						
	Raw and manufactured—Value	£	3,294,521	3,356,124	4,289,241	4,898,860	5,565,394
	Average declared value of raw jute per cwt.— Rupees		5 6 2	5 13 1	6 7 3	6 5 0	6 8 8
	Average declared value of raw jute per cwt.— Shillings, at average exchange		9·72	9·94	11·18	10·39	10·87
	Percentage of manufactures on whole value exported		14·85	21·43	17·97	22·42	21·48
5	SEEDS—						
	Quantity	Cwt.	10,506,822	9,582,865	12,187,020	7,200,977	7,091,469
	Value	£	5,461,982	5,319,124	7,360,284	4,675,036	4,685,893
	Average declared value of linseed per cwt.— Rupees		5 4 6	5 5 11	5 13 10	6 3 11	6 8 8
	Average declared value of linseed per cwt.— Shillings, at average exchange		9·52	9·17	10·16	10·28	10·87
6	HIDES AND SKINS—						
	Quantity	No.	19,433,332	19,792,877	22,916,317	21,223,403	24,291,356
	Value	£	2,943,575	2,998,684	3,756,888	3,096,847	3,738,00[illegible]
	Percentage of dressed or manufactured to whole value		40·44	49·77	48·29	42·06	36·39
7	TEA—						
	Quantity	Lbs.	24,361,599	27,784,124	33,459,075	34,432,573	38,173,[illegible]
	Value	£	2,166,417	2,607,425	3,044,571	3,138,424	3,051,0[illegible]
	Average declared value per lb.— Annas		As. 14 3	As. 15 0	As. 14 6	As. 14 7	As. 12 9
	Average declared value per lb.— Shillings, at average exchange		1·60	1·60	1·57	1·50	1·33
8	INDIGO—						
	Quantity	Cwt.	110,392	100,384	120,605	105,051	100,923
	Value	£	2,875,062	2,962,785	3,494,334	2,960,462	2,947,[illegible]
	Average declared value per cwt.— Rupees		260 7 0	295 2 4	289 11 9	281 13 0	292 0 5
	Average declared value per cwt.— Sterling, at average exchange	£	23·48	25·19	25·09	23·20	24·26
9	COFFEE—						
	Quantity	Cwt.	371,986	302,489	297,327	341,186	359,[illegible]
	Value	£	1,627,027	1,345,822	1,338,499	1,543,643	1,626,[illegible]
	Average declared value per cwt.— Rupees		43 11 10	44 7 10	45 0 3	45 3 11	45 4 5
	Average declared value per cwt.— Shillings, at average exchange		78·88	75·97	77·98	74·50	75·23
10	WOOL—						
	Raw and manufactured—Value	£	1,295,193	1,293,490	1,151,518	1,243,275	1,242,[illegible]
	Average declared value of raw wool per lb.— Annas		As. 7 4	As. 7 2	As. 6 6	As. 6 4	As. 6 [illegible]
	Average declared value of raw wool per lb.— Pence, at average exchange		9·95	9·22	8·44	7·82	8·[illegible]
11	WHEAT—						
	Quantity	Cwt.	2,498,185	5,583,336	6,340,150	1,044,709	2,195,[illegible]
	Value	£	901,026	1,956,332	2,856,990	513,778	1,121,0[illegible]
	Average declared value per cwt.— Rupees		3 9 8	3 8 0	4 8 1	4 14 8	5 1 [illegible]
	Average declared value per cwt.— Shillings, at average exchange		6·51	5·98	7·80	8·09	8·[illegible]
12	SILK—						
	Raw and manufactured—Value	£	656,728	1,000,566	854,629	746,687	744,[illegible]
	Average declared value of raw silk per lb.— Rupees		3 2 9	5 7 8	4 10 5	4 4 7	3 10 1[illegible]
	Average declared value of raw silk per lb.— Shillings, at average exchange		5·72	9·25	8·06	7·06	6·1[illegible]
13	OILS—						
	Value	£	423,583	377,740	371,552	537,579	569,4[illegible]
14	SALTPETRE—						
	Quantity	Cwt.	415,080	466,218	389,002	382,405	509,2[illegible]
	Value	£	348,949	381,706	379,002	361,766	469,7[illegible]
	Average declared value per cwt.— Rupees		8 6 7	8 3 0	9 11 11	9 7 4	9 3 [illegible]
	Average declared value per cwt.— Shillings, at average exchange		15·16	13·96	16·88	15·57	15[illegible]
15	LAC—						
	Value	£	755,747	536,976	362,048	298,716	371,[illegible]
16	TEAK WOOD—						
	Quantity	Cubic Tons.	60,612	45,108	56,939	37,413	38,[illegible]
	Value	£	440,618	332,764	406,652	268,959	281,[illegible]
	Average declared value per cubic ton— Rupees		72 11 1	73 12 4	71 6 8	71 14 3	73 0 [illegible]
	Average declared value per cubic ton— Sterling, at average exchange	£	6·83	6·29	6·19	5·72	5·[illegible]
17	SUGAR—						
	Value	£	253,937	925,196	745,851	204,360	20[illegible]

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

Sea-borne Trade for the year, &c.—continued.

No.	IMPORTS.		1875-76.	1876-77.	1877-78.	1878-79.	1879-80.
1	COTTON—						
	Twist and Yarn—						
	Quantity	Lbs.	31,927,340	33,270,208	36,196,661	33,145,651	33,212,952
	Value	£	2,794,769	2,733,535	2,850,616	2,779,774	2,745,306
	Average declared value per lb. Annas		14·00	13·14	12·60	13·42	13·23
	Average declared value per lb. Pence, at average exchange		1*s.* 6·93*d.*	1*s.* 4·83*d.*	1*s.* 4·37*d.*	1*s.* 4·57*d.*	1*s.* 4·48*d.*
	Other manufactures—						
	Value	£	16,463,875	16,012,932	17,332,639	14,137,694	16,923,747
	TOTAL COTTON GOODS—Gross Imports	£	19,258,644	18,746,467	20,183,255	16,917,468	19,669,053
	Re-exports—						
	Twist and Yarn—						
	Quantity	*Lbs.*	*792,668*	*839,539*	*934,437*	*754,648*	*842,239*
	Value	£	*57,424*	*58,423*	*62,733*	*51,217*	*54,713*
	Other manufactures—						
	Value	£	*984,105*	*1,064,392*	*1,089,614*	*1,132,627*	*1,061,457*
	Total Re-exports	£	*1,041,529*	*1,122,815*	*1,152,347*	*1,183,844*	*1,116,169*
	TOTAL COTTON GOODS—Net Imports	£	18,217,115	17,623,652	19,030,908	15,733,624	18,552,884
	METALS	Value £	3,310,452	3,722,165	3,736,958	3,372,903	3,444,195
	RAILWAY PLANT AND ROLLING-STOCK	„ „	1,079,105	1,194,145	1,727,560	1,491,831	1,528,497
	SILK (Raw and Manufactured)	„ „	1,403,755	1,036,684	1,482,951	1,491,285	1,521,126
	LIQUORS	„ „	1,702,197	1,585,345	1,683,655	1,372,487	1,496,108
	COAL (excluding coke and patent fuel)—						
	Quantity	Tons.	388,480	523,384	603,731	473,027	587,634
	Value	£	647,562	918,309	1,004,942	881,444	1,125,482
	Average declared value per ton— Rupees		16·67	17·54	16·64	18·63	19·15
	Average declared value per ton— Shillings, at average exchange		31·01	30·34	28·83	30·68	31·82
	SUGAR	Value £	895,927	403,556	798,036	1,480,880	1,068,788
	PROVISIONS	„ „	713,537	661,059	858,797	975,835	1,048,832
	WOOLLEN MANUFACTURES	„ „	1,119,274	911,890	955,142	961,666	1,028,450
	SALT—						
	Quantity	Tons.	365,251	298,776	254,231	274,180	353,228
	Value	£	600,934	430,890	401,366	598,612	762,[illegible]
	Average declared value per ton— Rupees		16·45	14·42	15·78	21·85	21·55
	Average declared value per ton— Shillings, at average exchange		29·66	24·62	27·35	35·65	35·97
	MACHINERY AND MILL-WORK	Value £	1,439,921	963,504	873,960	893,875	644,192
	APPAREL	„ „	634,257	542,915	579,106	546,089	561,293
	OILS	„ „	70,212	78,413	295,667	369,865	545,981
	SPICES	„ „	395,988	432,989	488,884	509,043	526,328

TABLE III.—*Sea-borne Trade for the first Eleven Months.* (*Principal articles arranged in order of their declared value.*)

	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
	£	£	£	£	£
[illegible] of commodities exported, exluding gold and silver	54,413,515	58,786,932	54,091,635	59,415,349	66,289,026
[illegible] of commodities imported, exluding gold and silver	33,707,391	37,951,251	35,074,932	37,227,741	48,396,963
Excess Exports	20,706,124	20,835,681	19,016,703	22,187,608	17,892,663
[illegible] of silver	6,750,153	13,545,183	2,918,401	7,383,811	3,699,808
[illegible] of gold	— 49,496	357,368	—626,355	1,541,408	3,301,373
TOTAL NET IMPORTS OF GOLD AND SILVER	6,700,657	13,902,551	2,292,046	8,925,219	7,001,181
GRAND TOTAL IMPORTS AND EXPORTS OF ALL KINDS	102,474,278	114,868,660	98,314,520	109,525,192	124,447,626

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE III.—*Sea-borne Trade for the first Eleven Months*—continued.

No.	EXPORTS.		ELEVEN MONTHS, 1ST APRIL TO THE END OF FEBRUARY				
			1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1	COTTON, RAW — Quantity ... ... Cwts.		4,019,557	2,946,559	2,506,961	3,319,874	3,972,192
	Value ... ... £		10,252,348	7,954,923	6,729,895	9,241,633	11,634,098
	Average value per lb. ... Rs.		0-3-8	0-3-10	0-3-10	0-4-0	0-4-2
	,, MANUFACTURES—						
	Twist and Yarn — Quantity ... ... lbs.		7,218,187	13,718,966	19,594,511	23,630,781	23,883,678
	Value ... ... £		335,068	600,833	817,972	1,000,194	1,136,519
	Average value per lb. ... Rs.		0-7-5	0-7-0	0-6-8	0 6-9	0-[illegible]
	Other manufactures—Value ... ... £		404,603	423,569	465,000	467,440	577,2[illegible]
	TOTAL COTTON (RAW AND MANUFACTURED) ... £		10,992,019	8,979,325	8,012,867	10,709,267	13,347,864
2	OPIUM — Quantity ... ... Chests		89,237	85,168	83,386	99,011	82,609
	Value ... ... £		11,445,898	11,334,275	11,897,361	13,420,510	12,164,628
	Average value per chest ... Rs.		1,282-10-3	1,330-13-0	1,426-12-6	1,355-7-4	1,472-5-11
3	RICE AND PADDY — Quantity ... ... Cwts.		15,508,828	14,138,721	16,090,476	16,588,376	21,439,05[illegible]
	Value ... ... £		4,523,370	5,417,382	7,118,646	6,541,246	7,292,50[illegible]
	Average value per cwt. ... Rs.		2-14-8	3-13-4	4-6-9	3-15-1	3-6-[illegible]
4	SEEDS — Quantity ... ... Cwts.		8,989,799	11,802,148	6,812,445	6,463,499	9,369,68[illegible]
	Value ... ... £		4,971,485	7,124,931	4,394,656	4,251,900	5,805,96[illegible]
	Average value per cwt. ... Rs.		5-8-6	6-0-7	6-7-3	6-9-3	6-3-[illegible]
5	JUTE (Raw and Manufactured)—Value ... £		3,123,413	4,056,745	4,533,824	5,198,029	4,669,807
6	INDIGO — Quantity ... ... Cwts.		97,152	114,639	97,066	97,191	107,379
	Value ... ... £		2,885,414	3,346,310	2,759,786	2,849,138	3,333,943
	Average value per cwt. ... Rs.		297-0-0	292-10-8	284-5-2	293-2-4	309-14-10
7	HIDES AND SKINS — Quantity ... ... Cwts.		563,486	795,693	696,962	846,383	725,[illegible]
	Value ... ... £		2,622,367	3,330,975	2,714,765	3,289,933	3,324,[illegible]
	Average value per cwt. ... Rs.		46-8-7	41-13-10	38-15-3	38-13-11	45-13-[illegible]
8	WHEAT — Quantity ... ... Cwts.		5,143,760	6,314,401	1,040,517	1,965,699	6,948,309
	Value ... ... £		1,788,951	2,843,273	511,097	1,002,935	3,047,228
	Average value per cwt. ... Rs.		3-7-8	4-8-1	4-14-7	5-1-8	4-6-[illegible]
9	TEA — Quantity ... ... lbs.		27,085,246	32,277,010	33,082,156	36,893,092	45,283,[illegible]
	Value ... ... £		2,542,300	2,940,990	3,020,107	2,954,053	2,978,[illegible]
	Average value per lb. ... Rs.		0-15-0	0-14-7	0-14-7	0 12-10	0-10-[illegible]
10	COFFEE — Quantity ... ... Cwts.		220,857	241,917	259,239	271,872	311,[illegible]
	Value ... ... £		975,439	1,085,431	1,160,533	1,235,129	1,356,[illegible]
	Average value per cwt. ... Rs.		44-2-8	44-13-11	44-12-3	45-6-11	43-[illegible]
11	WOOL (Raw and Manufactured)—Value ... £		1,195,587	1,043,240	1,139,733	1,116,924	1,150,[illegible]
12	SILK (Raw and Manufactured)—Value ... ... £		908,732	813,575	656,377	643,113	674,[illegible]
13	LAC ... ... £		474,331	335,694	260,880	292,663	490,[illegible]
14	OILS ... ... £		331,221	343,838	481,620	521,630	490,[illegible]
15	TEAK — Quantity ... ... C. tons		39,654	47,507	34,739	35,996	53,[illegible]
	Value ... ... £		292,264	336,575	251,297	262,116	447,[illegible]
	Average value per ton ... Rs.		73-11-3	70-13-7	72-5-5	72-13-1	75-[illegible]
16	SALTPETRE — Quantity ... ... Cwts.		411,841	347,412	347,646	468,325	3[illegible]
	Value ... ... £		336,778	338,745	330,129	430,781	3[illegible]
	Average value per cwt. ... Rs.		8-2-10	9-12-0	9-7-11	9-3-2	[illegible]
17	SUGAR ... ... £		714,792	702,228	189,671	181,813	2[illegible]

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE III.—*Sea-borne Trade for the first Eleven Months*—concluded.

No.	IMPORTS.		ELEVEN MONTHS, 1ST APRIL TO THE END OF FEBRUARY				
			1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1	COTTON— Twist and yarn — Quantity ... ... lbs.		29,713,296	33,615,031	31,462,504	30,521,133	42,079,080
	Value ... ... £		2,460,026	2,644,226	2,636,065	2,516,134	3,397,822
	Average value per lb. ... Rs.		0-13-3	0-12-7	0-13-5	0-13-2	0-13-0
	Ditto in sterling average exchange		1*s.* 5*d.*	1*s.* 4½*d.*	1*s.* 4⅜*d.*	1*s.* 4½*d.*	1*s.* 4*d.*
	Other manufactures—Value ... ... £		14,442,496	15,882,536	13,158,267	15,269,766	20,869,730
	TOTAL COTTON GOODS—Gross Imports ... £		16,902,522	18,526,762	15,794,332	17,785,900	24,267,552
	Re-exports—						
	Twist and yarn — *Quantity* ... ... *lbs.*		*707,556*	*825,057*	*690,653*	*787,622*	*550,760*
	Value ... ... £		*49,355*	*55,642*	*47,310*	*51,185*	*41,994*
	Average value per lb. ... *Rs*		*0-11-2*	*0-10-9*	*0-11-0*	*0-10-5*	*0-12-2*
	Other manufactures—Value ... ... £		*955,194*	*975,305*	*1,051,219*	*964,739*	*1,025,671*
	Total Re-exports ... ... £		*1,004,549*	*1,030,947*	*1,098,529*	*1,015,924*	*1,067,665*
	TOTAL COTTON GOODS—Net Imports ... £		15,897,973	17,495,815	14,695,803	16,769,976	23,199,887
2	METALS ... ... Value £		3,251,684	3,361,106	3,133,901	3,109,394	3,521,651
3	RAILWAY PLANT AND ROLLING-STOCK ... ... ,, ,,		1,089,544	1,511,066	1,362,057	1,274,238	2,410,218
4	SILK (Raw and Manufactured) ... ... ,, ,,		948,267	1,382,941	1,400,078	1,382,987	2,226,271
5	SUGAR ... ... ,, ,,		377,098	748,182	1,306,048	965,266	1,497,415
6	LIQUORS ... ... ,, ,,		1,442,234	1,555,869	1,227,862	1,369,560	1,406,672
7	WOOLLEN MANUFACTURES ... ... ,, ,,		867,825	915,770	909,447	966,691	1,395,628
8	COAL (excluding Coke and Patent Fuel)— Quantity ... ... Tons		428,139	523,265	425,931	526,263	618,720
	Value ... ... £		769,269	868,715	803,331	1,007,428	1,120,762
	Average value per ton ... ... Rs.		17-15-6	16 9-8	18-13-9	19-2-3	18-1-10
9	PROVISIONS ... ... Value £		600,101	785,861	907,559	965,873	885,996
10	MACHINERY AND MILLWORK ... ... ,, ,,		880,780	813,487	832,819	593,908	713,842
11	APPAREL ... ... ,, ,,		497,837	533,316	500,866	510,774	631,074
12	SALT — Quantity ... ... Tons		279,307	236,732	247,722	317,843	351,101
	Value ... ... £		400,675	365,405	535,395	693,994	621,991
	Average value per ton ... ... Rs.		14-5-6	15-7-0	21-9 10	21-13-4	17-11-5
13	SPICES ... ... Value £		397,192	427,975	486,486	454,045	501,738
14	OILS ... ... ,, ,,		68,052	270,372	359,258	518,805	487,156

TABLE IV.—*Wholesale Prices of typical commodities in Gold and Silver in London and Calcutta in December of each year.*

(*Prices of March 1873=100.*)

IN LONDON—(*prices quoted from the* LONDON ECONOMIST.)	MEASURED IN GOLD.							MEASURED IN SILVER.*						
	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1874.	1875.	1876.	1877.	1878.	1879.	1880.
Scotch Pig Iron (Warrants) ...	68	54	49	43	36	55	43	71	58	51	48	44	63	50
Coals, Hetton, Wallsend (London) ...	90	75	57	55	60	50	52	94	79	59	61	72	57	60
Copper, Chili Bars ...	93	92	85	74	64	74	68	97	98	90	82	77	85	78
Straits Tin ...	65	56	52	45	42	62	63	67	60	54	50	50	71	73
Wheat ...	81	83	91	94	72	85	77	84	88	96	104	87	97	89
Flour, town-made ...	82	90	82	98	69	86	81	85	96	86	109	83	98	93
Beef, inferior ...	110	128	98	85	90	85	100	115	136	102	94	108	97	116
Cotton, No. 40, Mule Twist	83	86	80	71	61	77	75	88	91	84	78	78	87	87
Wool, Southdown Hogs	89	85	80	76	65	71	76	93	91	85	84	78	81	87
Sugar, Foreign Muscovado	87	77	113	74	80	95	80	91	82	119	82	96	108	92
Coffee	97	105	101	98	73	83	71	101	111	106	109	88	94	81
Pepper	95	78	69	63	*Nil*	...	...	100	83	73	70	*Nil*	...	...
Saltpetre	80	83	87	98	89	96	102	82	88	92	109	108	110	118
Gold	...	...	...	...	...	...	...	104	106	105	111	120	114	115
Silver	96	94	95	90	83	88	86	...	...	...	...	...	...	...
IN CALCUTTA (*prices quoted from the* CALCUTTA PRICE CURRENT.)														
Grey Shirtings (8¼ lbs.)								84	84	78	73	74	81	80
Mule Twist, White, good, No. 40 ...								91	87	87	75	75	88	83
,, ,, Turkey red, No. 40 (12 lbs.) ...								104	94	85	85	78	77	69
,, ,, Orange, No. 40—60 ...								93	87	90	83	73	87	86
Copper, Sheathing								100	102	93	83	80	87	80
Iron, flat, bolt, bar and square ...								89	78	68	60	56	76	56
Spelter, hard								118	148	143	130	107	121	95
Hides, buffalo, slaughtered ...								88	75	104	75	69	96	93
Indigo, good								*Nil*	90	110	86	100	119	105
Jute, picked								137	125	150	147	153	169	148
Lac, dye, fine								60	55	69	58	54	73	49
Shellac, fine orange								183	119	68	49	56	153	122
Linseed, fine bold clean								110	92	102	106	*Nil*	120	104
Rice, Balsam								153	135	159	168	259	153	108
Silk, raw, Cossimbazar								58	40	98	80	69	87	80
Silk, Benares								87	87	88	*Nil*	...	...	...
Tea, good Souchong								123	104	123	100	77	82	64
Wheat, Doodlah								96	78	96	104	109	109	92
Gold								100	102	103	105	109	110	115

* The values measured in silver in London have been calculated from the values in gold on the basis of the price of standard silver in London.

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE V.—*Actual CAPITAL EXPENDITURE on STATE RAILWAYS in 1879-80, and estimated Expenditure on such works in 1880-81 and 1881-82, and to the end of 1881-82.*

	Accounts, 1879-80.	1880-81. Regular Estimate.	1881-82. Budget-Estimate.	To end of 1881-82.	Sanctioned outlay.	Balance remaining unspent.
	£	£	£	£	£	£
East Indian	9,730,861	632,000	860,000	11,223,000	...	...
Rajputana	256,252	337,000	307,000	5,589,000	5,589,000	...
Western Rajputana	606,982	373,000				
Sindia	118,791	58,000	52,000	891,000	904,000	13,000
Holkar	30,546	18,000	15,000	1,270,000	1,270,000	...
Sindia-Neemuch	207,008	80,000	31,000	1,455,000	1,455,000	...
Neemuch-Nasirabad	14,799	362,000	223,000	632,000	824,000	192,000
Wurdah Coal	7,844	13,000	13,000	590,000*	590,000	...
Nagpur-Chattisgurh	255,755	201,000	197,000	780,000	837,000	57,000
Rangoon and Irrawaddy Valley	35,258	16,000	21,000	1,284,000	1,284,000	...
Rangoon and Sittang Valley†	82	...	300,000	318,000	1,170,000†	852,000
Northern Bengal	123,602	34,000	25,000	2,133,000	2,133,000	...
Tirhoot	22,136	21,000	6,000	572,000	572,000	...
Tirhoot Extensions	—1	6,000	251,000	264,000	430,000	166,000
Patna and Gya...	74,880	31,000	18,000	376,000	376,000	...
Nalhatti	608	—1,000	...	33,000	33,000	...
Calcutta and South-Eastern	—1,609	—1,000	—2,000	671,000	671,000	...
Cawnpore-Farakhabad	137,964	104,000	10,000	312,000	312,000	...
Ghazipore-Dildarnagar	45,233	14,000	3,000	62,000	62,000	...
Muttra-Hathras	109,562	...	7,000	117,000	117,000	...
Muttra-Achneyra	5,311	40,000	25,000	70,000	90,000	20,000
Dhond and Manmad	116,215	—26,000	19,000	1,021,000	1,021,000	...
Indus Valley	337,939	275,000	271,000	6,675,000	6,675,000	...
Punjab Northern	736,331	653,000	128,000	4,589,000‡	4,589,000	...
Fluctuations in Store Balances	—126,199	69,000	—213,000	208,000	...	—208,000
Reserve		14,000	191,000	205,000	...	—205,000
	3,115,319	2,691,000	1,898,000	30,117,000	31,004,000	887,000
Deduct—PRODUCTIVE PUBLIC WORKS outlay included in the above.	2,680,493	2,045,000	1,780,000	28,415,000	...	...
Balance ORDINARY OUTLAY ...	434,826	646,000	118,000	1,702,000	...	...
Railways constructed wholly from ORDINARY FUNDS—						
Frontier Railways—						
Punjab Northern, Northern Section ...	281,010	1,010,000	726,000	2,044,000	...	...
Kandahar	916,275	675,000	148,000	1,750,000	...	...
Stores and Reserve	137,064	543,000	—84,000	596,000	...	...
Bhopal	...	...	70,000	70,000	125,000	55,000
Sonapur-Mugra	...	22,000	75,000	98,000	...	...
Parbatipore-Dinagepore§	...	...	44,000	44,000§	...	...
Patri Salt Branch	1,000	...	...	82,000	90,000	60,000
Total ORDINARY ...	1,770,175	2,896,000	1,097,000	6,386,000	...	...
GRAND TOTAL ...	4,450,668	4,941,000	2,877,000	34,801,000	...	...

* Includes outlay on the Warora Colliery.
† Not yet sanctioned by Secretary of State.
‡ Includes £ 11,806 under Productive Public Works expended on the line beyond Rawalpindi.
§ Not yet sanctioned.

APPENDIX.

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TABLE VI.—*Actual Capital Expenditure on works of Irrigation, &c., for which Capital and Revenue Accounts are kept, in 1879-80, and estimated Expenditure on such works in 1880-81, 1881-82 and to the end of 1881-82, &c.*

	1879-80, Actuals.	1880-81, Regular estimate.	1881-82, Budget-estimate.	To END OF 1881-82. Outlay against current sanctions.	Outlay against sanctions that have expired.	Total.	Estimated cost (current sanctions).	Balance of current sanctions remaining to be spent.
	£	£	£	£	£	£	£	£
PRODUCTIVE PUBLIC WORKS—								
Orissa canals	46,310	56,500	37,500	1,971,600	...	1,971,600	1,931,000	...
Midnapore canal	16,033	21,000	10,000	780,000	...	780,000	768,000	...
Tidal canal	...	...	...	177,300	...	177,300	177,000	...
Sone canals	97,694	72,500	67,500	2,316,300	...	2,316,000	2,736,000	420,000
Ganges canal	27,944	40,400	30,100	267,700	2,343,000	2,610,700	631,000	383,300
Agra „	2,855	5,100	7,300	789,600	...	789,600	801,000	11,400
Lower Ganges canal	139,122	174,500	102,600	2,365,700	...	2,365,700	2,914,000	548,300
Western Jumna „	41,057	62,500	54,700	504,100	305,000	809,100	727,000	222,900
Bari Doab „	338	1,800	1,800	1,498,500	...	1,498,500	1,652,000	153,500
Purchase of the Madras Irrigation and Canal Company's undertaking	...	...	1,405,000	1,405,000	...	1,405,000	...	...
Other projects	230,409	276,300	396,500	...	...	5,093,100	...	...
Outlay against the grant for Productive public works on works not admitted to the category of Productive public works	—10,000	—10,000	—10,000	223,300	...	223,300	...	...
TOTAL ...	591,782	700,600	2,163,000	...	...	20,039,900	...	...
Deduct—Ordinary outlay on Productive public works included above	—7,055	...	...	...	...	5,325,100	...	...
NET TOTAL ...	598,837	700,600	2,163,000	...	...	14,714,800	...	...
IRRIGATION AND NAVIGATION WORKS—								
(Not classed as *Productive public works*)—								
Eastern Jumna canal	2,877	7,000	7,900	66,800	204,000	270,800	144,700	77,900
Other projects	155,389	153,100	216,200	...	...	2,759,300	...	...
Ordinary outlay on Productive public works ...	—7,055	...	...	...	...	5,325,100	...	...
TOTAL ...	150,921	160,100	224,100	...	...	8,355,200	...	...
Deduct—Outlay against the grant for Productive public works on works not admitted to the category of Productive public works	—10,000	—10,000	—10,000	...	...	223,300	...	...
NET TOTAL ...	160,921	170,100	234,100	...	...	8,131,900	...	...
GRAND TOTAL ...	759,758	870,700	2,397,100	..	...	22,846,700	...	...

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VII.—*Gross Earnings, Working Expenses and Net Traffic Earnings of Guaranteed and State Railways to the end of 1879-80, with Regular Estimates for 1880-81 and Budget Estimates for 1881-82.*

	ACTUALS.					Regular estimates, 1880-81.	Budget-estimates, 1881-82.
	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.		
GUARANTEED RAILWAYS.							
Open mileage at beginning of year	4,093	4,308	4,495	4,532	4,541	4,568	4,568
Gross earnings.	£	£	£	£	£	£	£
Eastern Bengal	331,565	387,620	512,204	478,168	534,503	570,000	580,000
Madras	683,055	913,924	1,175,479	713,611	683,419	620,000	640,000
South Indian	145,538	230,248	341,467	334,795	357,154	370,000	366,000
Bombay, Baroda and Central India ...	66,571	727,917	835,860	794,367	777,224	910,000	1,035,000
Great Indian Peninsula	2,279,944	3,0 9,666	3,737,727	3,221,746	2,717,443	2,940,000	2,856,000
Oudh and Rohilkund	358,933	403,362	629,316	552,706	472,110	525,000	543,000
Scinde, Punjab and Delhi	1,321 163	1,085,138	1,252,560	1,298,414	1,791,478	1,850,000	1,454,000
Total ...	5,782,089	6,757,875	8,484,613	7,393,807	7,333,631	7,785,000	7,682,000
Working expenses.							
Eastern Bengal	209,301	185,568	203,438	240,713	283,034	300,000	
Madras	477,930	625,623	819,082	551,076	456,984	450,000	343,000
South Indian	72,133	125,755	182,275	257,097	261,834	285,000	536,000
Bombay, Baroda and Central India ...	372,837	391,089	424,253	478,968	448,183	540,000	1,818,000
Great Indian Peninsula	1,202,870	1,652,220	1,961,167	1,855,875	1,783,199	1,870,000	355,000
Oudh and Rohilkund	245,683	256,958	429,913	323,254	318,341	345,000	1,035,000
Scinde, Punjab and Delhi	741,048	867,598	815,328	951,500	1,325,709	1,350,000	
Total ...	3,321,802	4,108,411	4,835,456	4,658,483	4,857,284	5,090,000	4,769,000
Net Traffic earnings.							
Eastern Bengal	122,264	202,052	308,766	237,455	251,469	270,000	276,000
Madras	205 125	288,301	356,397	162,535	226,435	170,000	169,000
South Indian	73,425	104,493	159,192	77,698	95,320	135,000	148,000
Bombay, Baroda and Central India ...	288,734	333,228	411,607	315,399	329,041	370,000	506,000
Great Indian Peninsula	1,077,074	1,357,446	1,776,560	1,365,871	954,334	1,070,000	1,076,000
Oudh and Rohilkund	113,250	146,404	199,403	229,452	154,069	180,000	190,000
Scinde, Punjab and Delhi	580,415	217,540	437,232	346,914	465,079	500,000	400,000
Total ...	2,460,287	2,649,464	3,649,157	2,735,324	2,476,347	2,695,000	2,732,000
STATE RAILWAYS.							
EAST INDIAN RAILWAY.							
Open mileage at beginning of year ...	1,503	1,503	1,503	1,503	1,503	1,504	1,504
Gross earnings ...	3,177,146	4,116,900	4,809,785	4,405,367	4,611,878	4,280,000	4,264,000
Working expenses ...	1,356,741	1,652,231	1,797,288	1,861,906	1,516,487	1,480,000	1,456,000
Net Traffic earnings ...	1,820,405	2,464,669	3,012,497	2,543,461	3,095,391	2,800,000	2,808,000
Other State Railways.							
Open mileage at beginning of year ...	485	683	806	1,287	2,014	2,810	3,090
Gross earnings.							
Rajputana and Western Rajputana (Northern Section).	203,102	230,349	261,434	330,077	379,397	450,000	630,000
Western Rajputana (Southern Section) ...	...	...	...		17,244		
Holkar and Neemuch ...	38,349	39,272	62,666	93,511	120,392	150,000	175,000
Sindia	...	...	1,319	10,812	10,536	23,000	45,000
Wurdah Coal	2,936	3,685	10,639	11,375	29,775	21,000	45,000
Punjab Northern	22,057	50,154	76,412	108,400	182,537	340,000	455,000
Indus Valley	...	...	...	113,321	385,633	670,000	530,000
Dhond and Manmad*	...	...	...	25,941	50,959	53,000	15,000
Nagpur and Chattisgarh	...	...	...	...	...	14,000	30,000
Rangoon and Irrawaddy Valley	...	...	62,876	97,561	108,523	140,000	145,000
Patna and Gya	...	...	...	...	33,964	48,000	55,000
Northern Bengal	...	...	17,111	109,289	146,781	170,000	180,000
Tirhoot	4,804	21,358	34,324	44,081	47,692	55,000	80,000
Calcutta and South-Eastern	10,486	9,775	12,616	12,509	13,548	14,500	14,500
Nalhati	7,178	8,098	9,130	8,531	9,392	6,000	6,500
Cawnpore and Furrukhabad...	...	...	...	...	...	4,000	22,500
Hattras-Muttra	...	8,977	9,363	10,822	12,335	13,500	13,500
Muttra-Achneyra	...	...	...	...	...	2,500	5,000
Ghazipore and Dildarnaggar	...	...	...	...	...	...	9,000
Total ...	289,512	380,668	537,890	976,828	1,548,728	2,174,500	2,425,000
Working expenses.							
Rajputana and Western Rajputana (Northern Section)	119,638	159,082	184,831	203,816	247,239	330,000	410,000
Western Rajputana (Southern Section) ...	...	...	...		12,471		
Holkar and Neemuch	35,715	39,047	39,319	67,903	87,726	110,000	125,000
Sindia	...	...	2,137	12,734	12,767	19,000	30,000
Wurdah Coal	3,150	3,658	7,043	11,104	29,733	44,000	35,000
Punjab Northern	13,737	45,958	70,499	86,506	176,473	282,500	340,000
Indus Valley	...	...	...	109,862	314,896	465,000	380,000
Dhond and Manmad*	...	...	...	24,569	57,412	47,500	...
Nagpur and Chattisgarh	...	...	...	...	...	10,000	26,000
Rangoon and Irrawaddy Valley	...	...	59,994	92,561	77,053	83,000	89,000
Patna and Gya	...	...	...	...	18,706	27,000	28,000
Northern Bengal	...	...	...	89,573	122,865	92,500	100,000
Tirhoot	4,006	14,189	16,402	32,993	34,327	32,500	31,500
Calcutta and South-Eastern	9,303	12,820	23,572	8,226	−1,738	10,118	9,000
Nalhati	7,936	8,315	8,732	4,494	6,274	7,500	6,500
Cawnpore and Furrukhabad...	...	...	...	...	...	4,500	22,500
Hattras-Muttra	...	4,919	5,251	5,996	6,581	7,500	7,500
Muttra-Achneyra	...	...	...	...	...	1,750	4,000
Ghazipore and Dildarnaggar	...	...	...	...	...	...	2,000
Total	193,485	287,988	426,606	740,373	1,215,231	1,673,050	1,688,000
Net Traffic earnings.							
Rajputana and Western Rajputana (Northern Section)	83,464	80,267	76,603	126,261	132,158	120,000	220,000
Western Rajputana (Southern Section) ...	...	...	...		4,773		
Holkar and Neemuch	2,634	225	23,347	25,608	32,666	40,000	50,000
Sindia	...	...	−818	−1,922	−2,201	4,000	15,000
Wurdah Coal	−214	27	3,596	249	43	−19,000	15,000
Punjab Northern	8,920	4,196	5,913	21,894	6,663	65,000	115,000
Indus Valley	...	...	...	4,059	70,737	205,000	140,000
Dhond and Manmad*	...	...	...	472	−6,453	6,000	15,000
Nagpur and Chattisgarh	...	...	...	...	...	4,000	15,000
Rangoon and Irrawaddy Valley	...	...	2,882	5,000	30,870	57,000	30,000
Patna and Gya	...	...	...	...	15,258	21,000	30,000
Northern Bengal	...	...	709	19,716	23,916	77,500	75,000
Tirhoot	798	7,169	10,752	11,988	13,365	22,500	25,000
Calcutta and South-Eastern	1,183	−3,045	4,390	14,247	3,439	5,500	−5,000
Nalhati	−758	−217	398	4,037	3,118	−1,500	−5,000
Cawnpore and Furrukhabad...	...	...	...	...	...	−500	−2,000
Hattras-Muttra	...	4,058	4,112	4,826	...	5,754	6,500
Muttra-Achneyra	...	...	...	...	...	750	1,000
Ghazipore and Dildarnaggar	...	...	...	...	...	...	...
Total ...	96,027	92,680	131,884	236,435	333,497	661,450	751,000

* The working of the line has been transferred to the Great Indian Peninsula Railway from 1st January 1881, the Government of India on a percentage of the gross receipts.

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VIII.—*Gross earnings, Working expenses and net earnings of works of Irrigation, &c., for which Capital and Revenue Accounts are kept, to end of 1879-80, with Regular Estimates for 1880-81 and Budget-Estimates for 1881-82.*

	ACTUALS.					Regular estimates, 1880-81.	Budget-estimates, 1881-82.
	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.		
PRODUCTIVE PUBLIC WORKS.							
	£	£	£	£	£	£	£
GROSS DIRECT REVENUE—							
Orissa canals	4,549	7,456	16,110	18,200	27,919	28,300	33,000
Midnapore canal	11,111	13,699	17,099	17,071	24,722	20,600	26,000
Tidal canal	2,293	4,503	6,228	6,079	4,578	5,100	6,000
Sone canals	5,090	7,318	10,130	43,763	53,159	46,000	55,000
Ganges canal	212,882	229,154	250,453	261,114	290,564	182,900	178,900
Upper Ganges canal	3,709	8,952	21,407	42,633	42,151	24,500	42,800
Lower Ganges canal	...	...	...	...	5,860	96,500	116,600
Western Jumna ,, ...	100,872	87,813	99,210	118,056	113,055	109,400	119,700
Bari Doab ,, ...	77,189	59,270	56,903	80,606	119,129	116,800	127,300
Other projects	11,984	16,036	25,372	25,748	26,904	31,200	33,700
Total ...	429,679	425,201	502,882	613,270	708,041	661,300	739,000
INDIRECT REVENUE—							
Ganges canal	62,580	64,279	72,290	67,181	66,893	66,400	66,900
Agra ,, ...	...	...	...	4,509	...	...	...
Western Jumna canal	40,128	33,593	37,376	10,937	27,583	16,600	16,600
Bari Doab ,, ...	16,853	4,679	11,903	17,738	...	...	...
Other projects	20,345	25,966	27,789	31,078	507,921	617,000	633,300
Total ...	139,706	133,517	153,867	126,934	602,397	700,500	706,800
TOTAL DIRECT AND INDIRECT REVENUE—							
Orissa canals	4,549	7,456	16,110	18,200	27,919	28,300	33,000
Midnapore canal	11,111	13,699	17,099	17,071	24,722	20,600	26,000
Tidal ,, ...	2,293	4,503	6,228	6,079	4,578	5,100	6,000
Sone canals	5,090	7,318	10,130	43,763	53,159	46,000	55,000
Ganges canal	275,462	284,433	322,743	328,295	357,457	249,800	245,800
Agra ,, ...	3,709	8,952	25,976	42,633	42,151	24,500	42,800
Lower Ganges canal	...	...	...	...	5,860	96,500	116,600
Western Jumna ,, ...	141,000	126,406	136,586	128,993	140,038	126,000	136,300
Bari Doab ,, ...	93,842	63,949	68,806	98,344	119,129	116,800	127,300
Other projects	32,329	42,002	53,161	56,826	534,825	648,200	657,000
Total ...	569,385	558,718	656,749	740,204	1,310,438	1,361,8 0	1,445,800
WORKING EXPENSES—							
Orissa canals	20,763	21,466	21,607	23,909	26,277	32,600	37,200
Midnapore canal	16,740	17,128	20,223	17,283	15,440	17,400	18,000
Tidal ,, ...	8,904	1,243	2,658	2,319	4,268	5,200	5,000
Sone canals	11,543	19,388	32,261	37,081	35,781	44,000	45,000
Ganges canal	105,462	105,040	97,910	96,991	107,496	74,300	73,000
Agra ,, ...	8,319	11,618	15,795	13,869	21,864	20,800	20,800
Lower Ganges canal	...	...	...	450	7,071	47,800	41,800
Western Jumna ,, ...	37,516	38,337	41,873	51,436	43,624	42,200	39,000
Bari Doab ,, ...	48,094	55,363	52,396	41,543	46,415	45,500	45,500
Other projects	96,418	99,605	86,239	91,710	140,785	101,700	105,000
Total ...	350,758	363,356	364,458	381,550	459,251	430,000	425,300
NET REVENUE—							
Orissa canals	−16,213	−14,010	−5,497	−5,709	−8,358	−4,300	7,200
Midnapore canal	−5,629	−3,429	−3,376	−212	9,282	3,200	10,400
Tidal ,, ...	−1,611	3,260	3,172	3,761	350	2,700	3,300
Sone canals	−6,453	−12,641	−15,111	6,712	17,428	100	3,700
Ganges canal	170,000	179,393	224,833	231,304	249,961	175,000	183,500
Agra ,, ...	−4,610	−2,661	10,184	28,774	20,467	3,700	22,300
Lower Ganges canal	...	...	...	−450	−1,211	48,900	74,800
Western Jumna ,, ...	103,484	87,469	94,713	77,557	97,014	83,700	97,300
Bari Doab ,, ...	45,748	8,584	16,406	56,801	73,714	73,300	78,800
Other projects	−66,089	−50,603	−33,078	−34,884	394,040	546,500	554,000
Total ...	218,627	195,362	292,291	358,654	851,187	931,800	1,020,000
IRRIGATION AND NAVIGATION WORKS. *(Not classed as Productive public works.)*							
GROSS DIRECT REVENUE—							
Western Jumna canal	59,249	56,541	57,563	63,196	85,127	73,200	84,900
Other projects	20,053	29,596	19,353	23,908	24,426	38,100	35,500
Total ...	79,302	86,137	76,916	87,106	109,553	111,300	93,400
INDIRECT REVENUE—							
Western Jumna canal	22,152	22,153	22,680	22,153	22,153	22,100	22,100
Other projects	131,608	123,480	125,987	184,131	74,770	176,900	180,900
Total ...	153,760	145,633	148,667	156,284	96,923	199,000	203,000
TOTAL DIRECT AND INDIRECT REVENUE—							
Western Jumna canal	81,401	78,694	80,243	85,351	107,280	95,300	79,200
Other projects	151,661	153,076	145,340	158,039	98,796	215,000	217,400
Total ...	233,063	231,770	225,583	243,390	206,076	310,300	296,600
WORKING EXPENSES—							
Western Jumna canal	23,027	21,474	20,257	30,415	19,503	21,700	19,600
Other projects	108,947	108,489	109,922	86,925	118,995	102,700	104,900
Total ...	131,974	129,963	130,179	116,340	138,497	124,400	124,500
NET REVENUE—							
Western Jumna canal	58,374	57,220	59,986	54,936	87,776	73,600	59,600
Other projects	42,714	44,587	35,018	73,114	−20,199	112,300	112,500
Total ...	101,088	101,807	95,004	127,050	67,579	185,900	172,100

APPENDIX.

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE IX.—*Statement showing the true Financial results to the revenues of India of the guarantee of interest upon the Capital of the Guaranteed Railway Companies excluding the East Indian Railway Company.*

	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81. Original Estimate.	1880-81. Regular Estimate.	1881-82. Estimate.
	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.
Open mileage to end of official year ...	4,093	4,308	4,495	4,532	4,541	4,568	4,585	4,588	4,593
	£	£	£	£	£	£	£	£	£
Gross Earnings	5,104,172	5,782,089	6,757,875	8,484,613	7,393,8 7	7,333,631	7,500,000	7,785,000	7,490,000
Working expenses	3,123,810	3,321,802	4,108,411	4,835,456	4 658,483	4,857,284	4,675,000	5,090,000	4,760,000
Percentage of working expenses on earnings	61·20	57·45	60·79	56·99	63·01	66·23	62·33	65·38	63·5
Net traffic earnings	1,980,362	2,460,287	2,649,464	3,649,157	2,735,324	2,476,347	2,825,000	2,695,000	2,730,000
Net gain by the remittance to England of Capital receipts and disbursements in India at the contract rates of exchange instead of at the average yearly rates obtained for the Secretary of State's bills	65,901	19,257	...	...	...	...	...	...	...
Total Revenue ...	2,046,263	2,479,544	2,649,464	3,649,157	2,735,324	2,476,347	2,825,000	2,695,000	2,730,000
Gross guaranteed interest paid in India	24,453	22,001	14,544	13,463	10,486	9,085	9,000	7,256	4,870
Ditto ditto in London*	3,125,524	3,142,253	3,157,152	3,157,301	3,200,835	3,241,047	3,257,000	3,254,500	3,237,000
Total guaranteed interest (sterling payments converted at the average exchange of the year)	3,403,397	3,505,652	3,911,444	3,659.307	3,866,311	3,907,974	3,919,000	3,818,600	3,926,000
Surplus paid to Railway Companies ...	11,424	86,674	79,735	243,438	294,716	97,839	345,000	94,500	165,500
Land and supervision	45,088	83,176	40,756	48,414	45,777	45,720	56,050	76,500	75,200
Interest on Revenue balances ...	15,461	19,912	15,918	1,991	1,525	1,344	1,600	1,200	1,500
Net loss on receipts and disbursements of Capital in India calculated in the same way as the gain	...	...	9,544	7,018	63,044	63,285	8,000	29,200	38,500
Total Expenditure ...	3,475,370	3,695,414	4,057,397	3,960,168	4,271,373	4,116,162	4,329,650	4,020,000	4,206,700
Net Expenditure from the public Treasury	1,429,107	1,215,870	1,407,933	311,011	1,536,049	1,639,815	1,504,650	1,325,000	1,476,700
Net Revenue	...	...	...	...	...	...	...	...	...

* With the exception of the figures in this line which are true sterling figures, all the amounts in this table are in rupees converted into the conventional sterling of the accounts by the removal of one digit to the right.

Printed and published for the GOVT. OF INDIA *at the Office of* SUPDT., GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

SIMLA, THURSDAY, APRIL 7, 1881.

MILITARY DEPARTMENT.

APPOINTMENTS.

No. 195.

Simla, the 7th April, 1881.

GENERAL *Sir* D. M. STEWART, BART., G.C.B., appointed to be Commander-in-Chief of the Forces in India, as announced in G. G. O. No. 83 of 1881, assumed Command this day, in succession to General *Sir* F. P. Haines, G.C.B., G.C.S.I., C.I.E.

Ordered, that all Returns of the Army be made in the usual manner to General *Sir* D. M. Stewart, Bart., G.C.B., as Commander-in-Chief in India.

By order of His Excellency the Governor General in Council,

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. B. Press, Simla.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

SIMLA, FRIDAY, APRIL 8, 1881.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

No. 145.

Simla, the 8th April 1881.

The Right Honourable the Secretary of State having, in a Despatch* dated the 27th January 1881, announced to the Government of India the appointment of His Excellency General Sir Donald Martin Stewart, Bart., G.C.B., Commander-in-Chief of Her Majesty's Forces in India, to be an Extraordinary Member of the Council of the Governor General of India, it is hereby notified that General Sir Donald Martin Stewart has this day taken his seat as an Extraordinary Member of the Council of the Governor General of India under the usual salute.

* No. 13 (Public).

No. 146.

A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor General by the appointment of Lieutenant-General the Hon'ble Sir Donald Martin Stewart, Bart., G.C.B., to be Commander-in-Chief of Her Majesty's Forces in India, and no person provisionally appointed to succeed being present on the spot, the Governor General of India in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint Colonel George Tomkyns Chesney, R.E., Secretary to the Government of India in the Military Department, to be a temporary Member of the Council of the Governor General of India, and the said Colonel George Tomkyns Chesney has this day taken his seat under the usual salute.

By order of the Governor General in Council,

C. GRANT,

Offg. Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. B. Press, Simla.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

SIMLA, MONDAY, MAY 2, 1881.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

No. 172.

Simla, the 2nd May 1881.

A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor General of India by the appointment of General The Honourable SIR DONALD MARTIN STEWART, BART., G.C.B., to be Commander-in-Chief of Her Majesty's Forces in India, Her Majesty the Queen, Empress of India, has been graciously pleased to appoint MAJOR-GENERAL THOMAS FOURNESS WILSON, C.B., to be an Ordinary Member of the said Council.

2. MAJOR-GENERAL WILSON has this day forenoon, under the usual Salute, taken his seat as an Ordinary Member of the Governor General's Council.

By order of the Governor General in Council,

C. GRANT,

Offg. Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. B. Press, Simla.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

SIMLA, TUESDAY, MAY 24, 1881.

INDIAN EMPIRE.

NOTIFICATIONS.

Simla, the 24th May 1881,

No. 10 I.-E.

In accordance with Her Majesty's Warrant for the institution of the Order of the Indian Empire, the undermentioned Gentlemen are declared to be, *ex officio* and for life, Companions and Members of the aforesaid Order :—

His Excellency the Right Hon'ble William Patrick Adam, Governor of Madras.

His Excellency General Sir Donald Martin Stewart, Bart., G.C.B., Commander-in-Chief in India.

The Hon'ble Major Evelyn Baring, R.A., C.S.I., Member of the Council of the Governor General.

The Hon'ble Major-General Thomas Fourness Wilson, C.B., Member of the Council of the Governor General.

No. 11 I.-E.

Her Majesty the Queen and Empress of India has been pleased to appoint the undermentioned Gentlemen, who by their services have merited the Royal favour, to be Companions of the Order of the Indian Empire :—

Sir Steuart Colvin Bayley, K.C.S.I., Resident at Hyderabad.

James Fergusson, Esq., D.C.L., F.R.S., M.R.A.S., F.R.I.B.A.

Surgeon-Major Charles Morehead, M.D., late of the Bombay Medical Establishment.

Pundit Mohesh Chunder Nyaratna, Officiating Principal, Sanskrit College, Calcutta.

Deputy Surgeon-General Norman Chevers, M.D., formerly Principal, Medical College, Calcutta.

Captain William Hutt Curzon Wyllie, B.S.C., Military Secretary to the Governor of Madras.

Mirza Gholam Ahmed, Extra Assistant Commissioner, Peshawar.

Surgeon-Major Edward John Waring, late of the Madras Medical Establishment.

Major Trevor John Chichele Plowden, Deputy Commissioner, Kohat.

Surgeon-Major Oliver Barnett.

Sirdar Sultan Jan, Saddozai, Extra Assistant Commissioner, Kohat.

Surgeon-Major John Anderson, Surgeon to His Excellency the Viceroy.

Sorabjee Shapurjee Bengali, Sheriff for the Town of Bombay.

Surgeon Charles William Owen.

By Order of the Grand Master,

A. C. LYALL,
Secretary to the Order of the Indian Empire.

No. 990 G.-P.

His Excellency the Viceroy and Governor General is pleased to confer on His Highness the Raja of Jhind, G.C.S.I., the title of "Raja-i-Rajagan."

A. C. LYALL,
Secretary to the Government of India.

No. 991 G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon Arbab Sarfaraz Khan, Mohmand, Peshawar, the title of "Nawab," as a personal distinction.

No. 992 G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon the undermentioned Native Gentlemen the title of "Khan Bahadur," as a personal distinction :—

Saiad Badshah Mian, of Kohat.

Mahomed Akbar Khan, Orakzai, Officiating Assistant District Superintendent of Police, Punjab.

Mahomed Zaffar Khan, Khattak, of Kohat.

Mahomed Afzal Khan, of Gundapur, Dera Ismail Khan.

Raja Jehandad Khan, Extra Assistant Commissioner, Peshawar.

Ghulam Mohi-ud-din Khan, Officiating Extra Assistant Commissioner, Punjab.

No. 993 G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon the undermentioned Native Gentlemen the title of "Rai Bahadur," as a personal distinction :—

Lala Thakur Dass, Assistant Surgeon, Peshawar.

Babu Modhusudan Ghose, Commissariat Department.

No. 994 G.-P.

His Excellency the Viceroy and Governor General is pleased to confer upon Shah Pasand Khan of Gulbela, Peshawar, the title of "Arbab," as a personal distinction.

A. C. LYALL,
Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the* Govt. C. P. Press, Simla.

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

SIMLA, MONDAY, JUNE 27, 1881.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

ACCOUNTS AND FINANCE,

No. 1425.

Simla, the 27th June 1881.

The Governor General in Council has determined to borrow Three Hundred Lakhs of Rupees, being the amount required for the Public Service.

The following Notification is therefore published;—

FOUR PER CENT. LOAN.

His Excellency the Right Hon'ble the Governor General in Council has resolved to borrow Three Hundred Lakhs of Rupees for the Public Service in the following manner.

2. Promissory Notes, with coupons attached if so desired, will be issued for the said amount in Form A annexed to this Notification, being the form of the notes of *The Loan of 1st May 1865*, of which Loan the notes to be now issued will form a part; or, at the option of the allottees, Stock Certificates with coupons attached will be issued to them in Form B attached to this Notification. All the conditions which apply to notes of the *Loan of 1st May 1865* will apply to the notes and certificates to be now issued.

3. Tenders for the whole or any part of the said amount of Three Hundred Lakhs of Rupees will be received by the Comptroller General from this date to noon of Monday, the 25th of July 1881.

4. Each tender must be addressed, in the Form annexed to this Notification, to the Comptroller General, Treasury Buildings, Calcutta, and enclosed in a sealed cover, superscribed "*Tender for the Four Per Cent. Loan, 1881.*" If the tenderer is not resident in India, he must name an agent resident in India to whom a letter of allotment may be issued if any part of the Loan is allotted to such tenderer.

5. Each tender must be accompanied by a receipt from one of the Banks of Bengal, Madras, or Bombay, or one of their Branches, or from an Officer in charge of some Public Treasury, or by a cheque drawn in favour of the Comptroller General on a Banker in Calcutta, Madras, or Bombay, or by* Government Promissory Notes, standing in the name of or endorsed to the tenderer or the person making the deposit, for not less than one-hundredth, or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. If the allotment is not fully

* *It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.*

taken up, this deposit of one or two per centum will be forfeited, and if one or more Government Promissory Notes have been deposited, such note or notes will be appropriated by the Government and cancelled; otherwise, if the deposit is in cash, it will be treated as in part payment of the last instalment. A cash deposit may, after acceptance of the tender in support of which it is made, be replaced by a Government Promissory Note, as aforesaid.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

7. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms—as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders—will be rejected as null and void.

8. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, when the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

9. Tenders will be opened, publicly, at the Office of the Comptroller General in Calcutta, at noon on Monday the 25th July 1881: but the contents of the tenders will not be disclosed otherwise than as provided in clause 11.

10. Tenders at the recorded minimum rate, and at rates above the recorded minimum rate, will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted will be divided amongst those who have tendered at this rate, in proportion, as nearly as may be found convenient, to the amounts of their tenders.

11. As soon as possible after the 25th of July 1881, letters of allotment will be issued to those persons whose tenders are accepted in whole or in part, or to their agents; and an alphabetical list of the names of those to whom such letters of allotment are issued will be posted, for general information, at the Head Offices of the Banks of Bengal, Madras, and Bombay.

12. Payment of any accepted tender may be made to the account of the Government in the Head Office of one of the Banks of Bengal, Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India, which may be named in the tender.

13. Accepted tenders must be paid, in equal instalments, as follows—

One-third on or before Monday, 8th August 1881,
" " Monday, 5th September 1881,
" " Monday, 26th September 1881;

but the whole or any part of any accepted tender may be paid at any time after receipt of the letter of allotment.

14. Interest upon each payment will be promptly paid in advance, at the rate of four per centum per annum, from the date of such payment to the last day of October 1881. In the case of Promissory Notes, at the option of the allottee and on his paying interest from the first day of May 1881, to date of payment, interest will run from the said first day of May.

15. Scrip receipts for instalments paid will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the Officers in charge of the Government Treasuries at which payment is made. These receipts will, as soon as possible, be exchanged for Promissory Notes or Couponed Certificates issued under this Notification.

16. The Governor General in Council reserves to himself the right of allotting any part of the proposed Loan to Native Chiefs, at the average rate at which it is issued to the Public; and in such case the balance only will be allotted in the manner declared in this Notification.

FORM *A* OF PROMISSORY NOTE.—(*See Clause 2.*)

FORT WILLIAM, THE 1st OF MAY 1865.

Promissory Note No. *Government Rupees* *at four per cent. of 1865.*

The Governor General of India in Council does hereby acknowledge to have received from the sum of Government Rupees Five Hundred, as a Loan to the Secretary of State in Council for India; and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said Loan, by paying the said sum of Government Rupees Five Hundred to the said his Executors, or Administrators, or his or their Order, on demand, at the General Treasury at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred from the 1st 1881 (eighty-one), at the rate of four per cent. per annum by half-yearly payments, at the General Treasury of Fort William, to the said his Executors, or Administrators, or his or their Order, until the expiration of three months after such Notice of Payment as aforesaid, when the amount of interest due will be payable with the principal, and (such Notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

FORM *B* OF COUPONED CERTIFICATE.

INDIA FOUR PER CENT. RUPEE LOAN, 1865.

Certificate.

Rs. 000 No.

This is to certify that the bearer of this Certificate is entitled, under the Notification of the Government of India of the 27th June 1881, to Government Rupees India Four Per Cent. Rupee Loan, 1865, payable three months after notice, which may be published in the *Gazette of India*.

No. , Rs.

The coupons attached to this Certificate, as well as the principal sum herein named, are payable to bearer at the Government Treasury at Calcutta only.

FORM OF TENDER.—(*See Clause 4.*)

I, *A. B.*, hereby tender for Rupees (*X*) of *The Four Per Cent. Loan, 1881*, advertised in the Notification published in the *Gazette of India Extraordinary* dated the 27th of June 1881, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (*Y*) Annas (*Z*) for every Hundred Rupees allotted to me.

I enclose a *deposit receipt** for Rupees (*XX*), and engage, if my offer be accepted, to pay to the account of the Government at the Bank of† Branch of the Bank of† (or at the† ; or into the Public Treasury at† , as the case may be) the first instalment on or before the , and the several later instalments on or before the dates fixed by the said Notification, as follows:—

One-third on or before Monday, 8th August 1881.
" " Monday, 5th September 1881.
" " Monday, 26th September 1881.

Any allotment made to me may be communicated to *C. D.* at‡

* Or Cheque or Government Promissory Note.

† Here enter the name of Bank, Branch Bank, or Treasury.

‡ Here insert *C. D.'s* address, which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India.

NOTE.—(*1*) *A separate tender must be made at each rate tendered, and each tender must be supported by a separate deposit, and must be in even hundreds of Rupees not less than Five Hundred Rupees. As a precaution against mistakes, the tender, or, at least, the name of the tenderer, and the amount and rate tendered, should be written in English. The rate tendered should be the whole amount per centum, not the premium or discount: thus:—" One hundred and two," or " One hundred," or " Ninety-nine"; not " Two per cent. premium," or " Par," or " One per cent. discount."*

By order of the Governor General of India in Council,

T. C. HOPE,

Offg. Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. B. Press, Simla.*



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